BEFORE THE

ILLINOIS COMMERCE COMMISSION

BENCH SESSION

February 5th, 2014
Chicago, Illinois

Met, pursuant to notice, at 10:30 o'clock a.m. At
160 North LaSalle Street, Chicago, Illinois 60601.

BEFORE:

MR. DOUGLAS P. SCOTT, Chairman

MR. JOHN T. COLGAN, Commissioner

MS. ANN McCABE, Commissioner

MR. MIGUEL del VALLE, Commissioner

MS. SHERINA E. MAYE, Commissioner

MR. JOHN T. COLGAN, Commissioner
    (Via videoconference)

MIDWEST LITIGATION SERVICES, by
JOANNA VITALE,
Certified Shorthand Reporter
Illinois CSR No. 084-004323
CHAIRMAN SCOTT: Is everyone ready in Springfield?

COMMISSIONER COLGAN: We're ready to go.

CHAIRMAN SCOTT: Pursuant to the provisions of the Open Meetings Act, I now convene a regularly scheduled Bench session of the Illinois Commerce Commission. With me in Chicago are Commissioner McCabe, Commissioner del Valle, and Commissioner Maye. In Springfield is Commissioner Colgan. 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 bench session.

Turning now to the electric portion of today's agenda. Item E-1 is our motion to initiate a citation proceeding against CRM Marketing for its failure to file a Compliance Recertification Report as required by 83 Ill. Adm. Code Section 454.110 and for failure to maintain corporate status. Staff recommends entry of an Order initiating the citation proceeding.
Is there any discussion?

Is there a motion to initiate the citation proceeding?

COMMISSIONER McCABE: So moved.

CHAIRMAN SCOTT: Moved by Commissioner McCabe.

Is there a second?

COMMISSIONER MAYE: Second.

CHAIRMAN SCOTT: Seconded by Commissioner Maye.

All in favor say aye.

(Ayes heard.)

CHAIRMAN SCOTT: Opposed?

(No response.)

CHAIRMAN SCOTT: The vote is 5-0 and the Order initiating the proceeding is entered. We'll use this 5-0 vote for the remainder of today's public utility agenda unless otherwise noted.

Item E-2 is Docket No. 11-0687. This is our reconciliation of revenues collected under Rider EDR with actual costs associated with Energy Efficiency and Demand-Response Plans and under Rider GER with actual costs associated with natural gas Energy Efficiency Plans for Ameren. ALJ Albers recommends entry of an Order approving the reconciliation.

Is there any discussion?

(No response.)
CHAIRMAN SCOTT: Are there any objections?

(No response.)

CHAIRMAN SCOTT: Hearing none, the Order is entered.

Item E-3 is Docket No. 12-0598. This is Ameren's Petition for a Certificate of Public Convenience and Necessity, pursuant to Section 8-406.1 of the Illinois Public Utilities Act and an Order pursuant to Section 8-503 of the Public Utilities Act to construct, operate, and maintain a new high voltage electric service line and related facilities in various counties across Illinois. The Robinettes of Morgan County filed an Application for Rehearing on the portion of the line between Meredosia and Pawnee, which the Commission granted on September 18th, 2013. ALJs Albers and Yoder now recommend entry of a First Order on Rehearing denying the Robinettes' requested relief.

Is there any discussion?

(No response.)

CHAIRMAN SCOTT: Any objections?

(No response.)

CHAIRMAN SCOTT: Hearing none, the First Order is entered and the request is denied.

Item E-4 is Docket No. 13-0445. This is Mohammed Nameer Abusharekh's complaint against ComEd as
The parties have apparently settled their differences and have filed a stipulation and Joint Motion to Dismiss, which ALJ Benn recommends we grant.

Is there any discussion?

(No response.)

CHAIRMAN SCOTT: Any objections?

(No response.)

CHAIRMAN SCOTT: Hearing none, the Joint Motion to Dismiss is granted.

Item E-5 is Docket Nos. 13-0501 and 13-0517 consolidated. This is the People of the State of Illinois' complaint to suspend tariff changes submitted by Ameren and to investigate Ameren's Rate MAP-P pursuant to Sections 9-201, 9-250 and 16-108.5 of the Public Utilities Act. It also concerns Ameren's revisions to its formula rate structure and protocols. ALJs Albers and Yoder recommend denying the AG's motion to revisit conclusions in Interim Order.

Is there any discussion?

(No response.)

CHAIRMAN SCOTT: Are there any objections?

(No response.)

CHAIRMAN SCOTT: Hearing none, the motion is denied.
COMMISSIONER del VALLE: (inaudible)

CHAIRMAN SCOTT: We'll take a vote then. All in favor say aye.

