BEFORE THE
ILLINOIS COMMERCE COMMISSION

PUBLIC UTILITY REGULAR OPEN MEETING

Chicago, Illinois
February 10, 2010

Met, pursuant to notice, at 10:30 a.m.

BEFORE:

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

SULLIVAN REPORTING COMPANY, by
Auhdikiam Carney, CSR
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The public utility agenda, we have minutes to approve from the December 22nd, 2009, Regularly Scheduled Open Meeting, the December 28, 2009 Special Open Meeting, the January 5, 2010 Pre-Bench Session and the January 12, 2010 Regular Scheduled Open Meeting.

I understand that there are amendments to the December 22, 2009 Bench minutes, as well as December 28, 2009, January 5, 2010, and January 12, 2010.

Is there a motion to adopt all of the amendments?

COMMISSIONER O'CONNELL: So moved.

CHAIRMAN FLORES: Is there a second?

COMMISSIONER COLGAN: Second.

CHAIRMAN FLORES: It's been moved and seconded.

All in favor say "aye."

(Chorus of ayes.)

Any opposed?

(No response.)

The vote is 5-0. The amendment is adopted.

Is there a motion to adopt the minutes as amended?
COMMISSIONER ELLIOTT: So moved.

CHAIRMAN FLORES: Is there a second?

COMMISSIONER O'CONNELL-DIAZ: Second.

CHAIRMAN FLORES: All in favor say "aye."

(Chorus of ayes.)

Any opposed?

(No response.)

The vote is 5-0. The minutes as amended are accepted.

JUDGE WALLACE: Mr. Chairman, did you include December 16th?

CHAIRMAN FLORES: Give me a second. No, I'd like the record to reflect we are also including December 16, 2009. Let the record reflect that the December 16, 2009 date was also included and adopted as amended as well under the 5-0 vote that was just taken. Thank you.

We are holding Item G-4, and Item W-4 has been withdrawn. Item G-4 is a Citizens Utility Board, Citizens Action/Illinois and AARP versus Illinois Energy Savings Corporation d/b/a U.S. Energy Savings Corporation complaint. At this time we're
holding that item.

And W-4 is Aqua Illinois Incorporated's decision for declaratory judgment.

Electricity, Items E-1 through E-3 will be taken together. The Ameren Illinois Utilities filed a tariff to revise language to its Standards and Qualifications for Electric Service, to revise its Power Smart Pricing Rider and to add a new provision to its miscellaneous fees and charges.

Staff recommends that the Commission allow the Company's proposed filings.

Is there a motion to not suspend the filings?

COMMISSIONER O'CONNELL-DIAZ: So moved.

CHAIRMAN FLORES: Is there a second?

COMMISSIONER ELLIOTT: Second.

CHAIRMAN FLORES: It's been moved and seconded.

All in favor say "aye."

(Chorus of ayes.)

Any opposed?

(No response.)

The vote is 5-0. The filings will not
be suspended. I would just like to take the roll call to make sure it's on the record so that we can use this again for the remainder of the agenda. We can start to my left with Commissioner O'Connell-Diaz.

COMMISSIONER O'CONNELL-DIAZ: Aye.

CHAIRMAN FLORES: Commissioner Ford.

COMMISSIONER FORD: Aye.

CHAIRMAN FLORES: Commissioner Elliott.

COMMISSIONER ELLIOTT: Aye.

CHAIRMAN FLORES: Commissioner Colgan.

COMMISSIONER COLGAN: Aye.

CHAIRMAN FLORES: I am Chairman Flores voting aye.

Let the record reflect we have a 5-0 roll call vote and we will use the 5-0 roll call vote for the remainder of the agenda unless otherwise noted.

Item E-4 initiates a rulemaking proceeding and authorization for the first notice period. The rule amends Part 451 of the Illinois administrative rules regarding certification of
alternative retail electrical suppliers. Staff recommends entering the Order.

Is there any discussion?
(No response.)

