BEFORE THE
ILLINOIS COMMERCE COMMISSION

BENCH SESSION
(PUBLIC UTILITY)

Springfield, Illinois
Thursday, January 20, 2011

Met, pursuant to notice, at 10:30 a.m. in the
Audiovisual Teleconference Room, Second Floor, Leland
Building, 527 East Capitol Avenue, Springfield,
Illinois.

PRESENT:

MR. MANUEL FLORES, Acting Chairman
(Via teleconference)

MS. LULA M. FORD, Commissioner
(Via teleconference)

MS. ERIN M. O'CONNELL-DIAZ, Commissioner
(Via teleconference)

MR. SHERMAN J. ELLIOTT, Commissioner

MR. JOHN T. COLGAN, Acting Commissioner

SULLIVAN REPORTING COMPANY, by
Carla J. Boehl, Reporter
CSR #084-002710
PROCEEDINGS

ACTING CHAIRMAN FLORES: Good morning.

Pursuant to the provisions of the Illinois Open Meetings Act, I now convene a regularly scheduled Bench Session of the Illinois Commerce Commission. With me in Chicago are Commissioners Ford and O'Connell-Diaz. With us in Springfield are Commissioners Elliott and Colgan. I am Chairman Flores. We have a quorum.

Before moving into the agenda, according to Section 1700.10 of the Illinois Administrative Code, this is the time we allow the members of the public to address the Commission. Members of the public wishing to address the Commission must notify the Chief Clerk's Office at least 24 hours prior to the Bench Session. According to the Chief Clerk's Office we have no requests to speak at today's Bench Session.

(The Transportation portion of the proceedings was held at this time and is contained in a separate transcript.)
ACTING CHAIRMAN FLORES: Now moving on to the Public Utilities agenda we will begin with the approval of minutes from the December 15 Bench Session. I understand that amendments have been forwarded. I will make a motion to amend the minutes. Is there a second?

COMMISSIONER O'CONNELL-DIAZ: Second.

ACTING CHAIRMAN FLORES: It's been moved and seconded. All in favor say aye.

COMMISSIONERS: Aye.

ACTING CHAIRMAN FLORES: Any opposed?

(No response.)

The vote is 5-0 amending the minutes for December 15.

I will make a motion to approve the minutes as amended. Is there a second?

COMMISSIONER O'CONNELL-DIAZ: Second.

ACTING CHAIRMAN FLORES: It's been moved and seconded. All in favor say.

COMMISSIONERS: Aye.

ACTING CHAIRMAN FLORES: Any opposed?

(No response.)
The vote is 5-0 approving the minutes for December 15 as amended.

Next up is approval of minutes from the December 21 Regular Open Meeting. I understand that amendments have also been forwarded for these minutes. I will make a motion to amend the minutes. Is there a second?

COMMISSIONER O'CONNELL-DIAZ: Second.

ACTING CHAIRMAN FLORES: It's been moved and seconded. All in favor say aye.

COMMISSIONERS: Aye.

ACTING CHAIRMAN FLORES: Any opposed?

(No response.)

The vote is 5-0 amending the minutes for December 21.

I will make a motion to approve the minutes as amended. Is there a second?

COMMISSIONER O'CONNELL-DIAZ: Second.

ACTING CHAIRMAN FLORES: It's been moved and seconded. All in favor say aye.

COMMISSIONERS: Aye.

ACTING CHAIRMAN FLORES: Any opposed?
The vote is 5-0 approving the minutes for December 21 as amended.

Turning now to the Public Utility agenda we will begin with the Electric portion. Item E-1 is Docket Number 10-0051. This item concerns a complaint as to service by Beverly J. Carlson against ComEd regarding moving a pole and transformer on the property. Administrative Law Judge Haynes recommends that the Commission enter an Order denying the complaint. Is there a motion to enter an Order denying the complaint?

COMMISSIONER O'CONNELL-DIAZ: So moved.

ACTING CHAIRMAN FLORES: I will second it.

It's been moved and seconded. All in favor say aye.

COMMISSIONERS: Aye.

ACTING CHAIRMAN FLORES: Any opposed?

(No response.)

The vote is 5-0 and the Order denying the complaint is entered.

We will use this 5-0 vote for the remainder of the Public Utility agenda unless
Item E-2 concerns Docket Number 10-0467. This is ComEd's rate case and up before us today is a Petition for Interlocutory Review brought by the REACT Coalition concerning a ruling on discovery requests for certain customer-specific information.