(Ayes heard.)

CHAIRMAN SCOTT: Opposed?

COMMISSIONER del VALLE: No.

CHAIRMAN SCOTT: The vote is 4-1 and the motion is denied.

Item E-6 is Docket No. 13-0515. This is Valerie Rodriguez-Hampton's complaint against ComEd as to deposit request and payment agreement in Dixmoor. ALJ Benn recommends entry of an Order dismissing the complaint for want of prosecution.

Is there any discussion?

(No response.)

CHAIRMAN SCOTT: Are there any objections?

(No response.)

CHAIRMAN SCOTT: Hearing none, the Order is entered and the complaint is dismissed.

Item E-7 is Docket No. 13-0552. This is ComEd's submission of its Rider NAM, Non-AMI Metering tariff. ALJ Haynes recommends entry of an Order approving Rider NAM as amended.

Is there any discussion?

My office would like to propose edits to the
Order, which can be found on pages 17-18 of the PEPO. These edits reverse the conclusion not to include the sunset provision at this time. It is my opinion that the sunset provision is necessary to inform customers that their refusal of a meter is not a permanent solution given the statute. I think it's important, and only fair to be transparent and honest with the customers, from the start, concerning the binding nature of the General Assembly's language in the Act. With that I would move for adoption of this edit.

Is there a second?

COMMISSIONER del VALLE: Second.

CHAIRMAN SCOTT: Seconded by Commissioner del Valle.

Is there any discussion on the edit?

All in favor of the edit vote aye.

(Ayes heard.)

CHAIRMAN SCOTT: Opposed?

(No response.)

CHAIRMAN SCOTT: Vote is 5-0 and the edit is approved. Commissioner del Valle, you have an edit on this, as well.

COMMISSIONER del VALLE: Yes. Thank you, Mr. Chairman. My proposed edit would be added to the Commission and Analysis and Conclusion section on
page 13 of the proposed Order. It reads as follows:

Purpose of this charge is primarily to motivate customers to switch while also avoiding the socialization of costs incurred by customers' refusals. In the interest of transparency and to insure that this tariff has the desired effect, the Commission directs ComEd to make this charge a separate line item in each customer's bill and use language for that line item that makes it absolutely clear that the charge is a penalty assessed as a consequence of the customer's refusal.

The Commission recommends smart meter refusal charge as the language.

CHAIRMAN SCOTT: Are you moving that amendment?
COMMISSIONER del VALLE: I move.
CHAIRMAN SCOTT: Is there a second?
COMMISSIONER McCabe: Second.
CHAIRMAN: Seconded by Commissioner McCabe.

Discussion on the proposed amendment, all in favor say aye.

(Ayes heard.)

CHAIRMAN SCOTT: Any opposed?

(No response.)

CHAIRMAN SCOTT: The vote is 5-0 and the amendment is adopted. Any further discussion.

I just want to make a couple quick comments on
this, we're going to -- obviously let the sunset provision back in. I appreciate that. I think that's important. Also, the provision is in here to revisit these costs on a regular basis, which I really think we're going to want to do for a lot of reasons. When this was sold to the General Assembly, it was sold on the basis that having all these meters in place means a lot for the system. That was part of the reason behind the hundred percent language in the statute are all customers' language in the statute. And we really don't know what efficiencies are lost if the subdivision on chooses on un not to put the meters in and -- or what happens to the efficiencies, not just the cost of complying with that, what the meter readers then have to do. So we're really kind of at a loss for a lot of information that I think we're going to need as we continue on this process over the period of time that these meters are getting installed and refusals happen.

I also think we need to revisit the cost issue itself. We've got tariffs for similar kinds of operations that are a lot more expensive than this. I understand not wanting to have rate shock on particular customers; but the reality is whatever we don't charge these customers, other customers are paying for. So it's just as true that the well-to-do customer may be
getting subsidized by the person of moderate or low means as well if they choose -- if the person of means chooses to refuse in this case. And I don't think that's what anybody wants either. So I agree with you that the purpose here is to try to make sure we don't have as many refusals. I think a cost does that, but I really think we need to continue to revisit to make sure that the cost is a correct one for a lot of different reasons.

COMMISSIONER del VALLE: I fully agree.

CHAIRMAN SCOTT: I thought you might have.

Is there any other discussion on this issue? I'm sure we'll see it again. We've had a motion to approve the Order as amended and a second. Did we do that yet? Let me make sure.

Is there a motion to approve the Order as amended?

COMMISSIONER del VALLE: So moved.

CHAIRMAN SCOTT: Moved by Commissioner del Valle.

Is there a second?

