BEFORE THE
ILLINOIS COMMERCE COMMISSION
SPECIAL OPEN MEETING
(PUBLIC UTILITIES)
Springfield, Illinois
Tuesday, January 28, 2014

Met, pursuant to notice, at 1:30 P.M. at 527 East Capitol Avenue, Springfield, Illinois.

PRESENT:
MR. DOUGLAS P. SCOTT, Chairman
MR. JOHN T. COLGAN, Commissioner
MS. ANN McCABE, Commissioner
MS. SHERINA E. MAYE, Commissioner
MR. MIGUEL del VALLE, Commissioner (by video)

MIDWEST LITIGATION SERVICES, by
Angela C. Turner, Reporter
CSR #084-004122
PROCEEDINGS

CHAIRMAN SCOTT: Is everything ready in Chicago?

COMMISSIONER DEL VALLE: We're set.

CHAIRMAN SCOTT: Thank you.

Pursuant to the provisions of the Open Meetings Act, I now convene a Special Open Meeting of the Illinois Commerce Commission. With me in Springfield are Commissioner Colgan, Commissioner McCabe and Commissioner Maye. With us in Chicago is Commissioner del Valle. I am Chairman Scott. We have a quorum.

Before moving into the agenda, according to Section 1700.10 of Title 2 of the Administrative Code, this is the time we allow 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 Commission meetings. According to the Chief Clerk's office, we have no requests to speak at today's meeting.

The first item on our agenda today is our Introduction of Members of the Delegation to the Second Partnership Exchange of the National
Association of Regulatory Utility Commissioners, or
NARUC, Partnership between the Energy and Water
Utilities Regulatory Authority of Tanzania and the
Illinois Commerce Commission, sponsored by the United
States Agency for International Development, or
USAID.

Commissioner Colgan was part of a delegation
that travelled to Tanzania last year. And this is
part of the learning exchange. The group from
Tanzania is now here with us in Springfield. One
thing that they have learned about is the Illinois
weather at the end of January. We apologize for
that. But having gotten to meet them and speak with
them over the last couple of days, they're not only
very, very smart people, but also very nice people as
well. So we're very glad to welcome you to
Springfield.

Let me turn it over to Commissioner Colgan
to explain a little bit about the delegation.

COMMISSIONER COLGAN: Thank you, Chairman.

As most of us are aware, the National
Association of Regulatory Utility Commissioners is
committed to helping developing countries with their
utility regulatory efforts. With the trend of energy
market development internationally, several countries have approached NARUC and asked for some exchange back and forth between those countries and their American counterparts. So NARUC established the international committee to manage the outreach of the activity across the globe, including partnerships with numerous countries in Eastern Europe, Africa and Bangladesh.

I am happy to announce that one of those countries is the United Republic of Tanzania and their regulatory authority, the Energy and Water Utilities Regulatory Authority that have become known to us as EWURA, the acronym for Energy and Water Utilities Regulatory Authority. Through NARUC, the ICC has established a partnership with Tanzania and its regulatory authority EWURA. And five members of the EWURA staff are here with us here in Springfield for this week for the second phase of that partnership.

The funding for the project is being provided by the U.S. Department of International Development with NARUC as the coordinating -- that's coordinating the partnership program. And as the Chairman said, Linda Wagner, Randy Rismiller and I
travelled to Tanzania back in August for the first phase of this partnership activity. And while we were there, we focused on several areas of interest that centered generally on discussions concerning power purchase agreements for gas, hydro and geothermal projects and sharing experiences and providing models for them to develop regulatory framework for natural gas and renewable energy.

This project is also a part of Power Africa, which is an initiative that was announced by President Barack Obama when he was in Tanzania and Dar es Salaam, where our colleagues are from, when he was there last June. Tanzania is one of six countries that are involved in the Power Africa initiative. The other countries are Ethiopia, Ghana, Kenya, Liberia and Nigeria.