JUDGE SAINSOT: I just wanted to update you. I didn't mean to interrupt you.

ACTING CHAIRMAN FLORES: Very well, Judge.

JUDGE SAINSOT: Because certain developments have taken place since the time that that memo was written and they took place fairly recently. We thought things were going along smoothly, and there was a nice stack of documents that was tendered over pursuant to our Ruling requiring ComEd to turn over documents. They were not all the documents regarding this particular class of customers. However, it appears, and I don't think anybody really knew at the time when we issued that Ruling, that the rest of the documents are quite voluminous. There are maps. There are drawings that engineers make initially to
formulate the build out and then there are the preliminary estimates when ComEd first goes out to make the build out, and those were not included. However, there is a fourth set of documents that was included regarding just about all of these extra large load customers, and there is only about 70 of them, and those were pretty much all tendered over. REACT moved yesterday or the day before -- they are kind of melding in my mind right now -- seeking to compel the other documents that I talked about, the maps and other things, and we denied that motion. We denied that motion because REACT really didn't give us any indication that it would serve a useful purpose to REACT to tender all of those documents over. Some of them, the maps, are pretty secret. We also didn't get an indication that without those documents REACT would be punished. Also, this is the last day of the trial. It's too late for REACT now to come in and bring new evidence in its case-in-chief at least, because the other parties have to have notice. Not to say that maybe REACT couldn't use evidence for
cross examination, and we pointed that out to REACT at the time, that it was free to use what it had for cross examination.

So, anyway, that's the saga.

JUDGE DOLAN: The information was based on the witness Terhune, as we mentioned in here, for REACT, and Mr. Terhune last worked for ComEd in 1998, and there was some indication that the procedures have changed in the last 12 years, too. So they just -- we really reached the point where there was really no indication of what the parties could do. I know REACT did ask us for leave to file, you know, additional direct testimony on the record which, of course, ComEd vehemently opposed and we denied that request.

So we feel that with the information that they have received at this point, you know, they can do with it what they can. But it is very late in the process for them to ask for any additional information that would be, you know, beneficial to them at this point in the hearing.

ACTING CHAIRMAN FLORES: Any questions?
COMMISSIONER ELLIOTT: Well, I guess when was this request initially proffered? How far back do these DRs go?

JUDGE DOLAN: It appears the first one was on December 10.

JUDGE SAINSOT: The first one that we know about is on December 10. We should point out that Mr. Terhune, the witness in question, wasn't even hired until October.

COMMISSIONER O'CONNELL-DIAZ: And discovery had been ongoing since the case was filed in, is it, June or May?

JUDGE SAINSOT: June 30.

JUDGE DOLAN: Yes.

COMMISSIONER O'CONNELL-DIAZ: And when one intervenes in a case, they take the record as they find it.

JUDGE SAINSOT: Well, I think REACT has been in the case all along. It is just Mr. Terhune.

COMMISSIONER O'CONNELL-DIAZ: Their expert.

JUDGE DOLAN: Their expert, yes.

COMMISSIONER ELLIOTT: Does it appear we are
going to have another interlocutory request on the most recent refusal?

JUDGE DOLAN: Well, what they did do is they did accept the information that ComEd provided and then they did cross-examine the ComEd witness yesterday with the information that, again, it is a confidential exhibit in our record. So I think they have as much information as they possibly could have received.

You know, they did have one other set of data requests that technically they are still within the time to file another interlocutory appeal. But, again, I am not sure what the information is going to lead to at this point of the proceedings, anyway.

COMMISSIONER O'CONNELL-DIAZ: Which in your opinion does not -- these documents that are the subject of this in your estimation would not lead to relevant information for them to -- since they have already gotten all these other documents, that would assist them in their cause or their argument?

JUDGE SAINZOT: Well, I wouldn't say wouldn't,
they wouldn't lead to relevant information. Rather,
I would say that we need to hear --

COMMISSIONER O'CONNELL-DIAZ: Right, to say why
they --

JUDGE SAINESOT: Right.

JUDGE DOLAN: And then it is also dealing with
Rider NS which, according to Mr. Alongi yesterday,
doesn't go to the revenue requirement, anyway.

I guess the other thing, too, that we
should point out is that they have filed an Offer of
Proof with Mr. Terhune's interpretation of the
documents that it did receive that we haven't ruled
on yet, so. So you looked at that, right?