COMMISSIONER McCabe: Second.

CHAIRMAN SCOTT: Seconded by Commissioner McCabe.

All in favor say aye.

(Ayes heard.)

CHAIRMAN SCOTT: Any opposed?
CHAIRMAN SCOTT: The vote is 5-0 on the Order, as amended is approved.

Item E-8 is Docket No. 13-0575. This is IDOT, on behalf of the People of the State of Illinois' petition for approval of the taking or damaging of certain properties owned by ComEd in Will County by exercising the right of eminent domain. ALJ Hilliard recommends entry of an Order granting the petition.

Is there any discussion?

(No response.)

CHAIRMAN SCOTT: Any objections?

(No response.)

CHAIRMAN SCOTT: Hearing none, the Order is entered.

Items E-9 and E-10 can be taken together. These items concern complaints against ComEd as to the erroneous tampering and billing/charges. In both cases, the parties have apparently settled their differences and filed a Stipulation and Motion to Dismiss, which the ALJ in each case recommends we grant.

Is there any discussion?

(No response.)

CHAIRMAN SCOTT: Any objections?

(No response.)
CHAIRMAN SCOTT: Hearing none, the Orders are entered.

Item E-11 is Docket No. 13-0624. This is NRG Kiosk's Application for Licensure as Agents, Brokers and Consultants under Section 16-115C of the Public Utilities Act. ALJ Kimbrel recommends entry of an Order granting the requested certificate.

Is there any discussion?

(No response.)

CHAIRMAN SCOTT: Any objections?

(No response.)

CHAIRMAN SCOTT: Hearing none, the Order is entered.

Items E-12 and E-13 can be taken together. These items concern Applications for certificate of service authority under Section 16-115 of the Public Utilities Act. In both cases ALJ Von Qualen recommends entry of an Order granting the requested certificate.

Is there any discussion?

(No response.)

CHAIRMAN SCOTT: Any objections?

(No response.)

CHAIRMAN SCOTT: Hearing none, the Orders are entered.

Item E-14 is Docket No. 13-0638. This is
Ameren's petition for Approval of Commercial Customer Release pursuant to Sections 2 and 6 of the Electric Supplier Act. ALJ Yoder recommends entry of an Order granting the requested relief.

Is there any discussion?
(No response.)

CHAIRMAN SCOTT: Any objections?
(No response.)

CHAIRMAN SCOTT: Hearing none, the Order is entered.

Items E-15 through E-23 can be taken together.

These items concern Applications for Certification as an Installer of Distributed Generation facilities under Section 16-128A of the Public Utilities Act. In each case ALJ Haloulos-Baker recommends entry of an Order granting the certificate.

Is there any discussion?

COMMISSIONER COLGAN: I have a question.

CHAIRMAN SCOTT: Commissioner Colgan?

COMMISSIONER COLGAN: I think this is the second time we've seen some of these Applications for Distributed Generation, a certification to install distributed generation. And I didn't find in the cover memo or the Order that these people who were applying, I didn't see any information about whether or not they had provided
this service in other jurisdictions. And if they had
provided that service, if there were any problems or
complaints that were pending against them. And I guess
my question is, is there a question like that on the
application?

JUDGE BAKER: No.

COMMISSIONER COLGAN: To be quite honest, it appeared all
these were going to be Illinois companies. I don't
think -- and Judge Baker can -- maybe she knows. I
believe they're all Illinois companies.

JUDGE BAKER: They are.

COMMISSIONER COLGAN: I don't think that we actually
anticipated, at least in the initial round, having to
check out of state or, you know, what consumer
complaints. I'm not even sure it would be a place where
consumer complaints would be registered for any of the
companies that had been doing installation prior to
our -- the new statute and the new rules. Judge Baker,
would you say they're mostly electrical contractors?

JUDGE BAKER: Yes. And this actually did come up
with counsel. And I don't think there is any way at
this point to fact check that. Or there's no way, at
least from our perspective, to determine that out of
state. If there's something going on out of state,
complaints.
JUDGE WALLACE: I was going to drop it off on Eric, but he's not here. We can certainly add that to the application to determine if they do operate in other states or if they've had complaints in other states.

COMMISSIONER COLGAN: Well, I, for one, would like to know. And just because they're Illinois companies, doesn't mean they don't work in Indiana, Michigan, Wisconsin, Iowa. I mean, they could be working in many different jurisdictions, and I'd like to know that if we're going to certificate them to do these installations in Illinois, that they're going to be a good player in doing those installations.

JUDGE WALLACE: I agree with that. I don't know that we've looked into whether our surrounding states have a similar statute that we do or not. We may be in the forefront.

