BEFORE THE
ILLINOIS COMMERCE COMMISSION

BENCH SESSION

Chicago, Illinois
January 6th, 2010

Met pursuant to notice at 10:30 a.m. in
the Main Hearing Room, Eighth Floor, 160 North
LaSalle Street, Chicago, Illinois.

PRESENT:

MR. CHARLES E. BOX, Chairman
MS. LULA M. FORD, Commissioner
MS. ERIN O'CONNELL-DIAZ, Commissioner
MR. SHERMAN J. ELLIOTT, Commissioner
MR. JOHN T. COLGAN, Commissioner

SULLIVAN REPORTING COMPANY, by
Barbara A. Perkovich, CSR
<table>
<thead>
<tr>
<th>Docket No.</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>08-0312</td>
<td>4</td>
</tr>
<tr>
<td>08-0651</td>
<td>6</td>
</tr>
<tr>
<td>09-0239</td>
<td>6</td>
</tr>
<tr>
<td>09-0282</td>
<td>6</td>
</tr>
<tr>
<td>09-0459</td>
<td>7</td>
</tr>
<tr>
<td>09-0480</td>
<td>7</td>
</tr>
<tr>
<td>09-0488</td>
<td>7</td>
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<td>09-0491</td>
<td>7</td>
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<td>09-0497</td>
<td>7</td>
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<td>09-507</td>
<td>8</td>
</tr>
<tr>
<td>09-508</td>
<td>7</td>
</tr>
<tr>
<td>09-0515</td>
<td>8</td>
</tr>
<tr>
<td>08-0562 (Held)</td>
<td>8</td>
</tr>
<tr>
<td>09-0166</td>
<td>8</td>
</tr>
<tr>
<td>09-0167 (Cons.)</td>
<td>8</td>
</tr>
<tr>
<td>09-0233</td>
<td>28</td>
</tr>
<tr>
<td>09-0286</td>
<td>29</td>
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<td>09-0591</td>
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<tr>
<td>8</td>
<td>09-0595</td>
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<tr>
<td>9</td>
<td>T-6 (Others)</td>
</tr>
<tr>
<td>10</td>
<td>09-0355</td>
</tr>
</tbody>
</table>
CHAIRMAN BOX: Moving on to the Public Utilities, we have minutes to approve from September 9th, 2009 pre-bench, a November 12th, 2009 special open meeting, November 24th, 2009 regular opening meeting and December 2, 2009 bench session.

Is there a motion to approve the minutes?

COMMISSIONER O'CONNELL-DIAZ: So moved.

CHAIRMAN BOX: Is there a second?

COMMISSIONER ELLIOTT: Second.

CHAIRMAN BOX: Moved and seconded. All in favor say aye.

(Chorus of ayes.)

CHAIRMAN BOX: Opposed? The vote is 5-0 approving the minutes.

Before we begin we will be holding various items today, including E-1 and G-1. Even though we are holding E-1, I think there might be some discussion. Mr. Elliott?

COMMISSIONER ELLIOTT: Yes, thank you, Mr. Chairman. I'm having a little difficulty trying to put this in context with the last Com Ed
rate proceeding that we engaged in, so I'm trying to go back and refresh my memory so I want to do that until the next bench session.

But what are the implications of the reduction of 117 million in rate base? Is this -- does this adjustment go back to '04 and are we -- is Com Ed going to adjust the rates? Is there a credit? Or do we accomplish this in the next rate proceeding? What is the process here?

JUDGE HAYNES: The 117 million has already been removed from Com Ed's rate base. Pursuant to the stipulation in the last rate case, Com Ed's original cost of plant was reduced by that amount in the 07-0566 case. So this document doesn't actually change anything, it was just considering whether or not to have a further reduction based on the AG's recommendation.

COMMISSIONER ELLIOTT: I see. Well, that is a little context that would have been helpful.

CHAIRMAN BOX: You had a sleepless night for nothing, right?

COMMISSIONER ELLIOTT: I've been pouring through
the record in the last docket.

JUDGE HAYNES: And it is reflected in the last docket under the section that discusses the stipulation and part of the 117 million was reflected in Com Ed's original filing in that case. And then there was a further reduction to reach the 117 million based on Staff's recommendation and that was reflected in the final order in that case.