JUDGE SAINESOT: Yes, I am not sure we really
have to rule on that. It is just part of the record
for you all to consider later on.

COMMISSIONER O'CONNELL-DIAZ: So you may be
back next week with another interlocutory review.

JUDGE DOLAN: Quite possible.

ACTING CHAIRMAN FLORES: Any other questions?

(No response.)

And, again, just so that I am clear in
terms of the timeline, you talked about that there
was some documents that were submitted and that there
were then questions concerning those additional
documents that were then tendered as a part of
discovery?

JUDGE SAINSOT: Right, there was another Motion
to Compel the additional documents, the additional
Rider NS documents, but that was yesterday or the day
before. Normally, motions to compel don't go 'til
the trial, newly discovered evidence or something.

JUDGE DOLAN: Well, just to clarify, the
original ruling that ComEd did produce the documents
was from January 7 on a status date that we had, the
status before we started trial. We ruled on that
day. ComEd did work diligently and produced 46
documents containing -- you know, redacted
information concerning customer-specific -- but they
did provide a lot of the documentation that REACT was
looking for. But, again, REACT is still not
satisfied with what they have received. And, again,
it's past their rebuttal time so it was really a
question of what they could do with these additional
documents at this point in time.

ACTING CHAIRMAN FLORES: I just want to make sure, though, and this is what I am trying to wrap my arms around here, is that there wasn't a delay in submitting documents that had been requested of in the course of discovery, occasioned this delay to where now we are where parties don't have adequate time to then be able to build their case based on, you know, the delay in releasing documents. Is that the case here or am I --

JUDGE SAINSOT: Well, there may have been some delay on ComEd's part. There was certainly a reluctance to turn them over initially. That's why we granted ComEd's Motion to Compel in part, at least. However, REACT -- I am sorry, REACT's. It's been a long two weeks. However, REACT started out late. So there is lateness upon lateness here. And I should point out that the stack of documents that ComEd did provide are pretty detailed.

ACTING CHAIRMAN FLORES: So it would not have deprived the parties from important information by which to build their cases upon?
JUDGE SAINSOT: I haven't heard anything to indicate that the other documents would make a difference, no.

ACTING CHAIRMAN FLORES: Okay. That was my main concern.

All right, very well. Any further discussion?

(No response.)

So then any objections?

(No response.)

Hearing none, the Motion for Interlocutory Review is denied.

Item E-3 is Docket Number 10-0483.

Thank you, Judges.

This item is Global Energy Partners' application for licensure as an Agent, Broker and Consultant under Section 16-115C of the Public Utilities Act. Administrative Law Judge Yoder recommends that the Commission enter an Order granting the requested certificate. Is there any discussion?

(No response.)
Any objections?

(No response.)

Hearing none, the Order is entered and the certificate is granted.

Item E-4 is Docket Number 10-0494.

This is Felipe "Phil" Gomez's complaint as to billing and/or charges against ComEd. The parties have apparently settled their differences and brought a Joint Motion to Dismiss which Administrative Law Judge Hilliard recommends that we grant. Any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the motion is granted and the docket is dismissed.

Item E-5 is Docket Number 10-0509.

This is Donald Mulder's application for licensure as an Agent, Broker and Consultant under Section 16-115C of the Public Utilities Act. Administrative Law Judge Yoder recommends that the Commission enter an Order denying the requested certificate for an
insufficient showing that the applicant had met the
financial, managerial and technical requirements
necessary to obtain a certificate. Any discussion?
(No response.)
Any objections?
(No response.)
Hearing none, the Order is entered and
the certificate is denied.

Item E-6 is Docket Number 10-0510.
This is Stephen Battersby's complaint against ComEd
regarding alleged improper routing of overhead wires.
Administrative Law Judge Gilbert recommends that the
Commission enter an Order dismissing the complaint
without prejudice for want of prosecution. Any
discussion?
(No response.)
Any objections?
(No response.)
Hearing none, the Order is entered and
the complaint is dismissed without prejudice.
Item E-7 is Docket Number 10-0587.
This is Anand Zaveri's complaint as to billing and/or
charges against Liberty Power Holdings. The parties have apparently settled their differences and brought a Joint Motion to Dismiss which Administrative Law Judge Gilbert recommends that we grant. Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the motion is granted and the docket is dismissed.