COMMISSIONER McCABE: Judge Baker, do you have any sense of how many of the applicants have been doing this kind of work?

JUDGE BAKER: No. I mean, there's a minimum requirement that they've done it a few times. But beyond that, no.

COMMISSIONER del VALLE: Is that the five installations?
JUDGE BAKER: Yes.

CHAIRMAN SCOTT: It probably would be something worthwhile to have -- add that into the form.

JUDGE BAKER: Not a problem.

CHAIRMAN SCOTT: Thank you. Further discussion?

Is there any objections to granting -- or approving the Orders?

Hearing none, the Orders are entered.

Item E-24 is Docket No. 14-0025. This is Corn Belt Energy Corporation and American Illinois' Joint Petition for Approval of Amendment No. 14 to the service area agreements between the two companies. ALJ Jones recommends entry of an Order granting the Joint Petition.

Is there any discussion?

(No response.)

CHAIRMAN SCOTT: Any objections?

(No response.)

CHAIRMAN SCOTT: Hearing none, the Order is entered.

Turning now to Natural Gas, Items G-1 through G-4 can be taken together. These items concern complaints against Peoples Gas as to billing/charges and service. In each case, ALJ Benn recommends entry of an Order dismissing the proceeding.
Is there any discussion?
(No response.)

CHAIRMAN SCOTT: Any objections?
(No response.)

CHAIRMAN SCOTT: Hearing none, the Orders are entered.

Item G-5 is Docket No. 12-0657. This is our reconciliation of revenues collected under gas adjustment charges with actual costs prudently incurred for Mt. Carmel Public Utility Co. ALJ Jones recommends an entry of an Order approving the reconciliation.

Is there any discussion?
(No response.)

CHAIRMAN SCOTT: Any objections?
(No response.)

CHAIRMAN SCOTT: Hearing none, the Order is entered.

Item G-6 is Docket No. 14-0019. This is Integrys Energy Services' Petition for Relief to Protect Confidential and Proprietary Information in TEGE LLC's financial reporting requirements from disclosure for not less than two years. ALJ Albers recommends entry of an Order granting the requested relief.

Is there any discussion?
(No response.)
CHAIRMAN SCOTT: Any objections?

(No response.)

CHAIRMAN SCOTT: Hearing none, the Order is entered.

On to telecommunications, Item T-1 is Docket No. 12-0680. This is American broadband and Telecommunications Company's Petition for Limited Designation as a Wireless Eligible Telecommunications Carrier. ALJ Riley recommends entry of an Order granting the Petition.

Is there any discussion?

(No response.)

CHAIRMAN SCOTT: Any objections?

Yes, Commissioner del Valle?

COMMISSIONER del VALLE: This is for the lifeline service, right?

CHAIRMAN SCOTT: Judge Riley?

COMMISSIONER del VALLE: I have the same question regarding this telecommunications company that Commissioner Colgan had just a couple minutes ago. The process for review does not look into whether or not the company has had complaints filed against it in other states for this type of service.

JUDGE RILEY: Well, actually the staff is bound by nothing. The Commission staff is bound by absolutely
nothing. That's something they would look into. They would check with other states.

COMMISSIONER del VALLE: They do?

JUDGE RILEY: Yes.

COMMISSIONER del VALLE: But there's no mention in the Order of -- unlike with the ABCs, for example, where there's always a mention that there are no complaints.

JUDGE RILEY: The Order itself does not specifically address that, no.

COMMISSIONER del VALLE: Why not?

JUDGE RILEY: I really don't know.

COMMISSIONER del VALLE: Let's explore that.

JUDGE RILEY: Okay.

COMMISSIONER del VALLE: Because there have been problems in the past.

JUDGE RILEY: Right.

COMMISSIONER del VALLE: With the provision of the service, and we're on record as saying we're very supportive of the lifeline program, but you have these folks sometimes setting up tents in neighborhoods and just passing these things out like hotcakes. So I think it's important that we do everything to make sure that those that are providing the service are doing so in a correct manner.

JUDGE RILEY: Right. I understand that. The best
answer I can give you is that if there were problems in
other states, that would appear in the Order. If there
were no problems in other states, then it wouldn't be
addressed. But it would definitely be brought up by
staff and be part of our -- certainly be part of the
record.

CHAIRMAN SCOTT: Maybe just add a line to the
Orders; because I know that's something Commissioners
look for in other cases. So it's probably worthwhile to
do that. Thank you, Judge.