Any objections?
(No response.)

Hearing none, the Order is entered.

Item E-5 initiates a rulemaking proceeding and authorization for the first notice period. The rule amends Part 455 of the Illinois Administrative Rules regarding portfolio standard and clean coal standard for alternative retail electric suppliers and utilities operating outside of their service areas. Staff recommends entering the Order initiating the rulemaking, authorizing the first notice period, and establishing emergency rules.

Is there any discussion?
(No response.)

Any objections?
(No response.)

Hearing none, the Order is entered.

Item E-6 is Docket 08-0481. These are
the standards for electric interconnections that are
not subject to Part 466 of the Illinois
Administrative Rules. ALJ Sainsot recommends
entering the Order adopting the rules.

Is there any discussion?

(No response.)

Any objection?

(No response.)

Hearing none, the Order is entered.

Item E-7 is 09-0111. This is
Commonwealth Edison's Company's reconciliation
proceeding for revenues collected under its coal tar
rider. ComEd agreed to Staff's adjustments.

ALJ Sainsot recommends entering the Order approving
ComEd's 2008 coal tar reconciliation.

Is there any discussion?

COMMISSIONER FORD: It's pronounced Sainsot.

CHAIRMAN FLORES: Thank you.

COMMISSIONER FORD: Everybody struggles with
that one.

JUDGE SAINSOT: It's fine. I have a tough
schedule.
CHAIRMAN FLORES: Can I write that on my hand?

Going back to Item E-6 Docket 08-0481. These are standards for electric interconnections that are not subject to Part 466 of the Illinois Administrative Rules. ALJ Sainsot recommends entering the Order adopting the rules.

Is there any discussion?

(No response.)

Any objection?

(No response.)

Hearing none, the Order is entered.

Item E-7 is Docket 09-0111. This is Commonwealth Edison Company's reconciliation proceeding for revenues collected under its coal tar rider. ComEd agrees to Staff's adjustments. ALJ Sainsot recommends entering the Order approving ComEd's 2008 coal tar reconciliation.

Is there any discussion?

(No response.)

Any objection?

(No response.)

Hearing none, the Order is entered.
Item E-8 is Docket 09-0389. The Department of Transportation moves to withdraw its petition for approval for a taking of property in Will County. ALJ Riley recommends granting the motion to withdraw the petition.

Is there any discussion?
(No response.)

Any objections?
(No response.)

Hearing none, the motion to withdraw the petition is granted.

Item E-9 is Docket 09-0438. This is a complaint filed by Patrice Marie Knabusch against Commonwealth Edison Company regarding a billing dispute. The parties moved to dismiss the complaint. ALJ Hilliard recommends granting the joint motion to dismiss, with prejudice.

Is there any discussion?
(No response.)

Any objections?

Hearing none, the joint motion to dismiss is granted, with prejudice.
E-10 is Docket 09-0479. Commonwealth Edison Company petitions for approval to enter into a Tax Sharing Agreement pursuant to Section 7-101 of the Public Utilities Act. ALJ Sainsot recommends entering the Order approving the agreement.

Is there any discussion?

(No response.)

Any objection?

(No response.)

Hearing none, the Order is entered.

Items E-11 through E-16 will be taken together. These are applications for licensure of agents, brokers and consultants pursuant to Section 16-115C of the Public Utilities Act. The ALJs recommend granting the certificates.

Is there any discussion?

I have a question -- and please forgive me if this seems like a rather mundane question, but it's one that peaked my interest given some of the testimony that was given yesterday. This speaks to either the Administrative Law Judges or to the office of the our general counsel, the -- but I
think more towards -- or Staff. Do we have Staff here?

JUDGE YODER: Judge Yoder is present here in Springfield.

CHAIRMAN FLORES: So the question I have in reviewing applications for folks who are petitioning for these certificates, can you just give us a briefing in terms of what -- do we take a look at whether or not these companies are doing business in other states?