Power Africa is aimed at doubling access to power in the partner countries, developing newly discovered resources and managing those resources, and building out a power generation and transmission infrastructure and expand the reach of mini-grid and off-grid solutions. The ICC's role in that initiative is to provide this regulator-to-regulator exchange back and forth to the country of Tanzania.
So with that, I would like to introduce this delegation to you. First, I would like to introduce Kirsten Verclas. And Kirsten, if you would stand, and each of you stand when I call your name. Kirsten is -- you can stay standing. Kirsten has worked with NARUC and she works with the international group there. And she is the project manager for this project with Tanzania. And she's been our interface with our colleagues from Tanzania as we have been developing our partnership.

I would like to introduce the other members of the delegation as well. If you will just stay standing until I am finished. Anastas Mbwala, he is the Director of Electricity. Kapwete Mboya is the Manager of Licensing and Enforcement. Felix Ngamlagosi is the Director of Regulatory Economics. Thobias Rwelamira is the Gas Distribution Manager. And George Kabelwa is the Principal Economist.

And if you will join me in welcoming our colleagues from Tanzania and welcoming them to the United States of America through the State of Illinois and through the Illinois Commerce Commission.

(Applause.)
COMMISSIONER COLGAN: And then, finally, I would just like to thank NARUC for the coordination, USAID, to the Commissioners, the Chairman, and my fellow Commissioners. But there's some other people, I need to call their names, because they have done a lot of work on this. Jonathan Feipel, our Director. Gene Beyer, Linda Wagner, Randy Rismiller, Carol Weller, Gayle Fuiten and Jodie Hovey. They have done a lot of work in terms of just putting the details together. And so we're, right now, in the middle of our second day, and we have three more days left. But it's just been a great experience to work with all of you. And I hope the rest of your visit here is enjoyable and educational. Thank you very much.

CHAIRMAN SCOTT: Thank you, Commissioner.

(Applause.)

CHAIRMAN SCOTT: Thank you, Commissioner Colgan.

Any other comments?

(No response.)

CHAIRMAN SCOTT: Once again, welcome to Springfield. Thank you very much for being here. Moving on to Item 2 of the agenda is Docket Number 13-0495. This is Commonwealth Edison's
Petition for Approval of its Energy Efficiency and Demand-Response Plan pursuant to Section 8-103(f) of the Public Utilities Act. ALJ Haynes recommends entry of an Order directing ComEd to file a revised plan.

I have some proposed edits to this Order. Starting with the Residential Lighting Program. It is under the Commission Analysis and Conclusions on pages 88 to 89 of the PEPO. These edits accomplish the following:

Adopt the AG's recommendation to transfer certain programs from ComEd's EEPS plan under Section 8-103 to the IPA plan under Section 16-111.5B in second and third plan years. It is my position that the Commission is not limited to considering energy efficiency plans in silos and can recommend that ComEd shift successful EE programs to the IPA so that they can be more fully funded and expanded.

Section 16-111.5B includes no fewer than eight references to Section 8-103 of the Act. The General Assembly clearly linked the programs to be provided under both sections. While we cannot mandate IPA include the programs in their filing with the Commission, it seems important for the Commission
Second, within this set of edits, to the extent that funds are freed up for investment in Section 8-103 programs, direct that those funds should be spent on residential sector programs to maintain the diverse cross-section of opportunities for customers of all rate classes to participate in the programs.

And then reject IIEC's argument that such transfers might result in ComEd spending more on energy efficiency plans than would otherwise be permitted under Section 8-103 of the Act. There is no discernable indication that the General Assembly intended to consider the funding provided under Section 8-103 programs and Section 16-111.5B programs in total when taking into account the spending caps imposed by Section 8-103(d).

The next set of edits appears under CHP, Commission Analysis and Conclusions on pages 92 to 93 of the PEPO. These edits simply encourage the Company to initiate a discussion with the Stakeholder Advisory Group evaluating a CHP Pilot Program as soon as possible to allow that program to be implemented in a timely manner.
The next set of edits appears under EM&V, Spillover, Commission Analysis and Conclusions on page 101 of the PEPO. These edits mirror the discussion of this topic in all of the energy efficiency proceedings currently before us and direct the evaluators to consider spillover while being mindful of excessive costs in relation to predicted impacts. And in addition, suggest that the program-wide spillover survey be completed in a timely fashion, as it would benefit all of the parties to these proceedings.