COMMISSIONER Colgan: I think that's a good point. I
remember back when we first -- we were proving ARES
and AGs and ABCs in the Orders,
there was no mention of if they provided service in
another state or if there had been problems. And I
remember this was a few years ago we asked for that to
start showing up in the Order. And I remember at the
time Jim Zolnierek, I believe it was Jim, said
they had done that from the beginning for these Telecom
Orders. And so we saw that as a best practice. Since
then, the AGS, the AREs and the ABCs have --
you know, when those come through, I always look for
that. I find that in there to find out if -- you know,
it's one thing to say I'm going to comply with all the
rules and regulations for how to operate this service in
the State of Illinois. But it's quite another thing to see that they've provided this service in other states and have or have not followed those rules and regulations. I think that that's a really good thing for us to -- you know, it's just to add one sentence in an Order that makes that clear.

CHAIRMAN SCOTT: Absolutely.

Any further discussion?

(No response.)

CHAIRMAN SCOTT: Are there any objections?

(No response.)

CHAIRMAN SCOTT: Hearing none, the Order is entered.

Items T-2 and T-3 can be taken together.

These items are Petitions for Withdrawal or cancellation of service authority. In both cases, ALJ Haloulos-Baker recommends entry of an Order granting the petition.

Is there any discussion?

(No response.)

CHAIRMAN SCOTT: Are there any objections?

(No response.)

CHAIRMAN SCOTT: Hearing none, the Orders are entered.

Items T-4 through T-9 can be taken together.

These are our motions to amend 83 Ill. Adm. Code
Sections 210, 220, 710, 711, 712, and 715. In each case, the ALJ recommends entry of an Order authorizing the submission of the Second Notice of Proposed Amendments to the Joint Committee on Administrative Rules.

Is there any discussion?

(No response.)

CHAIRMAN SCOTT: Are there any objections?

(No response.)

CHAIRMAN SCOTT: Hearing none, the Orders are entered.

Item T-10 is Docket No. 13-0570. This is Sage Telecom's application to Cancel Certificates of Local and Interexchange Authority to operate as a reseller and facilities-based carrier of telecommunications services, and resold wireless services in Illinois. ALJ Haloulos-Baker recommends entry of an Order granting the Petition to Withdraw.

Are there any discussions?

(No response.)

CHAIRMAN SCOTT: Are there any objections?

(No response.)

CHAIRMAN SCOTT: Hearing none, the Order is entered.

Items T-11 and T-12 can be taken together.
These are Joint Petitions for Approval of a Negotiated Interconnection Agreement, or an Amendment to the Interconnection Agreement, pursuant to 47 U.S.C. Section 252. In both cases, ALJ recommends entry of an Order approving the Agreement.

Is there any discussions?

(No response.)

CHAIRMAN SCOTT: Are there any objections?

(No response.)

CHAIRMAN SCOTT: Hearing none, the Orders are entered.

Item T-13 is Docket No. 13-0667. This is Granite Telecommunication's Application for a Certificate of Wireless Authority to operate as a reseller of commercial mobile radio service in Illinois. ALJ Riley recommends entry of an Order granting the certificate.

Is there any discussion?

(No response.)

CHAIRMAN SCOTT: Are there any objections?

(No response.)

CHAIRMAN SCOTT: Hearing none, the Order is entered.

Items T-14 and T-15 can be taken together.

These items are Petitions for cancellation certificates
to provide service. In both cases, ALJ Riley recommends entry of an Order cancelling the certificates.

Are there any discussions?

(No response.)

CHAIRMAN SCOTT: Are there any objections?

(No response.)

CHAIRMAN SCOTT: Hearing none, the Orders are entered.

Items T-16 through T-26 can be taken together. These items concern Petitions for relief to protect highly proprietary information in the Petitioner's annual report from disclosure for not less than two years. In each case, ALJ Benn recommends entry of an Order granting the requested relief.

Is there any discussion?

(No response.)

CHAIRMAN SCOTT: Are there any objections?

(No response.)

CHAIRMAN SCOTT: Hearing none, the Orders are entered.

We have one miscellaneous item on today's agenda, Item M-1 is Docket No. 11-0711. This is our development and adoption of rules concerning rate case expense. ALJ Sainsot recommends entry of a First Notice Order.
Is there any discussion?

Commissioner McCabe ...

COMMISSIONER McCabe: Good morning. Two questions -- or two sets of questions, if the Commission decides to exclude in-house or affiliate expenses from 9-229 scope, what happens to those expenses in a rate case? Are they simply added to your operating expenses or are they separated out since the proposed rules does provide some reporting for in-house expenses?

JUDGE SAINSOT: They would be separated out and looked at with scrutiny just to make -- if for no other reason than to make sure that there's no double billing, that in-house counsel isn't duplicating or in-house expert isn't duplicating what an outside person is doing. If they were approved, ultimately they would be considered an operating expense, but they would receive heightened scrutiny.