COMMISSIONER ELLIOTT: Well, if no one objects, I would still like to hold this until I look through the record and as get firmed up as we go forward.

THE COURT: We'll hold item E-1. Item E-2 is Docket 08-0651. This is a determination of Bio-Energy Partners liability for reimbursement of tax credits taken by Commonwealth Edison for a qualified solid waste energy facility. Administrative Law Judge Albers recommends entering the order that determines the reimbursement of tax credits.

Any discussion? Any objections? Hearing none, the order is entered.

Items E-3 and E-4 will be taken
together. These are joint motions to dismiss complaint cases against Commonwealth Edison regarding a billing dispute. The administrative law judges recommended to entering the orders with prejudice.

Is there any discussion? Any objections? Hearing none, the orders are entered.

Item E-5 is Docket 05-0549. This is the complaint by Patrick Allen for RE/MAX Team 2000 against Commonwealth Edison regarding faulty meter and negligence. The parties have filed a joint motion to dismiss. Administrative Law Judge Benn recommends that the Commission dismiss the complaint with prejudice.

Is there any discussion? Any objections? Hearing none, the order is entered.

Items E-6 through E-9 and E-11 will be taken together. These are applications for ABC licenses. Administrative Law Judge Yoder recommends entering the orders granting the applications for the ABC licenses.

Is there any discussion? Any
objections? Hearing none, the orders are entered.

Item E-10 is Docket 09-0507. This is a joint petition by Southwestern Electric Cooperative, Inc. and AmerenIP for an approval of a service area agreement. Administrative Law Judge Tapia recommends entering the order granting the petition.

Is there any discussion? Any objections? Hearing none, the orders are entered.

Item E-12 is Docket 09-0515. This is a complaint by Alfred and Sabrina Miller against Commonwealth Edison Company regarding a billing dispute. The parties have filed a joint motion to dismiss. Administrative Law Judge Kimbrel recommends dismissing this docket with prejudice.

Is there any discussion? Any objections? Hearing none, the docket is dismissed with prejudice.

That concludes the electric portion of today's agenda.

Once again, we are holding Item G-1.

Item G-2 is Docket 09-0166 and 09-0167
consolidated. This is North Shore Gas and The Peoples Gas Light and Coke Company's proposed joint increase in natural rate -- gas rates. The Commission will vote on this matter on January 21st. However, we would like to open the floor to the commissioners today, any questions they have of Judges Moran and Haynes.

COMMISIONER ELLIOTT: Any response to yesterday?

JUDGE MORAN: Pardon me?

JUDGE HAYNES: Any response?

JUDGE MORAN: Oh, yeah, I have some response.

Okay, let me --

CHAIRMAN BOX: Before, while I have a question in mind, before you get started because we'll probably be here for a little while. One question I have from yesterday, if, in fact, this Rider ICR is granted, would the amount of money that would be in the rider be the incremental amount over and above what they would normally put in replacement? And if so, how would you determine what the original cost would be plus the quote/unquote accelerated extra?
JUDGE MORAN: Well, the rider provides just for that.

CHAIRMAN BOX: Just for?

JUDGE MORAN: Just for what you have indicated.

CHAIRMAN BOX: The incremental amount or the entire amount?

JUDGE MORAN: The amount over and above what they have put in the test year for --

CHAIRMAN BOX: And the test year is a future test year?

JUDGE MORAN: Yes, for the future test year.

CHAIRMAN BOX: Okay, so test year is 2010.

JUDGE MORAN: Right.

CHAIRMAN BOX: And then the rider recovery would be the amount above what they install in replacements in the year 2010 and not from dollar one?

JUDGE MORAN: Right.

CHAIRMAN BOX: Only the test year.

JUDGE MORAN: I'm sorry, I don't have the tariff with me, but it is specifically in the tariff.

COMMISSIONER ELLIOTT: The question remains, is
it the -- is it any main replacement or is it the cost of the accelerated main replacement?

CHAIRMAN BOX: That's the question. Is it any infrastructure investment that they make from the next --

CHAIRMAN BOX: Whatever they make in 2010 is X.