The next set of edits appears under Illinois TRM Measure Research, Commission Analysis and Conclusions on page 134 of the PEPO. These edits further expand upon the reasons why the TRM is important and make clear that all parties agree on the importance of measuring and preserving its accuracy.

With that, I would move for the adoption of these edits. Is there a second?

COMMISSIONER MAYE: Second.

CHAIRMAN SCOTT: Second by Commissioner Maye.

Is there any discussion on the edits?
(No response.)

CHAIRMAN SCOTT: All in favor of the edits say aye.

(Chorus of ayes.)

CHAIRMAN SCOTT: Any opposed?

(No response.)

CHAIRMAN SCOTT: The vote is five to nothing and the edits are adopted.

Commissioner McCabe has some joint edits to propose.

Commissioner.

COMMISSIONER MCCABE: I propose edits to the Order that appear on pages 80 to 81. These amendments contain the ALJ's legal determination that the Smart Meter Devices Program may be considered. They approved the ELPC's proposed Smart Devices Program and encouraged the Company to use the emerging technologies program. Recognizing that the Stakeholder Advisory Group, also known as SAG, has not vetted ELPC's recommended program, the amendments ask the Company to gather SAG input and report back to the Commission within six months.

We're witnessing a dynamic period in the utility industry. Electric delivery companies are
the center of a fast-paced evolution in how consumers use, track, and reduce their energy usage. Company's involved in the innovative products like the in-home energy display can provide consumers with a more detailed look into their electric usage.

ComEd and Ameren are investing billions in Smart infrastructure, including EMI meters. As Commissioners, we should ensure that EMI investments are leveraged so that consumers are given the best tools available to reduce their energy consumption. I would say reduce and manage their energy consumption.

The Smart Device Program is one way in which Smart meters can be paired with in-home products to give customers greater control over energy usage.

I want to thank the Chairman's office for their help with these edits and move for their adoption.

CHAIRMAN SCOTT: The amendments have been moved. Is there a second?

COMMISSIONER COLGAN: Second.

CHAIRMAN SCOTT: Second by Commissioner Colgan.

Is there any discussion on the edits?
(No response.)

CHAIRMAN SCOTT: All in favor say aye.

(Chorus of ayes.)

CHAIRMAN SCOTT: Any opposed?

(No response.)

CHAIRMAN SCOTT: The vote is five to nothing and the edits are adopted.

Is there any further discussion or further edits to propose?

(No response.)

CHAIRMAN SCOTT: Is there then a motion to enter the Order as amended?

COMMISSIONER MCCABE: So moved.

CHAIRMAN SCOTT: Moved by Commissioner McCabe.

COMMISSIONER COLGAN: Second.

CHAIRMAN SCOTT: Second by Commissioner Colgan.

Any further discussion?

(No response.)

CHAIRMAN SCOTT: All in favor say aye.

(Chorus of ayes.)

CHAIRMAN SCOTT: Any opposed?

(No response.)
CHAIRMAN SCOTT: The vote is five to nothing and the Order, as amended, is entered.

Item 3 is Docket Number 13-0498. This is Ameren's Petition for Approval of its Energy Efficiency and Demand-Response Plan pursuant to Sections 8-103(e) and (f) and 8-104(e) and (f) of the Public Utilities Act. ALJ Yoder recommends entry of an Order conditionally approving Ameren's Energy Efficiency and Demand-Response Plan. I have some proposed edits to this Order.

The first set of edits appears under Adequacy of Savings Goals, Commission Conclusions on pages 24 and 25 of the PEPO. It's my opinion, and the opinion of many intervenors in this proceeding, that Ameren is setting its savings goals far lower than it should be in an effort to be conservative. I don't think that that is the correct path, as we encouraged Ameren in the last Three-Year Plan proceeding to continue to innovate to meet the goals it is required to meet. While these edits do not prescribe any specific numerical goal, they do direct Ameren to present a revised plan that includes increased proposed savings in line with previous years.
The second set of edits appears under Proposed Spending Requirements, Commission Conclusions on pages 29 to 30 of the PEPO. The original conclusion did not adequately evaluate Staff's proposal, which was to spend all of the funding to the extent practicable on cost-effective energy measures. I believe this is a reasonable position between what we saw as the Company's "spend only what is safe" position and CUB and NRDC's "spend it all regardless" position.

