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BEFORE THE
ILLINOIS COMMERCE COMMISSION

IN THE MATTER OF:)
)
COMMONWEALTH EDISON COMPANY,)
) No. 11-0692
Application for an amendment to)
a Certificate of Public)
Convenience and Necessity)
granted in ICC Docket 89-0215)
and 92-0185, authorizing and)
directing the petitioner to)
construct, operate and maintain)
two 345,000-volt underground)
electric transmission lines in)
Cook County, Illinois.)

Chicago, Illinois
May 2nd, 2012

Met pursuant to notice at 1:00 p.m.

BEFORE:
ETHAN KIMBREL, Administrative Law Judge.

APPEARANCES:
ROONEY, RIPPPIE & RATNASWAMY, by
MR. JOHN ROONEY
350 West Hubbard Street, Suite 600
Chicago, Illinois 60654
Appearing for the Applicant;

MR. RONALD JOLLY
30 North LaSalle Street
Chicago, Illinois 60602
Appearing for the City of Chicago;

1 APPEARANCES: (CONT'D)

2 MS. JESSICA CARDONI

MS. MEGAN McNEILL

3 160 North LaSalle Street, Suite C-800

Chicago, Illinois 60601

4 Appearing for Staff of the ICC.

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SULLIVAN REPORTING COMPANY, by

20 Steven T. Stefanik, CSR

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1 JUDGE KIMBREL: Pursuant to the authority of the
2 Illinois Commerce Commission, I now call Docket
3 11-0692, Commonwealth Edison Company.

4 This is an application for an amendment
5 to a Certificate of Public Convenience and
6 Necessity granted in ICC Docket Nos. 89-0215 and
7 92-0185 authorizing and directing the petitioners
8 to construct, operate and maintain two 345,000-volt
9 underground electric transmission lines in Cook
10 County, Illinois.

11 Will the parties please identify
12 themselves for the record, including their address
13 and telephone number.

14 MR. ROONEY: Sure.

15 On behalf of Commonwealth Edison
16 Company, John Rooney of the firm Rooney, Rippie,
17 and Ratnaswamy, LLP, 350 West Hubbard Street,
18 Suite 600, Chicago, Illinois 60654, and it's (312)
19 447-2800.

20 MS. CARDONI: On behalf of staff witnesses for
21 the Illinois Commerce Commission, Jessica Cardoni
22 and Megan McNeill, 160 North LaSalle, Suite C-800,

1 Chicago, Illinois 60601, (312) 783-2305.

2 MR. JOLLY: On behalf of the City of Chicago,
3 Ronald D. Jolly, 30 North LaSalle, Suite 1400,
4 Chicago, Illinois 60602, (312) 744-6929.

5 JUDGE KIMBREL: Okay. I believe we're scheduled
6 to have an evidentiary hearing today; is that
7 correct?

8 MR. ROONEY: That's correct.

9 JUDGE KIMBREL: Is anyone scheduled to testify
10 or no, right?

11 MR. ROONEY: Yeah, I believe all the parties
12 have agreed to waive cross and submit testimony via
13 affidavit.

14 JUDGE KIMBREL: Okay. Mr. Rooney, would you
15 like to proceed first?

16 MR. ROONEY: Yeah. Thanks, your Honor.

17 ComEd would like to move the admission
18 of the following exhibits:

19 First is ComEd Exhibit 1.0. It's the
20 direct testimony of Thomas W. Leeming,
21 L-e-e-m-i-n-g. Attached to his testimony was
22 attachment -- or Exhibit 1.1. That was filed on

1 October 20th, 2011; and also ComEd Exhibit 1.2,
2 which is Mr. Leeming's affidavit, which was filed
3 yesterday on May 2nd -- I'm sorry, today, May 2nd.

4 Next, ComEd would like to move the
5 admission of the direct, rebuttal and rebuttal
6 (sic) testimony of Frank Frentzas, F-r-e-n-t-z-a-s.

7 Mr. Frentzas' direct testimony is
8 identified as ComEd Exhibit 2.0 with Attachment
9 2.1; and his rebuttal testimony is identified as
10 ComEd Exhibit 5.0 with Attachment 5.1; and also
11 ComEd Exhibit 5.2, which is Mr. Frentzas'
12 affidavit, which was filed yesterday, May -- or I'm
13 sorry, today, May 2nd.

14 Next is the direct testimony of Douglas
15 Targett, T-a-r-g-e-t-t. Mr. Targett filed direct
16 testimony that's identified as ComEd Exhibit 3.0.
17 He also filed an affidavit related to the route
18 back in January of this year and that's been
19 identified as ComEd Exhibit 4.0. And then he
20 refiled his affidavit today, ComEd Exhibit 4.1,
21 related to his direct testimony.

22 Next is the surrebuttal testimony of

1 Terence R. Donnelly, T-e-r-e-n-c-e,
2 D-o-n-n-e-l-l-y. Mr. Donnelly's surrebuttal
3 testimony's been identified as ComEd Exhibit 6.0.
4 There's an attached Exhibit 6.1, and identified as
5 ComEd Exhibit 6.2 is Mr. Donnelly's affidavit which
6 was filed today.

7 Next is the surrebuttal testimony of
8 ComEd witness Steven T. Naumann N-a-u-m-a-n-n.
9 Mr. Naumann's surrebuttal testimony is ComEd
10 Exhibit 7.0. He had attachments identified as
11 ComEd Exhibits 7.1 through 7.4.

12 And I should note that 7.1 was
13 subsequently refiled and identified as 7.1-R to
14 correct an error. That was just his CV.