JUDGE MORAN: Well, actually the rider doesn't go in until 2011.

CHAIRMAN BOX: The first year it goes in.

JUDGE MORAN: Right. But there is specific -- can we hold that question and we'll read it to you from the rider language itself?

CHAIRMAN BOX: I'm sorry to interrupt, go ahead.

JUDGE MORAN: I'm sorry, that was one thing we didn't anticipate.

Based on what was argued yesterday, what I think I need to emphasize most to the Commission, is that staff says that the same set of facts would support Rider ICR in staff's own proposal to have the Commission order accelerated main replacement. That is absolutely not true.

In this case, in this proceeding, you
have a company proposal, staff comments on that proposal, staff suggests modifications to that proposal, as it has done. In the statutory proceeding, staff is in the role of a prosecutor, it has the burden of proof, it has to show you that there are circumstances that warrant the Commission taking such action.

If you look at the language of that specific statutory provision, there is language that says exactly what your order has to do, has to specify the manner and the timing that all of this is going to take place. You can't do that from this record.

COMMISSIONER ELLIOTT: Is that 8-503?

JUDGE MORAN: Yes, um-hmm, exactly. So staff is absolutely wrong and I don't want the Commission to be misled by that. The other thing that struck me was the AG's argument that Rider ICR is somehow unprecedented, it's not unprecedented. You have a water infrastructure rider in this Commission.

Furthermore, it is stated in Mr. Morano's testimony that this is being done all
over the country. In other words, aging infrastructure is a national problem and more and more commissions are putting in infrastructure riders. We want to be a world class city, you have to follow through on that.

COMMISSIONER O'CONNELL-DIAZ: A world class safe city.

JUDGE MORAN: Pardon me?

COMMISSIONER O'CONNELL-DIAZ: A world class safe city. Safety is an issue here.

JUDGE MORAN: Safety is an issue, reliability is an issue. Not today, I won't say that because the record doesn't support that, everything seems to be in control today. But you can't let things --

COMMISSIONER ELLIOTT: Your view of the record in this case is that a separate 8-503 proceeding would be necessary for the Commission to engage in an order to come to the conclusion that staff recommends?

JUDGE MORAN: Absolutely. There is a case referenced in the conclusion language, it's the case of Global NAPs. If you remember,
Commissioners, that case came to you not long ago. It was a telecom case, it was a complaint case brought by AT&T against a carrier.

There was plenty of evidence on record that showed that this carrier should not be certificated any further. You couldn't do that and you didn't do that in the complaint case. You opened a new proceeding. This is the same thing, this is no different than Global NAPs.

CHAIRMAN BOX: Are you saying that we could not condition this rider and insist in the order that a plan be produced for --

JUDGE WALLACE: Mr. Chairman, we couldn't hear.

CHAIRMAN BOX: I asked the judge, from her recent comments, that we couldn't condition the granting of this Rider ICR under the condition that a timetable be laid out as to when these improvements would be improvements over time. Specifically which one over a period of time, a timetable.

JUDGE MORAN: I believe that you can condition, but I think there is more I need to tell you about that. Number one, in fact, I thought that someone
would propose that, no one did. You have to be careful with the language of the condition. Because, number one, you don't want to micromanage. Number two, you've got to leave open to their discretion certain projects. There is testimony in the record about the zonal approach and I think you heard about it yesterday. That means if a city, a developer or someone is already in the ground and dug the hole, you want to get in there and replace that infrastructure then and there. You might not know when that's going to happen, when you can do it, maybe you're replacing another pipe that has to go in another location, so you've got to allow them, you know, their own business sense, to know when to do what where. So you have to give them flexibility is what I'm saying. I mean, I think that's just common sense at this point.

COMMISSIONER O'CONNELL-DIAZ: And Judge Moran, wouldn't it be that the municipality, City of Chicago, would have an obligation to, in fact, work with the Company on the scheduling of work that
they were doing? I mean, this is going -- this
project is going to, as you said, modernize our
infrastructure in the City of Chicago which is much
needed and I think all parties agree that it's
needed.