The third set of edits appears under Removing Programs from the Plan into the IPA Procurement Plan, Commission Conclusions on pages 62 to 63 of the PEPO. These edits accomplish the following:

First, adopt the AG's recommendation to transfer certain programs from Ameren's EEPS plan under Section 8-103 to the IPA plan under Section 16-111.5B in the second and third plan years. It is my position, as we said earlier in the earlier docket item, that the Commission is not limited to considering energy efficiency plans in silos and can recommend that Ameren shift successful EE programs to the IPA so that they can be more fully funded and
expanded. Section 16-111.5B includes no fewer than eight references to Section 8-103 of the Act. The General Assembly clearly linked the programs to be provided under both sections.

Next, reject Ameren's argument that they "cannot rely on a presumption of approval". Again, while we can't mandate the IPA include the programs in their filing with the Commission, we would encourage them, obviously, to treat our recommendation favorable. Further, it's unclear why third party vendors would decline to participate in the expansion of a successful program simply because the funding is different and the requirements to run that program are slightly different.

To the extent funds are freed up for investment in Section 8-103 programs, these edits would direct that those funds should be spent on residential sector programs to maintain the diverse cross-section of opportunities for customers of all rate classes to participate in the programs.

And the edits would reject the IIEC's argument that such transfers might result in ComEd spending more on energy efficiency plans than would otherwise be permitted under Section 8-103 of the
Act. Again, as we discussed in the earlier item, there is no discernable indication that the General Assembly intended to consider the funding provided for Section 8-103 programs and Section 16-111.5B programs in total when taking into account the spending caps imposed by Section 8-103(d).

The fourth set of edits appears under On-Bill Financing, Commission Conclusions on page 85 of the PEPO. Instead of rejecting the AG's proposal, these edits agree with the AG that Ameren should evaluate including an OBF program in its plan. Obviously, the program was successful and in demand, given that Ameren exhausted its other financing program and discontinued offering it. I believe it could be successful here as well. These edits also suggest that if the OBF is not ultimately included, that they propose it in their IPA plan.

The fifth set of edits appears under Spillover and Free Ridership Factors for NTG Values, Commission Conclusions on page 99 of the PEPO. These edits mirror previous edits on this topic directing evaluators to consider spillover while being mindful of excessive costs in relation to predicted impacts.

The sixth set of edits appears under
Modified NTG Framework Proposals, Commission
Conclusions on page 122 of the PEPO. These edits encourage the parties to continue discussions on modified framework that is not excessively complicated or burdensome.

With that, I would move for the adoption of these edits. Is there a second?

COMMISSIONER COLGAN: Second.

CHAIRMAN SCOTT: Second by Commissioner Colgan.

Is there any discussion on the edits? Commissioner McCabe.

COMMISSIONER MCCABE: Mr. Chairman, on the Residential Lighting Program, is it fair to say both here and in the ComEd Order that to the extent funds are freed up, they're going to be allocating towards the residential programs that should allay some of IECC's concerns?

CHAIRMAN SCOTT: Yes.

Further discussion on the edits?

(No response.)

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

(Chorus of ayes.)
CHAIRMAN SCOTT: Any opposed?

(No response.)

CHAIRMAN SCOTT: The vote is five to nothing and the edits are adopted.

Commissioner McCabe, I believe you have some edits.

COMMISSIONER MCCABE: I propose edits to the PEPO that appear on pages 78 to 79. Similar to the edits in the ComEd Order. These edits approve ELPC Smart Devices Program. The PEPO rejected the program but adopted part of the CUB's recommendation, which was to require AIC to discuss this program with the Stakeholder Advisory Group. These edits keep that recommendation and add CUB's other recommendation, which was to spend remaining amounts of Ameren's emerging technologies budget to develop the Smart Devices Program.