Item E-8 -- strike that. Items E-8 through E-12 (10-0614, 10-0616, 10-0629, 10-0632, 10-0663) can be taken together. These items are applications for licensure as an Agent, Broker and Consultant under Section 16-115C of the Public Utilities Act. In each case Administrative Law Judge Yoder recommends that the Commission enter an Order granting the requested certificate. Any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the Orders are entered
and the certificates are granted.

Item E-13 is Docket Number 10-0706.

This is Bedford Park Public Library District's complaint against ComEd surrounding damages incurred from a power surge. Bedford Park has made a Motion to Withdraw its complaint without prejudice, and Administrative Law Judge Kimbrell recommends that the Commission grant the motion. Any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the complaint is withdrawn.

Item E-14 is Docket Number 10-0710.

This is James Marousis' complaint as to billing and/or charges against ComEd. The parties have apparently settled their differences and brought a Joint Motion to Dismiss which Administrative Law Judge Hilliard recommends that we grant. Any discussion?

(No response.)

Any objections?
Hearing none, the motion is granted and the docket is dismissed.

Moving on to Telecommunications, Item T-1 (11-0057) concerns an inquiry into the status of deployment of telecommunication services to consumers under Section 13-407 of the Public Utilities Act. Staff recommends entry of an Order requiring telecommunication carriers offering local services to provide the Commission with information specified in the Competition Data Request Form developed by the Telecommunications Division. Any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the Order is entered.

Item T-2 is Docket Number 10-0634. This is a petition by the Universal Telephone Assistance Corporation for redetermination of the amount of supplemental assistance provided by local exchange telecommunication carriers. Administrative Law Judge Riley recommends that the Commission enter
an Order granting the petition for redetermination.

Any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the Order is entered and the petition is granted.

Moving on to the Water and Sewer portion of today's agenda, Item W-1 (11-0058) concerns Illinois-American Water Company's proposed demand study as called for in our Docket Number 09-0319. Staff recommends that the Commission enter an Order allowing the company to move forward with its planned direct demand study. Any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the Order is entered.

Item W-2 (11-0059) concerns Great Northern Utilities' proposed general increase in water rates. In order to determine the reasonableness of the proposed increase Staff
recommends that the Commission enter a Suspension Order suspending the filing and setting it for rehearing. Any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the Suspension Order is entered.

Item W-3 is Docket Number 10-0298.

This is Northern Hills Water and Sewer Company's proposed increase in water rates. Administrative Law Judge Riley recommends that the Commission enter an Order approving the rate increase as adjusted by Staff. Any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the Order is entered.

Item W-4 is Docket Number 10-0737.

This is a petition by Illinois-American Water Company under Section 7-101 regarding the issuance and sale of over $66 million of long term indebtedness to an
affiliated interest. Administrative Law Judge Jones recommends that the Commission enter an Order granting the petition and approving the transaction. Any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the Order is entered.

Item W-5 is Docket Number 10-0738.

This item concerns the same Illinois-American Water Company transaction as Item W-4 but seeking authorization for the transaction under Section 6-102(d) of the Public Utilities Act. Administrative Law Judge Jones recommends that the Commission enter an Order approving the proposed financing. Any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the Order is entered.

Petitions for rehearing, we have one matter featuring petitions for rehearing and also
request for clarification. Item PR-1 is Docket Number 10-0568. This is the Ameren Illinois Utilities' petition for approval of their Integrated Electric and Natural Gas Energy Efficiency Plan. Administrative Law Judge Yoder recommends that the Commission enter an Amendatory Order providing clarification in certain aspects of the original Order approved by the Commission but denying all requests for rehearing.

There are Commissioners who have a couple of minor changes to the Amendatory Order suggested by Judge Yoder. We will address those now.

COMMISSIONER O'CONNELL-DIAZ: Excuse me, is Judge Yoder there?

JUDGE WALLACE: Yes. He was just hiding out of camera range.

COMMISSIONER O'CONNELL-DIAZ: Yes, he really was. Judge Yoder, this morning I was on e-Docket and I noticed that there is a new filing from Staff. This came in like late yesterday.

JUDGE YODER: Yes. Yesterday Staff filed a Motion for Clarification on the Order, on the portion
of the Order regarding the DCEO's plan. Staff believes there is an inconsistency between the Order -- the Order increased Ameren's therms they are required to save and Staff believes that the Order should have also increased the therm requirement for DCEO's plan. DCEO is required to save approximately 20 percent of the total therms, and Staff believes that, as DCEO's plan is written, it would be about 17 percent of the total therms ordered by the Commission to be saved.