JUDGE YODER: Chairman, let me check the petition application because I don't think we do other than the fact that they have to indicate in their technical and managerial qualifications, their occupational backgrounds. In looking at the application, unlike some of the Telecom applications, I don't believe we have a form that was developed specifically asking if they are doing business in other states.

CHAIRMAN FLORES: Do we ask at any point whether or not there are actions pending in other jurisdictions against them for the kind of license
that they are seeking in the State of Illinois, the
certification in particular?

JUDGE YODER: Unlike the Telecom certificate,
it doesn't appear that that question is asked on this
application.

CHAIRMAN FLORES: The reason I ask is that
yesterday in the proceeding there was references made
on the record that other jurisdictions had actually
approved certificates, but after taking into account
action that was taking place in other states. And so
I thought that that was something that, perhaps, we
should take a look at internally as a vetting process
to look at these cases more proactively and to
provide additional information that I think would be
helpful in analyzing the granting of certificates
and, in particular, whether or not we want to impose
or review any potential conditions to avoid any abuse
or any questions or allegations of violations under
the laws that govern -- well, under the PUA and other
regulations that we're in charge of.

COMMISSIONER O'CONNELL-DIAZ: You raise a very
good point.
Judge Yoder, were hearings conducted in these matters?

JUDGE YODER: No, they're handled generally to the proceedings in which there is generally no hearing formal hearing conducted.

COMMISSIONER O'CONNELL-DIAZ: Just going back to my days hearing cases that were for certificates, that was the normal question that was asked. An inquiry was made into are there or have there been any actions taken by the Commission. We're currently changing the case because obviously many of these companies were certificated in other states and I move that that's an important inquiry for us to make because we need to know are they acting and purporting themselves well in other states and have they been responsive to -- just as we saw yesterday, have they been responsive to consumer complaints or are there a whole host of consumer complaints? So I'm really quite aghast that it's not -- how is this form --

JUDGE WALLACE: Commissioner O'Connell-Diaz, we spent a lot of time over the form, over the rules for
the ABCs. We're among a minority of states that have
decided to license the ABCs at this time. We had to
balance the concerns of the ABCs over -- balancing
between how much regulation the law imposed and that
type of balancing act.

COMMISSIONER O'CONNELL-DIAZ: So what you're
suggesting, Judge Wallace, is that legally due to the
structure of the statute that enabled us to have
certificates like this, that we would be walking on
thin ice to make that inquiry?

JUDGE WALLACE: Probably not. It was one of
those things that -- when we have a -- we were able
to build in a longer period of time with the ABCs
than the areas of the Acts because they have to go
very quickly and they're not designed to have a
hearing.

COMMISSIONER O'CONNELL-DIAZ: You mean the time
that they filed and the Commission has to take action
on them?

JUDGE WALLACE: Yes, but I don't believe that
it would be anything to prevent us from asking if
there are complaints from other jurisdictions.
COMMISSIONER ELLIOTT: Yes, I would suggest going forward that would be one of the minimum questions that we would ask considering what we've experienced in the Telecom cases over the years and others.

COMMISSIONER COLGAN: I agree with that and I have the same thought as I was reading through. It kind of becomes perfunctory on our part to approve these if Staff recommends it; but in light of that discussion we've had recently, I think it's a good idea. I don't think there's anything that could be construed to imply that we don't want these organizations, these companies to be licensed. It's just, I think, in our best interest and interest of the consumers that we just ask that question.

COMMISSIONER O'CONNELL-DIAZ: I'm quite surprised. In many instances especially in the Telecom area if there were outstanding complaints, that would be something that I, as the ALJ, would inquire severely about because you want to know how are they acting and are we opening the doors for our consumers to have bad experiences.
COMMISSIONER ELLIOTT: It seems to the degree that we've experienced this in the Telecom industry over the last decade that we would look to that certification process as guidance for anything along these lines.

COMMISSIONER O'CONNELL-DIAZ: And the time line on these cases are 45 days or 30 days? What is the time line?