In addition, the edits require AIC to discuss its plan with the Stakeholder Advisory Group and report back to the Commission on the progress within six months.

My comments in regards to ComEd energy efficiency Order edits apply equally here. It's my hope that they continue to look for ways to give
consumers greater control over energy usage. With that, I move for the adoption of these amendments.

CHAIRMAN SCOTT: The adoption has been moved. Is there a second?

COMMISSIONER MAYE: Second.

CHAIRMAN SCOTT: Second by Commissioner Maye.

Any discussion on the amendments?

(No response.)

CHAIRMAN SCOTT: All in favor say aye.

(Chorus of ayes.)

CHAIRMAN SCOTT: Any opposed?

(No response.)

CHAIRMAN SCOTT: The vote is five to nothing and the edits are adopted.

Is there any further discussion or any further edits to propose?

(No response.)

CHAIRMAN SCOTT: Is there a motion to enter the Order as amended?

COMMISSIONER MCCABE: So moved.

CHAIRMAN SCOTT: Moved by Commissioner McCabe.

COMMISSIONER COLGAN: Second.
CHAIRMAN SCOTT: Second by Commissioner Colgan.

Any further discussion?

(No response.)

CHAIRMAN SCOTT: All in favor say aye.

(Chorus of ayes.)

CHAIRMAN SCOTT: Any opposed?

(No response.)

CHAIRMAN SCOTT: The vote is five to nothing and the Order, as amended, is entered.

Item 4 is Docket Number 13-0499. This is the Illinois Department of Commerce and Economic Opportunity's Petition for Approval of its Energy Efficiency Portfolio and Demand-Response Plan pursuant to Section 8-103(e) and (f) and 8-104(e) and (f) of the Public Utilities Act. ALJ Haynes recommends entry of an Order directing DCEO to file a revised plan.

I have some proposed edits for this Order. First, I want to thank the other offices for their assistance in tightening up some of the language in the edits. I think those suggestions have made these edits stronger. So thank you very much for that.

The first set of edits appears on pages 19
and 20 of the PEPO under Spillover. They merely emphasize that the evaluators should consider excessive costs and compare them to the predicted impact of the measurements being taken. This language is then consistent with language in the AIC Order and the ComEd Order on the topic of spillover. The second set of edits appears on page 23 of the PEPO under Stakeholder Advisory Group, Commission Analysis and Conclusions. My office felt that the language "possibly culminating in a policy manual" was too weak. And instead, we have added language that directs the SAG to complete the Policy Manual. We understand that these EE Orders put a lot on the SAG, but we feel that this is a very important item that should be given priority. The third set of edits appears on pages 25 to 26 of the PEPO under Program Flexibility, Commission Analysis and Conclusions. We wanted to draw a distinction between what we have asked the utilities to do with regard to flexibility -- filing reports, etc. -- versus what we were asking of DCEO. First, DCEO agreed to this proposal as an alternative if its first proposal is not adopted. And second, DCEO has a much smaller budget and fewer resources;
and thus, may benefit more potentially from the input of the SAG.

The last set of edits appears on page 42 of the PEPO under Low Income Programs, Commission Analysis and Conclusions. The PEPO's conclusion directs DCEO to work with the SAG on improving the programs to serve more customers and use funds more efficiently; but nonetheless, approves DCEO's portfolio with no changes.

I felt it was important to highlight CUB and Staff's suggestion that DCEO not use top-of-the-line furnaces when the corresponding energy savings does not warrant doing so and additional language underscoring the importance of reaching as broad a population as possible with these programs.

With that, I would move for adoption of these edits. Is there a second?

COMMISSIONER MCCABE: Second.
CHAIRMAN SCOTT: Second by Commissioner McCabe.

Is there any discussion on the edits?

(No response.)

CHAIRMAN SCOTT: All in favor say aye.

(Chorus of ayes.)
CHAIRMAN SCOTT: Any opposed?

(No response.)

CHAIRMAN SCOTT: The vote is five to nothing and the edits are adopted.

Is there any further discussion or further edits to propose?

(No response.)

CHAIRMAN SCOTT: Is there then a motion to enter the Order as amended?

COMMISSIONER MAYE: So moved.