So that orchestration of the actual, you
know, excavation, getting down, when there are
projects that are already out there, so we don't do
it twice, we don't use funds in an irresponsible
way, whether they are ratepayer funds or taxpayer
funds, it must be coordinated and orchestrated so
the City has an obligation, too, to work with the
Company.

And so this format allows that
elasticity to have that work done.

COMMISSIONER FORD: I think that someone
mentioned yesterday that it will be zonal and I was
very happy to hear that there would be
collaboration in that area, because I know how the
streets are when they are torn up in Chicago. As a
matter of fact, Clark is torn up now and that's one
of my routes home.
So having different elements coming in, I think that's the best approach that I've heard of. And I sit on the National Pipeline Safety Board, so I know what's going on all over the country, although it's not in the record, so I do know what's happening and it is infrastructure that's going on.

COMMISSIONER ELLIOTT: I think it's important, the issue of coordination with the City. But as I questioned Mr. Donnelly on that issue, their economic circumstances may be dramatically different than what Peoples are. And I'm concerned, I mean if we're directing them to do something, particularly with a final impact, if the City is unwilling or unable to either participate at the same pace or to the same degree, I'm not sure that, you know, from my perspective, that we should have the Peoples Gas infrastructure replacement program be contingent upon whether or not they are functionally able to keep up or to -- so I'm wondering, I like the orchestration part, but I don't think we need to make --
COMMISSIONER FORD: I don't think it's contingency.

COMMISSIONER ELLIOTT: I'm concerned that it's delayed because of the City's potential inability to keep pace. That's my concern.

COMMISSIONER O' CONNELL-DIAZ: That's the City's problem then. And as we heard yesterday they are on board with this, they want it and so they have an obligation to assure that it goes.

COMMISSIONER ELLIOTT: Right. But I don't think that should lend to delay.

JUDGE MORAN: And I think that the City is on board. I think Peoples Gas can't function without coordinating with the City. I mean, that's -- sure they have to get permits and this and that.

I think Mr. Morano had something else in his testimony that he thought, there was a regulation or something that he thought could be changed that would benefit this program and it seems like they would be working on it.

The other thing that this Commission needs to know is that there is a plan, okay. Now,
people say, well, you don't have the plan for this pipe X is going to go and when it's going to go. But what this consulting company did for Peoples Gas is put in an overall reorganization plan. If you're going to do a project as big as Rider ICR, you need a whole global reorganization and that's what they offered. That plan is in evidence, that plan is in Mr. Morano's surrebuttal testimony. It's not going to give you the specifics, you know, Pipeline A is going to be fixed and so and so, but they've got other documents that give that assessment, which are the oldest, which, you know, can be replaced, which are the projects, those are other lists. But that's the great thing about this plan, because a lot of companies think they can just speed up things. If you don't have a good overall concept of speeding up, and you just do it, that's where a lot of companies fail.

So that -- you've got to remember that that plan is there. And it certainly doesn't stop staff from meeting with Peoples Gas and say, talk
to us more about this plan. Doesn't have to be a formal proceeding, they can certainly have conversations.

COMMISSIONER ELLIOTT: Wasn't many of the arguments raised related to the late filing of that specificity at the surrebuttal stage? It limited the --

JUDGE MORAN: It was, but it came in in enough time to ask questions. I think the AG asked a few questions about it. Staff didn't ask many questions, but staff could have, it wasn't that kind of detailed --

COMMISSIONER ELLIOTT: What would staff's opportunity at surrebuttal be to reply in the record?

JUDGE MORAN: Well, they couldn't reply to the plan itself, but they certainly could have asked questions of Mr. Morano, they could have spent a whole day on the plan, no one was stopping them.

COMMISSIONER ELLIOTT: But discovery testimony, that type of thing, certainly not something that could have been --
JUDGE MORAN: I don't think you need that for the plan itself. I don't think you need discovery on the plan. I mean, do you know what I mean?

COMMISSIONER ELLIOTT: Well, weren't those questions raised by staff in their briefs about the late filing and the inability to essentially assess the plan?