JUDGE WALLACE: The ABCs are generally 90-day cases.

COMMISSIONER O'CONNELL-DIAZ: If they've got some dirty laundry, then let's get it out there. Then they have to deal with it in that 90-day time period or they'll have to come back in and file again. I guess that's the --

JUDGE WALLACE: Commissioner, the one distinction is in the Telecom area, we had companies filing in 30 or 40 states, so there was certainly a body of other states to inquire about. We have not seen that yet in the ABCs, but that would be the one distinction.

COMMISSIONER O'CONNELL-DIAZ: Sure. Well, if
they aren't operating in other states, then they won't have any consumer complaints pending in other states.

CHAIRMAN FLORES: And I just think that it's an easy question to ask and it's one that should just be included as a standard performer-type question in the analysis.

COMMISSIONER COLGAN: Would it be appropriate to ask Staff to take this under advisement and report back to us in some future point as to what they see the issue is and if it creates any complications that we have not anticipated?

JUDGE WALLACE: We'll certainly put the question on the form. We'll redo it.

CHAIRMAN FLORES: What is the timing for these particular filings in front of us? Frankly, my view is that these companies should be asked the questions and they should answer it.

JUDGE WALLACE: Mr. Chairman, they filed under the -- if you want to -- they filed as we requested them to file. The clock is running on them.

CHAIRMAN FLORES: That's fine.
Well, I think it's important going forward. This is an important issue. It's one where, again, we want to promote and see more competition; but we want to make sure that we are also balancing the interest and in particular, the protected interest of the consumers here. And given the testimony that was shared yesterday, given that other states are obviously undertaking and other Commissions in other states are undertaking that kind of analysis, that I think from the best practice standpoint we should be doing the same.

So is there any other discussion or question regarding this matter?

MS. STEPHENSON: Mary Stephenson, I was just going to say on a going-forward basis, we can add it to the form.

COMMISSIONER ELLIOTT: I would be interested in just seeing some comparison between CLEC certifications and how consistent we are across the industries.

COMMISSIONER O'CONNELL-DIAZ: I think that it's important that if we have cases today that it's on
that form and they're asking that question today and
we can do a follow-up if we desire or Staff may want
to enlighten us. But there's probably many cases in
the queue, so if we can get that on the form and then
this afternoon if there is a case and that question
is asked, I think that would help the Commissioners.

MS. STEPHENSON: Sure. We'll see that it gets
taken care of.

CHAIRMAN FLORES: Any other discussions or
questions?

(No response.)

Hearing none, the Orders are entered.

Item E-17 is Docket 09-0618. This is
DPL Energy Resource, Inc.'s application for a
Certificate of Service Authority. ALJ Yoder
recommends entering the Order granting the
certificate.

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the Order is entered.
That concludes the electricity portion of today's agenda.

Moving on to the Natural Gas section, Items G-1 through G-3 will be taken together. The Ameren Illinois Utilities filed tariffs to revise language to its standards and qualifications for gas service. Staff recommends not suspending the filings.

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the filings will not be suspended.

Item G-4, as indicated, will be held.

Item G-5 is Docket 08-0562. This is a complaint by James H. Canel against North Shore Gas Company regarding a billing dispute.

I understand that Commissioner O'Connell-Diaz and Commissioner Elliot also have been closely reviewing this docket.

Is there any discussion on this
COMMISSIONER O'CONNELL-DIAZ: Thank you, Chairman. Yes, I've read through this order and I see some -- I have some questions and it doesn't seem that some of the information that I think is critical for the Commission's determination is in the record, such as the meter testing. And additionally I think that there was -- counsel on both sides of the table on this and there was some agreement that they would run the case in accordance with Supreme Court rule as well.