COMMISSIONER McCabe: Several parties including the AG and People's North Shore have argued that the Madigan Decision merely provides guidance to the Commission regarding the factors used in civil cases for attorneys' fees. Is the Commission bound by the factors outlined in the Kieser cases or is there flexibility given that a case is different in some respects to a civil case?
JUDGE SAINSOT: Well, on a very, very technical level, People Madigan did not absolutely require this Commission to be bound by that body of law. However, at this point, given the language in that opinion, if the Commission doesn't follow that body of law and doesn't explain on an evidentiary basis why it's not doing that, it could open the flood gates to reversal on appeal which creates a tremendous amount of uncertainty for the Commission and for the utilities and for other groups as well. Having said that, the Kieser line of case law is extremely flexible. In a nutshell, all it requires is verified evidence as to what these experts or attorneys do and quantifiable evidence. That's pretty standard in the legal community, and it's pretty standard in most service industries. So I hope that answered your question.

CHAIRMAN SCOTT: Commissioner del Valle ...

COMMISSIONER del VALLE: Two quick questions, first one is a general rate case filing a regular annual occurrence such that it should be considered a general operating expense or is a rate case a regular occurrence that can be considered extraordinary?

JUDGE SAINSOT: Are you asking that in terms of the employee expenses?

COMMISSIONER del VALLE: Right.
JUDGE SAINSOT: The employees get paid whether they work on a rate case or not. So they wouldn't -- it wouldn't be an extraordinary expense. They'd be doing something else.

COMMISSIONER del VALLE: The second question is does Section 9-229 with the Madigan appellate decision expressly define attorney or technical expert as excluding in-house employees?

JUDGE SAINSOT: It doesn't exclude them, but if you look at the language, it talks -- it speaks of an expenditure. There's no real expenditure involved in paying an employee you would be paying anyway.

COMMISSIONER del VALLE: Okay.

CHAIRMAN SCOTT: Further questions? Thank you, Judge. This item will be held for disposition at a future Commission proceeding.

On to Petitions for Rehearing, Item PR-1 is Docket No. 13-0318. This is ComEd's annual formula rate update and revenue requirement reconciliation under Section 16-108.5 of the Public Utilities Act. ComEd, the Citizens Utility Board, and the AG have filed applications for rehearing which ALJs Dolan and Kimbrel recommend we deny.

Commissioner Maye ...

COMMISSIONER MAYE: Good morning, Mr. Dolan. In
your memo regarding CUBs Petition for Rehearing on the
issue of the definition of rate year and reconciliation
cycle, you stated that if there's a need to amend the
Final Order and add more detail, it would be presented
at the next Bench session. Can you give us an update on
whether you will be presenting an Amended Order?

JUDGE DOLAN: Yes, Commissioner. After reviewing
that section, I -- the information is in the record and
it is just a matter of providing more details. So, yes,
Judge Kimbrel and myself are actually working on it and
we will have it ready for you for the next bench
session.

COMMISSIONER MAYE: Thank you.

CHAIRMAN SCOTT: Anything further for Judge Dolan?
The recommendation again is to deny rehearing.

Is there any objection to denying rehearing?

(No response.)

CHAIRMAN SCOTT: Hearing none, the Applications for
Rehearing are denied.

Item PR-2 is Docket No. 13-0387. This is
ComEd's filing concerning revenue-neutral tariff changes
related to rate design. ComEd and REACT filed
Applications for Rehearing, which ALJs Hilliard and
Jorgenson recommend we deny. ComEd also filed a Motion
for Clarification of the Commission's final Order in
this proceeding, which we will address here first.

By way of discussion, I agree with the Staff and ComEd regarding the need for further clarification as to the Commission's Order. This is the second time that the Commission has directed ComEd to provide evidence regarding cost of service for low use customers and/or explore how it defines the low use customer subclass. The first time being in Docket No. 10-0467 in the context of a SFV rate design. In this Order, we alluded to the fact that the evidence should be presented in the next proceeding, though we were not as clear as we should have been. It is my position that the most appropriate next proceeding would be a separate Section 9-250 investigation to further analyze how the SFV rate design impacts low use residential customers. Therefore, I would move to grant the Motion for Clarification, direct Staff to open a Section 9-250 proceeding to investigate the impact of an SFV rate design on low use residential customers and direct ComEd to provide the evidence regarding cost of service for low use customers in that proceeding.

Is there a second to that motion?

COMMISSIONER MAYE: Second.

CHAIRMAN SCOTT: Seconded by Commissioner Maye.

Discussion on the motion? All in favor of the motion
say aye.