CHAIRMAN SCOTT: Moved by Commissioner Maye.

COMMISSIONER MCCABE: Second.

CHAIRMAN SCOTT: Second by Commissioner McCabe.

Any further discussion?

(No response.)

CHAIRMAN SCOTT: All in favor say aye.

(Chorus of ayes.)

CHAIRMAN SCOTT: Any opposed?

(No response.)

CHAIRMAN SCOTT: The vote is five to nothing and the Order, as amended, is entered.

I want to thank Judges Haynes and Yoder for their work on these three plans. A lot of issues to
get through, and we really appreciate all of the work
that they have put into these items.

Item 5 is Docket Number 13-0506. This is
our investigation concerning the applicability of
Sections 16-122 and 16-108.6 of the Public Utilities
Act, with reference to the release of customer
information and AMI. ALJ Teague-Kingsley recommends
entry of a Post-Exceptions Proposed Order.

I believe Commissioner del Valle has a
proposed edit to this Order.

Commissioner.

COMMISSIONER DEL VALLE: Yes. Thank you,
Mr. Chairman.

First of all, I want to thank your office
for the assistance and the input on these edits.

My proposed edit can be found on page 17 of
the Proposed Order under the Commission Conclusions
for the Aggregated Anonymous Data section. The edit
amends that data protocol by adopting CUB's proposed
15/15 rule.

When the Commission initiated this docket,
it sought to strike a careful balance between
protecting the customers' privacy while unlocking the
full benefits of the Smart Meter infrastructure. I
believe this edit does not diminish the first goal of
protecting the customers' privacy, while at the same
time, it aids the second goal.

With that, I move the adoption of this edit.

CHAIRMAN SCOTT: The edit has been moved.

Is there a second?

COMMISSIONER COLGAN: Second.

CHAIRMAN SCOTT: Is there any discussion on
the proposed edit?

(No response.)

CHAIRMAN SCOTT: All in favor say aye.

(Chorus of ayes.)

CHAIRMAN SCOTT: Any opposed?

(No response.)

CHAIRMAN SCOTT: The vote is five to nothing
and the edit is adopted.

Thank you, Commissioner del Valle.

And I believe Commissioner Maye also has
proposed edits.

COMMISSIONER MAYE: I do. Thank you.

The Chairman and I have circulated joint
proposed edits to add clarifying language to the PEPO
that states Section 16-122 does not allow the utility
to release customer specific usage data unless it's
provided anonymously to the service provider. In this case, in ARES or a municipality aggregating its resident electric service or the customer has provided consent. Section 16-122(a), as well as (b) and (c) are clear that customer-specific billing usage or load shape data cannot be provided unless a customer provides that authorization.

The edit further clarifies that the Commission is of the opinion that Section 16-122 and Section 108.6(d) are an exclusive list, and to interpret the statute otherwise ignores the plain meaning in the language of Section 16-122(a), which provides that customer information can only be released to a customer or a customer's agent who presents verifiable authorization.

As Commissioner del Valle stated, this Commission does see the importance of striking a careful balance between protecting a customer's privacy while unlocking the full benefits of the Smart Meter infrastructure. Research institutions and program administrators are an important part of maximizing this benefit of technology implemented as a result of EIMA. However, the Commission believes that the measures in this Order protect the
customers' privacy and are consistent with the statutes in place at this time.

With that, I move that these edits be adopted.

CHAIRMAN SCOTT: It's been moved. Is there a second?

COMMISSIONER COLGAN: Second.

CHAIRMAN SCOTT: Second by Commissioner Colgan.

Any discussion on the edits?

COMMISSIONER DEL VALLE: Yes, Mr. Chairman. I appreciate all the work that has gone into this particular edit. I know our Staff has spent quite a bit of time talking about this. We have a difference of opinion here though, and I would like to express my opinion for the record here.

The question is whether the Commission can expand on the list of parties included in Section 16-122 of the Public Utilities Act. The Commission has the authority to interpret Section 16-122, and should do so. In light of the important goals of the EIMA, and in doing so, should not read into it exclusions that are not expressed.

