BEFORE THE
ILLINOIS COMMERCE COMMISSION
REGULAR OPEN MEETING
PUBLIC UTILITY
Wednesday, January 20, 2016
Chicago, Illinois

Met, pursuant to notice, at 10:30 A.M.,
at 160 North La Salle Street, Chicago, Illinois.

PRESENT:

BRIEN J. SHEAHAN, Chairman
ANN MCCABE, Commissioner
SHERINA E. MAYE EDWARDS, Commissioner
MIGUEL DEL VALLE, Commissioner
JOHN R. ROSALES, Commissioner

SULLIVAN REPORTING COMPANY, by
PATRICIA WESLEY
CSR NO. 084-002170
CHAIRMAN SHEAHAN: Good morning. Are we ready to proceed in Springfield?

CHIEF CLERK: Yes, we are.

CHAIRMAN SHEAHAN: Pursuant to the Open Meetings Act, I call to order the January 20, 2016 Regular Open Meeting of the Illinois Commerce Commission. Commissioners McCabe, del Valle, Edwards, and Rosales are present with me in Chicago.

We have a quorum.

We have no requests to speak and will, therefore, move into our Regular Public Utility Agenda.

There are edits to the Minutes of our December 10, 2015 Policy Session and the December 22, 2015 Regular Open Meeting.

Are there any objections to approving the Minutes as edited?

(No response.)

Hearing none, the Minutes as edited are approved.

Items E-1 and 2 concern the reconciliation proceedings for MidAmerican's Energy
Efficiency and Cost Recovery Riders.

Are there any objections to considering these items together and approving the Orders commencing the reconciliation proceedings?

(No response.)

Hearing none, the Orders are approved.

Item E-3 concerns ComEd's compliance with its energy efficiency standards.

Are there any objections to approving the proposed Order?

(No response.)

Hearing none, the Order is approved.

Items E-4 through 8 concern various Joint Motions to Dismiss customer complaints.

Are there any objections to considering these items together and approving the proposed Orders?

(No response.)

Hearing none, the Orders are approved.

Item E-9 concerns a Petition for Interlocutory Review filed by Sperian Energy.

Is there a motion to grant the
Petition for Interlocutory Review and reverse the ALJ's denial of Sperian's Motion for Staff to issue a complaint or more definite statement?

COMMISSIONER MAYE EDWARDS: So moved.

CHAIRMAN SHEAHAN: Is there a second?

COMMISSIONER ROSALES: Second.

CHAIRMAN SHEAHAN: Is there any discussion?

COMMISSIONER del VALLE: Sperian alleges that it was not provided with adequate notice to satisfy due process at the initiation of this proceeding.

Staff, however, provided a detailed 15-page report and 44 pages of supporting documentation. Sperian itself filed a response to the allegations and never raised any objections in its response.

The ALJ was correct when she ruled that adequate due process was provided. Also, our Office of General Counsel agrees the Petition for Interlocutory Review should be denied. Accordingly, I will be voting no on this motion.

CHAIRMAN SHEAHAN: Thank you, Commissioner del Valle.

I would like to say that I'm going to
support the petition -- the motion to grant the Petition for Interlocutory Review. As you recall, we initiated this as a show-cause proceeding. The company's Certificate is in jeopardy. I think you all agree this is a very, very serious case.

My concern is a legal one and that is that there is an appellate court case that requires that the allegations be silent as a complaint and, from a legal standpoint, in this case, given the seriousness of the allegations and the potential for the loss of the Certificate, I want to make sure that we are just very thorough and careful in the presentation of our case.

So I think this is legally the correct path to take. It will only involve I think a short delay in the prosecution of the case by Staff and will simply clarify the elements of the case.

I don't want to have us put in a situation where on appeal there's some type of technical issue raised. I think it's more prudent to go ahead and make sure we get this issue dealt with up front, give all the parties a chance to deal
with it, and then see how the case proceeds, so I'm
going to support it.

Is there any other discussion?