(Ayes heard.)

CHAIRMAN SCOTT: Opposed?

(No response.)

CHAIRMAN SCOTT: The vote is 5-0 and the Motion for Clarification is granted.

Now we will address the Applications for Rehearing. Is there a motion to deny the requests for rehearing?

COMMISSIONER COLGAN: So moved.

CHAIRMAN SCOTT: Moved by Commissioner Colgan. Is there a second?

COMMISSIONER McCABE: Second.

CHAIRMAN SCOTT: Seconded by Commissioner McCabe.

Is there any discussion?

All in favor say aye.

(Ayes heard.)

CHAIRMAN SCOTT: Any opposed?

(No response.)

CHAIRMAN SCOTT: The vote is 5-0 the Petitions for Rehearing are denied.

Item PR-3 is Docket No. 13-0192. This is Ameren's tariff filing concerning a proposed general increase in gas rates. Ameren; the Retail Gas Suppliers together with the Retail Energy Supply Association and
the Illinois Competitive Energy Association; the
Citizens Utility Board; and the Illinois Industrial
Energy Consumers filed Applications for Rehearing. ALJ
Jones recommends entry of an Order denying the
applications.

We will first address Ameren, CUB, and the
IIEC's Applications for Rehearing.

Is there any objection to denying rehearing?
(No response.)

CHAIRMAN SCOTT: Hearing none, the Applications for
Rehearing are denied.

Next, with regard to RGS, RESA, and ICEA's
Petition for Rehearing, I have some comments. I still
believe the Commission's decision to include these
consumer protections and reporting requirements in its
Order regarding the SVT program are reasonable and
appropriate supplements to the existing statutory
requirements and will benefit consumers who choose to
participate in retail gas choice program. However,
these parties raised some interesting issues that
surround the practical implementation of those
additional requirements. Although the Order notes that
we will not relitigate the issues decided in this
proceeding, I would encourage the parties to continue
the discussion of how best to implement the additional
requirements in the future tariff proceeding. With that, I would move to deny RGS, RESA and ICEA's Petition for Rehearing.

Is there a second?

COMMISSIONER COLGAN: Aye.

CHAIRMAN SCOTT: Seconded by Commission Colgan.

Any discussion on that?

COMMISSIONER MAYE: Yes.

CHAIRMAN SCOTT: Commissioner Maye ...

COMMISSIONER MAYE: I respectfully descent from my colleagues. I believe the Commission should grant the RGS, RESA Petition for Rehearing on the issue of Commission's approval of CUB's approval three consumer protection proposal. The petition raises some valid concerns. From a legal perspective, the most appropriate way to handle the questions raised is to grant the petition. Page 246 of the final Order states, The Commission hereby Orders AIC to promptly hold a workshop following the issuance of this Order focusing on the issues that are not resolved by this Order. AIC is also directed to file a petition, tariffs, and testimony in support of the SVT's program within 45 days of the date of this Order. The Commission reminds the parties that the purpose of a separate proceeding shall be to resolve the remaining issue not decided in this
Order. To the extent a resolution of them is not reached in the workshop. In my opinion, the final Order makes clear that the tariff proceeding is to be limited to issues not resolved by the Order. While I understand that some of my colleagues would prefer to adjudicate the issues as part of the upcoming tariff proceeding, I'm of the opinion that because the Commission previously decided this issue when it voted to adopt the proposal to include CUBs' three consumer protection in the final Order, it would be procedurally improper to state that this issue has not been fully resolved and adjudicated.

CHAIRMAN SCOTT: Commissioner, any further discussion?

COMMISSIONER COLGAN: Well, I agree that it is -- that it has been decided that if we're going to do the consumer protections and your recommendation, Chairman, is to discuss that in the workshop setting, we're not discussing whether or not that would happen. We're discussing how that won't happen. That's what I support. And I appreciate your comments, Commissioner Maye.

CHAIRMAN SCOTT: Further discussion?

The motion to deny the RJS, RESA, and ICEA's Petition for Rehearing. All in favor say aye.
(Ayes heard.)

CHAIRMAN SCOTT: Opposed?

COMMISSIONER MAYE: No.

CHAIRMAN SCOTT: The vote is 4-1 and the Petition for Rehearing is denied.

Item PR-4 is Docket No. 13-0546. This is the Illinois Power Agency's Petition for Approval of the 2014 IPA Procurement Plan pursuant to Section 16-111.5 (d)(4) of the Public Utilities Act. The Renewable Suppliers filed an Application for Rehearing, which ALJ Wallace recommends we deny.