In the course of this docket, the City of
Chicago, CUB, CNT, ICEA, RESA, ELPC and the NRDC all agree with my reading of the section. This proposed joint edit excludes education or research institutions, such as the IIT Galvin Center, the Gas Technical Institute, and other local or national cutting-edge organizations. These institutions are crucial in developing studies on energy efficiency, demand-response, economic development, customer assistance, and other innovative products and services.

Earlier, we talked about Smart devices, for example, and the importance of giving customers greater control over energy usage. We're all agreed on that and agree with that goal. But the question is how do you reach that goal? At a time when we are highlighting all the benefits of EIMA, we close the door on making these a reality.

These edits -- this edit assumes the legislative intent was not to protect customers, but rather to micromanage who is excluded from accessing anonymous data, which cannot be traced back to its owner. The proposed Order shows adequate protection and research through anonymous data are not an either/or proposition.
In light of all this, the Commission must exercise its authority to set the limits to who can receive anonymous data in a manner to best facilitate the benefits promised to captive ratepayers -- are we still on?

CHAIRMAN SCOTT: Yes.

COMMISSIONER DEL VALLE: Okay.

Benefits promised -- I am seeing a screen that I thought had cut me off. Let me repeat that last line.

In light of this, the Commission must exercise its authority to set the limits to who can receive anonymous data in a manner to best facilitate the benefits promised to captive ratepayers when they were locked into an expensive modernization program. Excluding our educational and research institutes and their potential for innovation falls short of our obligation to ratepayers. Therefore, I will be voting no on this edit.

CHAIRMAN SCOTT: Thank you, Commissioner.

Further discussion?

Commissioner Colgan?

COMMISSIONER COLGAN: No.

CHAIRMAN SCOTT: No?
The only thing I'll say in response,
Commissioner del Valle, I think your points are very well taken. And I would like it to be the way that you set it out for all of the reasons that you said. And as we sat down to look through this language, it was even difficult to come up with a potential harm of what would happen if we read it that way.

But unfortunately, I think that list is clear. I think the statute is very clear. They don't have any "including, but not limited to" or "examples are such" that lead me to believe that the General Assembly meant something other than to make that list an exclusive list.

So as much as I wish it weren't so, my reading of it leads me to the opposite conclusion. I think it's very worthwhile for something to go back to the General Assembly on this issue. They've certainly showed a willingness to amend this before. So I think they may again if we can point out the issues as you said them, Commissioner.

But for those reasons, I am going to support the edits. I just think that that statute is that clear.

Further discussion on the amendment?
Commissioner Colgan?

COMMISSIONER COLGAN: Yes, just briefly. I think that it is maybe important that this would go back and the General Assembly would take another look at this, because I think this is indicative of some things that are going to continue to happen as we roll out this new way, new paradigm of doing things. And I think it's so important that we continue to develop the side of this benefit that will actually reach the customer. And while there are benefits to be realized here -- many, many benefits -- but it's almost like, you know, we have put this infrastructure, we're putting it in place and we haven't developed a plan for how the customer is going to benefit from it. And I think the quicker we can get to that, to those benefits, justifies the expenditure.

And so I hear this discussion. I have been following this discussion for a few days now. And I think it's really important for us as we continue to develop our positions and our policies to try to, like we did in our policy meeting last week, have that dialogue back and forth with the General Assembly so that we do get to the possible benefit in
that the intent of the law is made very clear.

COMMISSIONER MAYE: I just want to add one more thing in response to Commissioner del Valle's comment.

I do concur with the Chairman. I think that we all here -- I think it's safe to say that all five of us do want the same thing. And that, definitely, we agree that this is an issue that does need to go before the General Assembly. That's something that they need to work out. They need to put that intent there.

But again, in reading the statute, that is just not the intent that I got from it. I definitely understand that we do want to maximize all of the benefits of EIMA. At some point in time, as Commissioner Colgan stated, consumers are going to start wondering, "Okay. What benefits are we getting on this?" And we need to be able to justify that. And we want to give them the most benefits from this. But again, in reading this statute, to me, it was just clear that was just not there. I concur with everything you're saying, Commissioner del Valle. This is a case we'll agree to disagree.