COMMISSIONER MAYE EDWARDS: Mr. Chairman, I just
want to add, I think Commissioner del Valle and we
are -- the five of us are on the same page. Staff's
report was clear in showing that Sperian is a very,
very bad actor, and we do have a process to deal
with that, but, again, I won't go into the full
realm of it, but I do concur with the Chairman's
definition that I fully agree it is a legal issue.
We don't want to get into this issue if we decide to
rescind the certification.

CHAIRMAN SHEAHAN: I think you maybe misspoke. I
think it's important that we do not prejudge the
facts in the case. Whether Sperian is guilty or not
is something that will kind of emerge as the case
develops.

From a legal standpoint though, I
think it's very important that when we have an
appellant court case that said that it has to be
stylized as some type of stylized complaint, which
in a legal context is a very specific kind of document, that that's what we comply with.

I hate to see any judgment the Commission makes be overturned, and that's simply my concern that this is not going to involve a great deal of delay. It simply will distill these issues in the very specific counts in the complaint and let the parties deal with those counts in a very orderly and thorough way.

COMMISSIONER del VALLE: And I also know that there's a possibility that all the legal maneuvering will result in us not getting what we need to do when we deal with these types of cases.

CHAIRMAN SHEAHAN: I think, with all due respect, Commissioner, we are trying to do the opposite of that. We are trying to make sure that doesn't happen by addressing the legal concern with how our case is styled up front given that there is an appellate court case.

I think we are trying to get to the same place, but I think that this actually will substantially help your concern.
COMMISSIONER del VALLE: I hope that you are right and I'm wrong.

CHAIRMAN SHEAHAN: There's certainly no harm in granting the petition. It's not going to put any -- it's not going to put Staff certainly at a disadvantage. It just simply forces Staff to, you know, present it in a specific sort of legal form.

Any other discussion?

(No response.)

Okay. There's a motion and second.

If there's no further discussion, all those in favor of approving the Petition for Interlocutory Appeal say aye.

Aye.

COMMISSIONER MAYE EDWARDS: Aye.

COMMISSIONER ROSALES: Aye.

CHAIRMAN SHEAHAN: Opposed say nay.

COMMISSIONER McCABE: Nay.

COMMISSIONER del VALLE: Nay.

CHAIRMAN SHEAHAN: The vote is 3 to 2 and the Petition for Interlocutory Review is approved.

Item E-10 concerns National Gas &
Electric's Application requesting a Certificate of Service Authority to operate as an Alternative Retail Electric Supplier.

Are there any objections to approving the proposed Order?

(No response.)

Hearing none, the Order is approved.

Item E-11 concerns ComEd's petition requesting a temporary extension of its existing Residential Real-Time Pricing Program Tariff and to approve a program update.

Are there any objections to approving the proposed Order?

Hearing none, the Order is approved.

Item E-12 concerns G3 Group's Petition requesting cancellation of its Certificate of Authority.

Are there any objections to approving the proposed Order?

(No response.)

Hearing none, the Order is approved.

Item G-1 concerns Nicor Gas' filing
making changes to its Terms and Conditions in compliance with its Part 280 Implementation Plan. Are there any objections to not suspending the filing?

(No response.)

Hearing none, the filing is not suspended.

Items G-2 and 3 concerns North Shore and Peoples' filings requesting the addition of a new service called Rider Purchase of Receivables. Are there any objections to considering these items together and suspending the filings?

(No response.)

Hearing none, the filings are suspended.

Items G-4 and 5 concern customer complaints filed against Peoples Gas. Are there any objections to considering these items together and approving the proposed Orders granting the Joint Motions to Dismiss?
Hearing none, the Orders are approved.

Moving on to Petitions for Rehearing, Item PR-1 concerns Petitions for Rehearing filed in a proceeding regarding Ameren's proposed increase in Gas Delivery Service Rates.

Is there a motion to deny the Petitions for Rehearing on the issue of charitable contributions?

COMMISSIONER MAYE EDWARDS: So moved.

CHAIRMAN SHEAHAN: Is there a second?

COMMISSIONER ROSALES: Second.

CHAIRMAN SHEAHAN: Any discussion?

(No response.)

All those in favor say aye.

COMMISSIONER McCABE: Aye.

COMMISSIONER MAYE EDWARDS: Aye.

CHAIRMAN SHEAHAN: Aye.