I would like to move to grant rehearing on this issue. In the final Order, the Commission expressly stated that if the Renewable Suppliers were to provide sufficient evidence to prove that the proposals would be in the public interest, we would be inclined to revisit the issue. I feel that the testimony provided by the Renewable Suppliers has the potential to provide much needed clarification on the ramifications of implementing either of the group's proposal concerning Long Term Power Purchase Agreements. Additionally, I find merit in the argument that there was not adequate opportunity for submission of this evidence in the original proceedings, which supports the need for rehearing at this time.
So I would move to grant rehearing in this case. Is there a second?

COMMISSIONER del VALLE: Second.

CHAIRMAN SCOTT: Seconded by Commissioner del Valle.

Is there discussion on that issue?

All in favor say aye.

(Ayes heard.)

CHAIRMAN SCOTT: Any opposed?

COMMISSIONER MAYE: No.

CHAIRMAN SCOTT: The vote is 4-1 and the Application for Rehearing is granted. We have one other item of business on today's agenda. This is a FERC matter concerning pending litigation, so we will go into closed session to address it. Is there a motion to go into closed session?

COMMISSIONER McCABE: So moved.

CHAIRMAN SCOTT: Is there a second?

COMMISSIONER del VALLE: Second.

CHAIRMAN SCOTT: Seconded by Commissioner del Valle. All in favor say aye.

(Ayes heard.)

CHAIRMAN SCOTT: Any opposed?

(No response.)

CHAIRMAN SCOTT: The vote is 5-0. The Commission
will now go into closed session. Please let me know when the room is ready in Springfield.

(At this point pages 37 - 42 of the proceedings are contained in a separate closed transcript.)
CONTINUATION OF PROCEEDING

COMMISSIONER COLGAN: I think we're ready here. As we go back into session, I would like to make a comment on PR-4.

CHAIRMAN SCOTT: Okay. Let me take care of the closed session item first. In closed session the Commission discussed FERC Docket No. ER14-972-000 concerning comments on PJM's January 10th, 2014 filing regarding cost allocation for projects included in PJM's December 11th, 2013 regional transmission expansion plan. Is there a motion to file the comments with FERC?

COMMISSIONER McCABE: So moved.

CHAIRMAN SCOTT: Moved by Commission McCabe. Is there a second?

COMMISSIONER MAYE: Second by Commissioner Maye.

All in favor say aye.

(Ayes heard.)

CHAIRMAN SCOTT: Any opposed?

(No response.)

CHAIRMAN SCOTT: The vote is 5-0. The filing will be made with FERC.

Commissioner Colgan, you wanted to make a comment?

COMMISSIONER COLGAN: Yeah. On the Petition for Rehearing
on the IPA Act, Procurement Plan, I think that there
could be a case for arguing that, whether we grant that
in both directions. I think that our rules are pretty
clear that we grant rehearing for cases where there's
clarification of facts or if there's new facts or if
there's a change in the law. And I think this case was
fully briefed and argued in the proceeding on the issues
that we granted rehearing on. And I think that the
reasons that you cited, Chairman, are probably reasons
enough to grant rehearing. And certainly we can grant
rehearing if we want to grant rehearing. But at the
same time, I think we need to be clear that we're going
to try to stick to those rules as much as we possibly
can because rehearing is another costly issue, and I
think we should take the time to make our decisions
clear and without doubt in the Orders that we issue.
This is an area which is new and evolving and I think we
could benefit from discussion. I actually think maybe
the discussion might be more appropriately handled in a
policy meeting and discussion rather than rehearing.
But, again, I voted in favor of rehearing on this and
I'm going to stick with that in this case, that, you
know, that I think it was debatable as to whether or not
it kind of met that test.

CHAIRMAN SCOTT: I appreciate the comments. Thank
you. Judge Wallace, is there anything further to come before the Commission today?

JUDGE WALLACE: That's all, Mr. Chairman. Thank you.

CHAIRMAN SCOTT: If there's nothing else to come before the Commission, this meeting stands adjourned.

Thank you everyone.

STATE OF ILLINOIS
  )
STATE OF ILLINOIS
  ) SS.
COUNTY OF COOK
  )
Joanna Vitale, being first duly sworn, on oath says that she is a Certified Shorthand reporter doing business in the City of Chicago, County of Cook and the State of Illinois;
That she reported in shorthand the proceedings had at the foregoing meeting;

And that the foregoing is a true and correct transcript of her shorthand notes so taken as aforesaid and contains all of the proceedings had at the said meeting.

________________________
Joanna Vitale, CSR

C.S.R. No. 084-004323

SUBSCRIBED AND SWORN TO before me this 11th day of February, A.D., 2014.

________________________
NOTARY PUBLIC