COMMISSIONER DEL VALLE: Thank you. I
appreciate that. And I agree with you that all of us want to see the full realization of all the benefits that have been promised. But I think if your interpretation is correct, then obviously, the Chairman and others feel that that is what the statute says, I think it becomes a great example of how the statute is not coming close to keeping up with the activity that's taking place, particularly the fact that it was the General Assembly that authorized the modernization plan, which translated into increased cost for ratepayers at the time that we were promising benefits. And yet, if we don't have this research capability, if we don't have the activity to develop the new products, and if we don't put that on a track that's as fast as the implementation of this modernization plan, at the end, ratepayers will not have benefited as much as they were promised.

So I appreciate all the comments that have been made.

CHAIRMAN SCOTT: Thank you, Commissioner. Any further discussion on this item? (No response.)

CHAIRMAN SCOTT: The motion and a second to
approve the edits that were moved by Commissioner Maye. All in favor say aye.

(Chorus of ayes by Chairman Scott, Commissioner McCabe, Commissioner Colgan and Commissioner Maye.)

CHAIRMAN SCOTT: Any opposed?

COMMISSIONER DEL VALLE: No.

CHAIRMAN SCOTT: The vote is 4 to 1, and the edits are adopted.

Is there any further discussion or further edits to propose?

(No response.)

CHAIRMAN SCOTT: Is there then a motion to enter the Order as amended?

COMMISSIONER MCCABE: So moved.

CHAIRMAN SCOTT: Moved by Commissioner McCabe.

COMMISSIONER MAYE: Second.

CHAIRMAN SCOTT: Second by Commissioner Maye.

Any discussion?

(No response.)

CHAIRMAN SCOTT: All in favor say aye.

(Chorus of ayes.)
CHAIRMAN SCOTT: Any opposed?

(No response.)

CHAIRMAN SCOTT: The vote is five to nothing and the Order, as amended, is entered.

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

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

CHAIRMAN SCOTT: Thank you.

Commissioner Colgan.

COMMISSIONER COLGAN: Well, I knew when I started to make a list of Staff members to thank that that could be a mistake. And I made a little note to thank everybody else that put a lot of work in here. And there are a bunch of other Staff people who have put the time into -- I see a few of them in the audience. Scott Struck and Tom Kennedy back there. And I know Richard Zuraski -- and there I go again starting to name people, and I know I'm going to leave people out.

This has been an all-out effort on the part of the Staff. It's been from my perspective as, you know, the daunting task of organizing this and making it if people are going to come halfway around the
earth for an experience, we wanted it to be a full
and good experience. I just thank the Staff so much
for how they have mobilized and stepped up to the
plate and responded to this.

CHAIRMAN SCOTT: I wholeheartedly agree with
that. Thank you very much. If there is nothing
else --

COMMISSIONER MAYE: May I say something?

CHAIRMAN SCOTT: Yes. Commissioner.

COMMISSIONER MAYE: I just wanted to add, I
know that you don't get the thank you's, but most
definitely, I think that we have to thank
Commissioner Colgan here. I remember when I first
learned about this trip, I thought, I can't believe
he's vacationing in Tanzania. And then I quickly
learned that he was not going on vacation. He was
busting his behind. He was working and he was making
all five of us look stellar in another continent.

Now, our guests are here and he's continuing to make
all five of us look stellar with the help of our
Executive Director and entire agency. I just want to
thank him and his assistants for their very, very
hard work.

COMMISSIONER COLGAN: Thank you.
COMMISSIONER MCCABE: Second.

CHAIRMAN SCOTT: Absolutely.

There's nothing else to come before the Commission today. This meeting stands adjourned.

Thank you, everyone.

SPECIAL OPEN MEETING ADJOURNED.
CERTIFICATE OF REPORTER

I, Angela C. Turner, a Certified Shorthand Reporter within and for the State of Illinois, do hereby certify that the meeting aforementioned was held on the time and in the place previously described.

IN WITNESS WHEREOF, I have hereunto set my hand and seal.

__________________________
Angela C. Turner
IL CSR #084-004122