JUDGE MORAN: And I'm saying, they didn't attempt to do that. If I want to know about something and I have the witness, I have the witness in front of me, it could have been the most general question, explain the plan to me, okay. We don't have a question like that. We don't have Mr. Morano explaining the plan in detail.

COMMISSIONER ELLIOTT: But if you had 9 months to prepare your case on other issues and at the 10th month they file surrebuttal. I mean, it doesn't --

JUDGE MORAN: I don't know why there was a delay. I mean, when they hired the expert and stuff, I don't think it was unreasonable. I'm saying there was an opportunity, okay. It might not have been the best opportunity, but it was certainly an
opportunity that could have been -- that could have
been taken.

COMMISSIONER ELLIOTT: In your mind it was a
sufficient opportunity?

JUDGE MORAN: Yes, in my mind it was. There were
many times when this Commission or the ALJ's have
to work on an expedited fashion on a million things
and we all pull together and do it, it's not that
unalusual. And like a said, you could have asked the
most general question.

CHAIRMAN BOX: Okay, I think you made your
point.

JUDGE MORAN: All right, now, I want to draw your
attention to AG/CUB oral argument Exhibit 8. I
don't know if you still have it, but it's a bunch
of quotes from a bunch of other cases.

The first one is a quote from Nicor Gas
Company's rate case, which actually isn't the full
quote of your language. And I think that that was
alluded to yesterday. But just for the moment
let's take the language there.

The Commission was talking about Nicor
not providing enough evidence on the replacement of
its current system or whatever items it wanted to
recover on.

And as I'm reading this language, I'm
thinking to myself, they've always talked about
need, you know, we don't -- the Company hasn't
shown a need for Rider ICR. Well, where does the
word need apply? Does the word need apply to the
subject matter of the rider or to the mechanism of
the rider? I submit to you that in Nicor, that
language or that term need applies to the subject
matter, because the Commission is saying here that
Nicor has provided us with no reason to impose the
additional cost in better keeping pace upon
ratepayers. And we conclude that Nicor hasn't met
its burden of proof and there is also missing
language here where you say they didn't follow the
standards that were identified by this Commission
in the last Peoples case. And which the proposed
order evaluates for you one by one by one.

So I would not focus on the word need in
the same way as the intervenors have focused on and
the way staff has focused on.

So now they quote language from Ameren here --

JUDGE WALLACE: Mr. Chairman?

CHAIRMAN BOX: Yes.

JUDGE WALLACE: It might be more fruitful for the Commission to ask specific questions of the judges, rather than to have Judge Moran and Judge Haynes try to respond to the oral argument. That sort of gets out of our bailiwick of what we're presenting to the Commission.

CHAIRMAN BOX: I don't understand. It's their writing, product, they should be able to explain it. I think it might be clearer if it was in response to questions, but I think the opening question which was to have her reaction, I think she is responding to some of the points that were made that she happened to disagree with.

JUDGE WALLACE: Mr. Chairman, if that's what the Commission wants, that's fine. I didn't want to put us in a position of arguing with the parties.

CHAIRMAN BOX: Oh, I understand that. I don't
think the judge has to argue the parties, it's her order.

JUDGE WALLACE: Well, if you're satisfied, then I'm sorry for the interruption.

CHAIRMAN BOX: Okay, no problem.

JUDGE MORAN: Okay, I'll be quick. Again, what we're talking about when they quote the Ameren case, the subject matter is different. They are not talking about infrastructure here, they're talking about tree trimming, pole replacement, those are the kinds of expenses that are not similar to main replacement. So you have to read that very differently.

And the third quoted language is out of the old Peoples case, it doesn't talk about the standards, doesn't quote the standards and it only focuses on single issue ratemaking. The single issue ratemaking is a problem with every single rider, every single rider that this Commission has imposed, whether it went on appeal, whether it didn't go on appeal, it's always a consideration.

And yet you have the water structure,
water infrastructure rider and the mechanism, the
mechanism of Rider ICR, is such that it would not
violate single issue ratemaking.

CHAIRMAN BOX: Get back to the original question
I asked Judge Haynes, because to me that goes
directly to the need issue. If they are saying
that they are going to put in X number of dollars
and miles per year and they want to be accelerated,
the question goes back to would the rider include
all the dollars or just the incremental?