COMMISSIONER ROSALES: Aye.

CHAIRMAN SHEAHAN: Opposed say nay.

COMMISSIONER del VALLE: Nay.

CHAIRMAN SHEAHAN: The vote is 4 to one and the
Petitions for Rehearing on the issue of Charitable Contribution are denied.

Is there a motion to deny petitions regarding the issue of the Residential Rate Design?

COMMISSIONER MAYE EDWARDS: Move.

CHAIRMAN SHEAHAN: Is there a second?

COMMISSIONER ROSALES: Second.

CHAIRMAN SHEAHAN: Any discussion?

(No response.)

All those in favor of denying the Petitions for Rehearing say aye.

COMMISSIONER McCabe: Aye.

COMMISSIONER MAYE EDWARDS: Aye.

CHAIRMAN SHEAHAN: Aye.

COMMISSIONER ROSALES: Aye.

CHAIRMAN SHEAHAN: Opposed say nay.

COMMISSIONER del VALLE: Nay.

CHAIRMAN SHEAHAN: The vote is 4 to one and the Petitions for Rehearing on the issue of Residential Rate Design are denied.

Is there a motion to deny the Applications for Rehearing on all other issues?
COMMISSIONER McCabe: So moved.

CHAIRMAN SHEAHAN: Is there a second?

COMMISSIONER ROSALES: Second.

CHAIRMAN SHEAHAN: Any discussion?

(No response.)

All those in favor of denying the Petitions for Rehearing on all other issues say aye.

(Chorus of ayes.)

Opposed say nay.

(No response.)

The vote is 5 to zero and the Petitions for Rehearing on all other issues are denied.

Item PR-2 concerns Petitions for Rehearing filed in a proceeding regarding ComEd's Annual Formula Rate Update.

Is there a motion to deny the Petitions for Rehearing?

COMMISSIONER McCabe: So moved.

CHAIRMAN SHEAHAN: Is there a second?

COMMISSIONER ROSALES: Second.

CHAIRMAN SHEAHAN: Any discussion?
All those in favor of denying the Petitions for Rehearing say aye.

(Chorus of ayes.)

Opposed say nay.

(No response.)

The vote is 5 to zero and the petitions are denied.

Item PR-3 concerns Petitions for Rehearing filed in a proceeding regarding Ameren's Modernization Action Plan—Pricing Annual Update Filing.

Is there a motion to deny the Petitions for Rehearing?

COMMISSIONER MAYE EDWARDS: So moved.

CHAIRMAN SHEAHAN: Is there a second?

COMMISSIONER ROSALES: Second.

CHAIRMAN SHEAHAN: Any discussion?

(No response.)

All those in favor say aye.

(Chorus of ayes.)

Opposed say nay.
The Petitions for Rehearing are denied.

The last item on our agenda is the 2015 Annual Report on Electricity, Gas, Water and Sewer Utilities. There are non-substantive edits. Is there a motion to approve the report as edited?

COMMISSIONER MAYE EDWARDS: So moved.

CHAIRMAN SHEAHAN: Is there a second?

COMMISSIONER ROSALES: Second.

CHAIRMAN SHEAHAN: Any discussion?

COMMISSIONER del VALLE: Mr. Chairman, have all of the edits offered by the offices -- the different offices been included in these edits that are part of this report?

CHAIRMAN SHEAHAN: Yes. There were edits from your office and Commission McCabe's office.

COMMISSIONER del VALLE: Thank you.

COMMISSIONER McCabe: And we will see the final edits.

CHAIRMAN SHEAHAN: And we will see the final
edits.

Any other discussion?
(No response.)

All those in favor of approving the Annual Report as edited say aye.
(Chorus of ayes.)

Opposed say nay.
(No response.)

The ayes have it and the Annual Report is approved.

Judge Kimbrel, do we have any other matters to come before the Commission?

JUDGE KIMBREL: There's nothing further,

Mr. Chairman.

CHAIRMAN SHEAHAN: Commissioners, do we have any other business to bring before the Commission?
(No response.)

Seeing none, the meeting stands adjourned. Thank you.
(Whereupon, the above matter was adjourned.)