

ORIGINAL

ILLINOIS
COMMERCE
COMMISSION

STENOGRAPHIC TRANSCRIPT OF PROCEEDINGS

Jun 5 9 07 AM '00

BEFORE THE

Illinois Commerce Commission

DOCKET NO. 00-0322

IN THE MATTER OF:

BMC ENERGY, LLC

PLACE: Chicago, Illinois

DATE: June 5, 2000

PAGES: 1-9

SULLIVAN REPORTING COMPANY

OFFICIAL REPORTERS

TWO NORTH LA SALLE STREET

SUITE 1780

CHICAGO, ILLINOIS 60602

312-782-4705

SPRINGFIELD, ILLINOIS

217-528-6964

BEFORE THE
ILLINOIS COMMERCE COMMISSION

BMC ENERGY, LLC)
)
Petition for a determination that an)
electric generating facility fueled by)
landfill methane and located adjacent to) No. 00-0322
the Countryside Landfill in Grayslake.)
Illinois is a Qualified Solid Waste)
Energy Facility as defined in Section)
8-403.1 of the Illinois Public Utilities)
Act.)

BMC ENERGY, LLC)
)
Petition for a determination that an)
electric generating facility fueled by)
landfill methane and located adjacent to) No. 00-0323
the Environ Tech Landfill in Morris.)
Illinois is a Qualified Solid Waste)
Energy Facility as defined in Section)
8-403.1 of the Illinois Public Utilities)
Act.)

Chicago, Illinois

June 5, 2000

Met, pursuant to notice at 10:30 & 11:00 a.m.

BEFORE:

MR. SHERWIN ZABAN, Administrative Law Judge.

APPEARANCES:

MS. FREDDI L. GREENBERG.
1603 Orrington Avenue.
Evanston, Illinois.
appeared for the Petitioner:

MR. DAVID L. NIXON and
MR. RICHARD FAVORITI,
160 North LaSalle Street,
Chicago, Illinois,
appeared for the Staff of the
Illinois Commerce Commission.

SULLIVAN REPORTING COMPANY, by
Teresann B. Giorgi

I N D E X

WITNESSES:

DIRECT

CROSS

None

EXHIBITS

PETITIONER'S

FOR IDENTIFICATION

IN EVIDENCE

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1 JUDGE ZABAN: By the power vested in me by the
2 Illinois Commerce Commission, I call Docket
3 No. 00-0322, the Petition of BMC Energy, LLC for a
4 determination that an electric generating facility
5 fueled by landfill methane and located adjacent to the
6 Countryside Landfill in Grayslake is a Qualified Solid
7 Waste Energy Facility as defined in Section 8-403.1 of
8 the Illinois Public Utilities Act.

9 At the same time -- this matter
10 was set for 10:30.

11 There's another matter set for
12 11:00 we're going to hear at the same time, which is
13 00-0323, which is BMC Energy, LLC. This is a Petition
14 for a determination that an electric generating
15 facility fueled by landfill methane and located
16 adjacent to the Environ Tech Landfill in Morris,
17 Illinois is a Qualified Solid Waste Energy Facility as
18 defined in Section 8-403.1 of the Illinois Public
19 Utilities Act.

20 Will the parties please enter
21 their names for the record, and spell their last name.

22 MS. GREENBERG: Freddi L. Greenberg, 1603

1 Orrington Avenue, Suite 1050, Evanston, Illinois
2 60201, on behalf of Petitioner BMC Energy, LLC in both
3 matters.

4 MR. NIXON: David L. Nixon, N-i-x-o-n, and
5 Richard Favoriti, F-a-v-o-r-i-t-i, on behalf of the
6 Illinois Commerce Commission Staff.

7 JUDGE ZABAN: For the record, Mr. Nixon and
8 Ms. Greenberg and I had a conversation about a week
9 ago regarding this matter in which I was informed that
10 the parties are attempting to resolve any issues in
11 this matter, is that correct?

12 MR. NIXON: That's correct.

13 JUDGE ZABAN: How are we doing?

14 MS. GREENBERG: I think we are at the point of
15 having resolved the issues. And, perhaps, I might
16 request that we go off the record for a moment.