Judge, what we can do is if there are
any other questions, because I think on the 12th
this matter will be discussed again, then a
decision will be on the 21st, I think. So we
don't -- if you can't find it this morning or --

JUDGE HAYNES: There is specific language in the
rider that says it's only replacements not included
in the test year rate base. And so we're not
necessarily clear on what your question is.

CHAIRMAN BOX: What year does it start?

JUDGE HAYNES: 2011.

CHAIRMAN BOX: So the amount they spend in 2010
will be the base amount that they are spending on replacements.

JUDGE HAYNES: In that year.

THE COURT: So the first rider would be any amount they spend above whatever that X is?

JUDGE HAYNES: Well, I think we're having --

COMMISSIONER ELLIOTT: I think the question is, if it's main, you go out and buy a main and put this in, are they putting in the main costs and the costs to put the main in or are they putting the costs of accelerating this program of an additional 10 or 15 percent of main replacement in a year that they would not normally do, is it the incremental increase that is being put in above and beyond what the normal level is.

JUDGE MORAN: Let us review this for the next session, because there is language in here that I recall that may have been different than what was said yesterday. Is that fair?

CHAIRMAN BOX: Is there any other questions that we want to put on the judges minds for the next session? Commissioner Colgan?
COMMISSIONER COLGAN: Yeah, I had a question, just about how the rider works. If the Company were to replace a million dollars and, not considering the previous question of whether or not that is an accelerated expenditure or just a normal replacement expenditure, how does the Company -- what's the mechanism, how do they go about, do they do it retrospectively after they have already done the replacement? Or do they begin collecting for it because they've planned to do a replacement?

CHAIRMAN BOX: Once it's done, money has spent, hopefully, in operation, after the fact, completely done. Unless I'm wrong.

JUDGE MORAN: Let us give you something on the whole mechanism for next session.

CHAIRMAN BOX: Something brief, compact. Okay.

JUDGE MORAN: All right.

CHAIRMAN BOX: Any other questions for the judges? Thank you, very much.

Item G-3 is Docket 09-0233 the three Illinois Ameren utilities petition for approval to enter into an affiliate agreement. Administrative
Law Judge Yoder recommends entering the order granting the petitioner authority to enter into the subject affiliate agreement.

Is there any discussion? Any objections? Hearing none the order is entered.

Item G-4 is Docket 09-0286. This is complaint by Robin Martin against the Peoples Gas Light and Coke Company. The parties have filed a joint motion to dismiss the complaint with prejudice. Administrative Law Judge Hilliard recommends entering an order granting the joint motion to dismiss the complaint with prejudice.

Is there any discussion? Any objections? Hearing none, the docket is dismissed with prejudice.

Item G-5 is Docket 09-0365. Atmos Energy Corporation petition for approval of affiliated interest transaction in connection with the release of AEM pipeline capacity, Administrative Law Judge Albers recommends entering the order granting the petition.

Is there any discussion? Any
objections? Hearing none, the order is entered.

Item G-6 is Docket 09-0571. Ambit Illinois, LLC petitions for a certificate of service authority to operate as an alternative gas supplier. Administrative Law Judge Sainsot recommends entering the order granting the certificate of service authority of service authority.

Is there any discussion? Any objections? Hearing none, the order is entered.

That concludes the natural gas portion of today's agenda.

Turning to the telecommunications agenda. Item T-1 is Illinois Bell Telephone Company's filing to modify the $5 residence access line retention offer. Staff recommends not suspending the filing.

Is there any discussion? Any objections? Hearing none, the filing will not be suspended.

Item T-2, Docket 09-0472, Rivers Edge Telecom, Inc. petitions for a certificate of local
and interexchange authority to operate as a reseller or facilities based carrier of telecommunications services to portions of Madison County, Illinois. Administrative Law Judge Moran recommends entering the order granting the requested authority.

Is there any discussion? Any objection? Hearing none, the order is entered.

Items T-3 and T-4 will be taken together. These are telecommunications providers seeking to cancel their certificates. Administrative Law Judge Benn recommends entering the orders granting the petitions.