My thought on that matter is it is not a deadline matter, so to set a schedule for responses and replies by the various parties, and after those are received, then to present that to the Commission.

COMMISSIONER O'CONNELL-DIAZ: So, I mean, if the Commission were inclined to look favorably on Staff's new request, then we would enter an Amendatory Order reflecting that?

JUDGE YODER: Or a Clarifying Order.

COMMISSIONER O'CONNELL-DIAZ: A clarifying, but it would have to be an amendatory. So, I guess --

ACTING CHAIRMAN FLORES: Could we just hold
COMMISSIONER O'CONNELL-DIAZ: Well, the problem is then we have two Amendatory Orders. So we would hold the whole matter.

ACTING COMMISSIONER COLGAN: We hold the whole matter, yeah.

JUDGE WALLACE: Commissioner, you can hold everything but the petition for rehearing.

ACTING CHAIRMAN FLORES: Okay. So --

COMMISSIONER O'CONNELL-DIAZ: Yeah, we would have to do that.

ACTING CHAIRMAN FLORES: There is a recommendation by Judge Yoder to deny the petition for rehearing. So we can rule on that today.

JUDGE WALLACE: Yes.

ACTING CHAIRMAN FLORES: So, you know, we are using the last most favorable vote which is 5-0. Is there any discussion on that portion of the rehearing issue?

COMMISSIONER O'CONNELL-DIAZ: Wait, wait, wait. Okay. So the motion for clarification, we are going to hold that?
ACTING CHAIRMAN FLORES: On the Motion for Clarification, we are going to hold on that because of this most recent filing made by Staff. So for purposes of the clarification order, we will hold off on that, and we will only decide on the Motion for Rehearing. And there is already a 5-0 vote that we have used. And so focusing on the Motion for Rehearing is there any discussion?

COMMISSIONER O'CONNELL-DIAZ: Chairman, I find that there is -- I have questions about what is contained in the record, particularly the stipulation issue which we discussed last week at the Bench. So I would be inclined to grant rehearing on that because I think that there is -- I just don't agree with it, and I did abstain from the Order. But I would request -- or I am in agreement with some of the points that were raised by the company for rehearing, so I would vote for rehearing.

ACTING CHAIRMAN FLORES: Any other discussion?

(No response.)

Why don't we --

COMMISSIONER FORD: I will abstain again.
COMMISSIONER ELLIOTT: I will make a motion to accept the Administrative Law Judge's recommendation.

ACTING CHAIRMAN FLORES: Very well. Let's take a roll call vote on the issue of the rehearing.

There is a motion to accept Judge Yoder's recommendation to deny the petition for rehearing.

Commissioner Ford?

COMMISSIONER FORD: Well, I abstain because I have some late additions that I want to look back through that again this week. So I will abstain again.

ACTING CHAIRMAN FLORES: Commissioner O'Connell-Diaz?

COMMISSIONER O'CONNELL-DIAZ: Nay.

ACTING CHAIRMAN FLORES: Commissioner Elliott?

COMMISSIONER ELLIOTT: Aye.

ACTING CHAIRMAN FLORES: Commissioner Colgan?

ACTING COMMISSIONER COLGAN: Aye.

ACTING CHAIRMAN FLORES: Chairman Flores votes aye.

Again, let the record reflect that that is only on the Petition for Rehearing, that on
the Order on the issue of clarification we will continue this matter so that we give the Commission the opportunity to review this most recent filing and obviously to allow the parties to also respond to the filing made by Staff yesterday evening. Thank you.

JUDGE WALLACE: Mr. Chairman?

ACTING CHAIRMAN FLORES: Yes, Judge.

JUDGE WALLACE: I may have missed it, but you might want to ask for a second on that motion.

ACTING CHAIRMAN FLORES: Very well.

COMMISSIONER O'CONNELL-DIAZ: Second.

ACTING CHAIRMAN FLORES: Very well. It's been moved and second. All in favor say aye.

COMMISSIONERS: Aye.

ACTING CHAIRMAN FLORES: Very good. So now that I am -- we are going to go to AMI. We are now -- just give me a second here.

(Pause.)