15 And, in addition, it's Mr. Naumann's
16 affidavit which is identified as ComEd Exhibit 7.5
17 which was filed today.

18 And then, finally, what we have
19 identified as ComEd Exhibit 8.0 is -- is a series
20 of staff data request responses, and it includes
21 all of staff's data request responses to the first
22 set, except for ComEd Data Request 1.07 and 1.13,

1 and it also includes all of staff's responses to
2 ComEd's second set of data requests which was 2.01
3 through 2.05 -- I'm sorry, 2.06.

4 With that, ComEd moves for the admission
5 of all those exhibits, your Honor.

6 JUDGE KIMBREL: Okay. Staff, Mr. Jolly, do you
7 object to ComEd Exhibits 1.0, 1.1, 1.2, 2.0, 2.1,
8 3.0, 4.0, 4.1, 5.0, 5.1, 5.2, 6.0, 6.1, 6.2, 7.0,
9 7.1 through 7.4, 7.1-Revised, 7.5 and 8.0 into the
10 record?

11 MS. CARDONI: No objection, Judge.

12 MR. JOLLY: No objection, your Honor.

13 JUDGE KIMBREL: Okay. That being the case,
14 ComEd exhibits are entered into evidence without
15 objection.

16 MR. ROONEY: Thank you.

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1 (Whereupon, ComEd
2 Exhibit Nos 1.0, 1.1, 1.2, 2.0,
3 2.1, 3.0, 4.0, 4.1, 5.0, 5.1,
4 5.2, 6.0, 6.1, 6.2, 7.0, 7.1
5 through 7.4, 7.1-Revised, 7.5 and
6 8.0 were admitted into evidence
7 as of this date.)

8 JUDGE KIMBREL: Okay. Staff, would you like to
9 proceed?

10 MS. CARDONI: Thank you.

11 At this time, Staff moves for the
12 admission into evidence of what has been marked as
13 ICC Staff Exhibit 1.0 and Attachments 1 and 2,
14 which is the direct testimony of Yasir Rashid,
15 R-a-s-h-i-d. That was filed on eDocket on
16 February 7th, 2012.

17 Staff also moves for the admission of --
18 into evidence of what has been marked as Staff
19 Exhibit 3.0 and Attachments 1, 2, 3 and 4. That is
20 the rebuttal testimony of Yasir Rashid and that was
21 filed on eDocket on April 17th, 2012. We'd like to
22 file those via affidavit, what has been marked as

1 Staff Exhibit 4.0, the affidavit of Yasir Rashid,
2 and that was filed on eDocket yesterday, May 1st,
3 2012.

4 And I note that in the affidavit, two
5 minor typographical changes were made to Staff
6 Exhibit 1.0.

7 Next, staff moves for the admission into
8 evidence of what has been marked as Staff
9 Exhibit 2.0, the affidavit of Sheena
10 Kight-Garlisch. That was filed on eDocket on
11 February 6th, 2012.

12 JUDGE KIMBREL: Is that it?

13 MS. CARDONI: That is it.

14 JUDGE KIMBREL: Okay. Mr. Rooney, Mr. Jolly, do
15 you object to Staff Exhibit Nos. 1.0 with
16 Attachments 1 and 2, 2.0, 3.0 with Attachments 1
17 through 4, and 4.0 into the record?

18 MR. ROONEY: No objection.

19 MR. JOLLY: No objection, your Honor.

20 JUDGE KIMBREL: Okay. That being the case,
21 staff exhibits are entered into evidence without
22 objection.

1 (Whereupon, Staff
2 Exhibit Nos. 1.0, 2.0, 3.0 and
3 4.0 was admitted into evidence as
4 of this date.)

5 JUDGE KIMBREL: Is there anything that we need
6 to discuss further?

7 MR. ROONEY: I don't know if we established a
8 briefing schedule or if you want it on the record
9 or not.

10 I can't remember if we did.

11 MS. CARDONI: I don't believe that was in the
12 record.

13 MR. JOLLY: It was not on the record, but I
14 thought we agreed to the dates.

15 MR. ROONEY: Yeah, it's June 7th for the initial
16 brief, June 20th for the reply brief.

17 We had a tentative proposed order date
18 of July 13th and then ten days thereafter for a
19 brief on exceptions, which was tentatively set for
20 7/23.

21 JUDGE KIMBREL: Okay. Did -- do we need to
22 discuss that, the proposed interim order at all?

1 MR. ROONEY: That's probably a good idea, Judge.

2 Consistent with our off-the-record
3 discussion, we have discussed with counsel for
4 Staff and the City a proposed interim order that
5 would address all of the noncontested issues,
6 including those portions of the proposed route
7 which are not contested and that would not be
8 impacted by a Commission ruling related to the one
9 contested issue that remains, which is specifically
10 the -- the segment of the line between 23rd Street
11 and Garfield Boulevard.

12 And so our plan is to circulate a draft
13 of that to counsel for the City and Staff no later
14 than first thing tomorrow morning and with the goal
15 of filing it shortly thereafter.

16 JUDGE KIMBREL: Okay. Is there anything anyone
17 else would like to add?

18 MR. ROONEY: Just one other thing -- I think you
19 had mentioned this earlier -- is for the July 20th
20 reply brief date. That was also the date any draft
21 orders would be filed along with -- on the
22 contested issue.

1 JUDGE KIMBREL: Oh. Right.

2 MR. JOLLY: June 20.

3 MR. ROONEY: I'm sorry. June 20th. Okay.

4 Sorry.

5 JUDGE KIMBREL: Okay. Is there anything

6 further?

7 MR. ROONEY: No, your Honor.

8 JUDGE KIMBREL: Okay.

9 MR. ROONEY: Thank you.

10 JUDGE KIMBREL: Thank you very much.

11 HEARD AND TAKEN. . .

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