17 JUDGE ZABAN: Okay, sure. Off the record.

18 (Whereupon, a discussion
19 was had off the record.)

20 JUDGE ZABAN: Back on the record.

21 For the record, I have been handed
22 by Ms. Greenberg, what has been previously marked as

1 Attachment D. which I understand has been previously
2 filed with the Illinois Commerce Commission. And it's
3 my understanding that Ms. Greenberg has moved that
4 Attachment D be marked as confidential and be for the
5 purposes of this hearing only but not to be revealed
6 to the general public. Is that correct?

7 MS. GREENBERG: That's correct.

8 JUDGE ZABAN: Do you have any objection to that.
9 Mr. Nixon?

10 MR. NIXON: No. Staff has no objection.

11 JUDGE ZABAN: Okay. I will mark Attachment D as
12 an exhibit.

13 I didn't give you the exhibit
14 stamp. did I? I'll give it to you when we get done.

15 I will mark it to be held
16 confidential and kept out of the public.

17 Okay. So it's my understanding
18 that, basically, the parties have reached an
19 agreement: that by next week on the 14th we will have
20 a proposed order available. is that correct?

21 MS. GREENBERG: That's correct.

22 JUDGE ZABAN: Okay. That the former holders from

1 the landfills are going to be filing a petition to
2 intervene, is that correct, Mr. O'Connor?

3 MR. O'CONNOR: Yes, that's correct.

4 JUDGE ZABAN: And in the petition to intervene
5 you will attach either some preoffered testimony or an
6 affidavit indicating that it is the desire of the
7 intervenors that their authority be terminated with
8 the issuance of authority to BMC, is that correct?

9 MR. O'CONNOR: Or, at least, with the closing of
10 the transaction, yes.

11 JUDGE ZABAN: Closing of the transaction, okay,
12 that's fine.

13 So that being the case, then I'm
14 going to continue this to 10:00 o'clock on
15 June 14th -- strike that.

16 Ms. Greenberg, do you have any
17 other testimony that you want to offer today?

18 MS. GREENBERG: Mr. Examiner, you had indicated
19 that our Attachment C, direct testimony --

20 JUDGE ZABAN: That's fine. Right. I'm going to
21 make the applications as an exhibit on your behalf and
22 the attachments thereto as your preoffered testimony.

1 I'm asking you other than those do you have any other
2 testimony to offer today?

3 MS. GREENBERG: We don't. Thank you.

4 JUDGE ZABAN: Okay. So I'm going to continue
5 this, then, to June 14th at 10:00 o'clock, just to
6 verify that everything has been done and that the
7 parties are in agreement and that we can proceed with
8 entering any necessary orders.

9 And that's going to be the same
10 order for 0322 and 0323.

11 Do the parties have anything
12 further?

13 MS. GREENBERG: Petitioner has nothing further.

14 MR. NIXON: Not today.

15 JUDGE ZABAN: Staff?

16 MR. NIXON: Not until June 14th.

17 JUDGE ZABAN: Mr. O'Connor, anything further from
18 you?

19 MR. O'CONNOR: No, sir.

20 JUDGE ZABAN: All right. That concludes the
21 hearing. Thank you very much for coming.

22 MS. GREENBERG: Thank you.

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MR. NIXON: Thank you.

(Whereupon, Petitioner's Exhibits
Nos. 1 and 2 were marked for
identification.)

(Whereupon, the matter was
continued to June 14, 2000.)

CERTIFICATE OF REPORTER

STATE OF ILLINOIS)
) SS:
COUNTY OF COOK)

CASE NO. 00-0322 and 00-0323

TITLE: BMC ENERGY, LLC

I, Teresann B. Giorgi, do hereby certify that I am a court reporter employed by SULLIVAN REPORTING COMPANY, of Chicago, Illinois: that I reported in shorthand the evidence taken and the proceedings had on the hearing on the above-entitled case on the 5th day of June A.D. 2000: that the foregoing 9 pages are a true and correct transcript of my shorthand notes so taken as aforesaid, and contains all of the proceedings directed by the Commission or other person authorized by it to conduct the said hearing to be stenographically reported.

Dated at Chicago, Illinois, this 6th day of June A.D. 2000.



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