We have a couple of items left to address on the agenda today. The first concerns approving our 2010 Annual Report on Electricity, Gas, Water and Sewer Utilities. Do we have someone
available from our Staff to quickly give us a briefing on the 2010 Annual Report?

MS. BOSCH: I guess that would be me.

ACTING CHAIRMAN FLORES: All right.

MS. BOSCH: Hello. The report needs to be delivered to the General Assembly by the 31st, so this was the closest meeting. If any of you have any comments or questions, we will be glad to take those up. Or any edits, we can make those edits before we print the document. We haven't received any to date from anyone, so.

ACTING CHAIRMAN FLORES: Very well. You know, it's a pretty long record and, you know, the Staff does an outstanding job of putting these records together. So I wanted just to say thank you to Staff.

I will make a motion to approve the 2010 Annual Report and have it forwarded to the General Assembly. Is there a second?

COMMISSIONER FORD: Second.

ACTING CHAIRMAN FLORES: It's been moved and seconded. All in favor say aye.
COMMISSIONERS: Aye.

ACTING CHAIRMAN FLORES: Any opposed?

(No response.)

The vote is 5-0 and the 2010 Annual Report is approved.

COMMISSIONER O'CONNELL-DIAZ: Mr. Chairman, if I might, I just think, following up on your comment, this is kind of like our report card of what we have done in the previous year. And when one reviews all the different dockets that this Commission has gotten out the door as well as the various workshops and all the different work that's gone on, and this is on the utility side obviously, it is pretty amazing. We don't have a staff of 4,000. And the work that the Commission does is contained in this report, and it is something that I think we can all be proud of. And it does go to the Legislature so they can be well advised as to the expertise and the hard work that goes on here.

So I also thank Staff and colleagues for doing the work that's reflected in this report.

ACTING COMMISSIONER COLGAN: Yeah, I agree with
those comments. I spent some time yesterday afternoon going through the report and I think it is one of the good reasons why everybody should do reports. Because you get caught up in the everyday activity and you lose sight of the bigger high level perspective of what's happening. And when you look through that report and you see all the things that have happened in a one-year period, it is pretty impressive.

So I thank the Staff for putting that together, and I didn't see any need to revise or change any part of it.

MS. BOSCH: Thank you.

ACTING CHAIRMAN FLORES: You know, and we are just starting out 2011 and hitting the ground running. There are a number of initiatives that are continuing that are very exciting and I think will also keep the Illinois Commerce Commission as one of the leading commissions in the country in terms of helping, you know, not only in obviously the ratemaking cases that we are involved in but also in evaluating the different policies that we are now all
confronted with, whether it be in the area of smart grid or energy efficiency or other issues that are confronting us. We have the electric car initiative that we are beginning, and I think it is a real testament to the outstanding leadership and Staff that we have at the Commission. So, again, thank you to all involved.

So, again, the vote is 5-0, and the 2010 Annual Report is approved.

Our last item today is a FERC matter that concerns pending litigation. So we must go into closed session to deal with this matter. I will make a motion to go into closed session. Is there a second?

COMMISSIONER O'CONNELL-DIAZ: I will second.

ACTING CHAIRMAN FLORES: It's been moved and seconded. All in favor say aye.

COMMISSIONERS: Aye.

ACTING CHAIRMAN FLORES: Any opposed?

(No response.)

The vote is 5-0 to go into closed session. Let me know when we are ready in
Springfield.

(Whereupon at this point pages 34 - 39 of the proceedings are contained in a separate closed transcript.)
CONTINUATION OF PROCEEDINGS

ACTING CHAIRMAN FLORES: Springfield?

COMMISSIONER ELLIOTT: They are rushing back in.

(Pause.)

ACTING CHAIRMAN FLORES: Very well. In closed session the Commission discussed making filings with FERC in FERC Docket Number RM10-10-000. I will make a motion to file comments with FERC. Is there a second?

COMMISSIONER O'CONNELL-DIAZ: Second.

ACTING CHAIRMAN FLORES: It's been moved and seconded. All in favor say aye.

COMMISSIONERS: Aye.

ACTING CHAIRMAN FLORES: Any opposed?

(No response.)

The vote is 5-0. The comments will be filed with FERC.

Judge Wallace, any other matters to come before the Commission today?

JUDGE WALLACE: No, that's all, Mr. Chairman.

ACTING CHAIRMAN FLORES: Very well, sir. Thank
you so much. Hearing none, this meeting stands adjourned.

MEETING ADJOURNED