Is there any discussion? Any objections? Hearing none, the orders are entered.

Item T-5 is Docket 09-0595, Randolph County petitions to modify its existing Randolph E-9-1-1 ETSB system plan. Administrative Law Judge Tapia recommends entering the order approving the petition.

Is there any discussion? Any objections? Hearing none, the order is entered.
Item T-6 is an initiation of an investigation proceeding. The issue is whether the reclassification of Illinois Bell Telephone Company's MSA-1 as competitive for residential service is proper. Staff recommends entering the order initiating proceeding?

Is there any discussion? Any objections? Hearing none, the order is entered.

This concludes the telecommunications portion of today's agenda.

Under water and wastewater, Item W-1 is Docket 09-0335, Aqua Illinois, Inc. petitions for a certificate of public convenience and necessity to operate wastewater system, approval of an asset purchase agreement and approval of rates and accounting entries.

Administrative Law Judge Riley recommends entering the order granting the petition.

Is there any discussion? Any objections? Hearing none, the order is entered.

That concludes the water and wastewater
portion of today's agenda.

We have one matter FERC matter that we will go into closed session on, but before we can do that, if I could refer back to the minutes of earlier today, I've been informed that we need to amend the minutes of the November 24th, 2009 bench session. There was a substantive error on Page 10, Line 18. The speaker should be Commissioner Ford instead of Commissioner O'Connell-Diaz. And the minutes of December 2nd, 2009 bench session, there is a substantive error on Page 16, Line 1 where it reads issued DOEs were filed by 7 parties, although, in quotes, it should read BOE, instead of DOE.

Is there a motion to accept these corrections to the minutes?

COMMISSIONER FORD: So moved.

THE COURT: Second?

COMMISSIONER ELLIOTT: Second.

CHAIRMAN BOX: Move and seconded to make these corrections to the December 2nd and November 22nd bench session minutes. All in favor say aye
(Chorus of ayes.)

CHAIRMAN BOX: Opposed? Now for the motion to accept these minutes as amended.

COMMISSIONER COLGAN: So moved.

CHAIRMAN BOX: Second?

COMMISSIONER ELLIOTT: Second.

CHAIRMAN BOX: So moved and seconded to accept these minutes as approved. All in favor say aye.

(Chorus of ayes.)

CHAIRMAN BOX: Opposed? The vote is 5-0. The minutes are approved as amended and as corrected.

(Whereupon those were all the proceedings had in the above-entitled matter on this date.)
CHAIRMAN BOX: We have one FERC matter on the
agenda and we will go into closed session to
discuss FERC Docket 09-13-000. Is there a motion
to go into closed session.

COMMISSIONER ELLIOTT: So moved.

CHAIRMAN BOX: Second.

COMMISSIONER COLGAN: Second.

CHAIRMAN BOX: So moved and seconded to go into
closed session. All those in favor say aye.

(Chorus of ayes.)

CHAIRMAN BOX: Opposed? Vote is 5-0, we will now
go into closed session. You let me know when the
room is clear in Springfield.

JUDGE WALLACE: It's cleared, Mr. Chairman.

* * * * *.

(Whereupon the following
proceedings were had in open
session.)

CHAIRMAN BOX: In closed session the Commission
discussed filing comments with FERC regarding the
independent mark monitor's November 30th report on
PJM's regulation on service market.
Is there a motion to file the comments with FERC?

COMMISSIONER ELLIOTT: So moved.

CHAIRMAN BOX: Is there a second?

COMMISSIONER O' CONNELL-DIAZ: Second.

CHAIRMAN BOX: There is moved and seconded to file the comments with FERC. All in favor say aye.

(Chorus of ayes.)

CHAIRMAN BOX: Opposed? The vote is 5-0. The comments will be filed with FERC.

Judge Wallace, anything else to come before us today?

JUDGE WALLACE: Only to inquire whether you would like this matter placed on the special open meeting for next week.

CHAIRMAN BOX: Yes.

JUDGE WALLACE: That's all for today.

CHAIRMAN BOX: Thank you very much, the meeting is adjourned.

(Whereupon those were all the proceedings had in the above-entitled matter on this date.)