My understanding is that we only use those rules in the absence of rules that we have at the Commission and doing so, it can rob the Commission of what I describe as critical information in the record such as results. I would like to have the record reopened and I know that Commissioner Elliot has also been looking at this and we may have some more questions as we go forward into the reopening, but I would like to have the record reopened to have those results entered into the record and have testimony relative to that.
CHAIRMAN FLORES: Commissioner Elliott, do you have anything to add?

COMMISSIONER ELLIOTT: That's sort of where I came from as well. I thought there was significant information lacking to make a reasonable judgment on this as to who was at fault and there's a number of questions that remain, and so I would support that also as well.

COMMISSIONER O'CONNELL-DIAZ: And, again, I believe the ALJ has concluded that the complaint should be denied and I'm just not convinced that's appropriate with the lack of the factors that I need to look at to come to that conclusion. So I think reopening it will accomplish that goal.

CHAIRMAN FLORES: I see Commissioner Colgan to my right also nodding. Did you want to add something?

COMMISSIONER COLGAN: I've come to that same conclusion that it's hard to imagine what actually happened in this case. There is missing pieces.

COMMISSIONER FORD: Judge Dolan is right there.

COMMISSIONER COLGAN: So I think another look
at it would be a good idea.

CHAIRMAN FLORES: Commissioner Ford.

COMMISSIONER FORD: Judge Dolan, did you want to brief us on this?

JUDGE DOLAN: Well, as you all are aware it was a very difficult case, even from the start.

Mr. Canal is a practicing attorney, so he brought the complaint on his own and him and Mr. Goldstein for the gas company, they made the discussion between themselves how they would set their discovery schedule. And I indicated that if there was any issues with the discovery schedule, let me know.

It turned out that when Mr. Canal served the Rule 237 notice, given it's a Supreme Court Rule dealing with witnesses and their testimony, Mr. Goldstein failed to list the tester of the meter as one of his witnesses. He tried to then introduce the testimony of the witness -- the meter results through the billing agent for the company. And during cross-examination of Mr. Reardon, who was the billing agent for the gas company, he testified that he never had any experience or any training in
meters or meter testing. So Mr. Canal objected to the results of the test going into the record. And since there wasn't an expert available to substantiate the test, I granted his motion to strike the meter results.

Now, the other problem just from the testimony of the other witnesses, they tested the meter and they destroyed it right away. So the meter is no longer around. They did it even before Mr. Canal had an opportunity to bring in an independent witness to test the meter.

COMMISSIONER ELLIOTT: Is that standard or is there some shelf period that they are supposed to hold the meter when it's under dispute?

JUDGE DOLAN: Well, they say it's part of their normal business. Once they test the meter to get the results, that they just take it apart and take whatever parts they can to recycle it.

COMMISSIONER O'CONNELL-DIAZ: When was that meter destroyed?

JUDGE DOLAN: According to the witnesses that it was basically tested in June and destroyed shortly
thereafter.

COMMISSIONER O'CONNELL-DIAZ: That's a problem because this case was going on at that point in time. So obviously it was a problem and --

JUDGE DOLAN: No, I understand and I agree --

COMMISSIONER O'CONNELL-DIAZ: I understand you were having to rule on this and I don't have an objection with that, but I just think that the Commission needs to have that information about this particular meter in the record and normally those are taken and my recollection is that the City of Chicago has the testing facility and inspect it and those results are generally -- usually accepted by the Commission as the meter is working or the meter wasn't working. So if the Company removed the meter at a time when this case was going, it's extremely problematic, in my opinion.

JUDGE DOLAN: Under the rules of meter testing, they're supposed to notify the Complainant that he has an opportunity to have an independent person with him during the testing to verify the testing was done in a proper manner. And Mr. Canal was not notified
of the testing nor that he was able to bring in an
independent witness or an independent tester for the
meter.

COMMISSIONER ELLIOTT: That's part of our
rules?

JUDGE DOLAN: That is part of our rules, yes.

So I will take your recommendations
and I'll reopen the record going further.

CHAIRMAN FLORES: I think we're going to have
to take a vote on this matter so the record is clear.

Is there a motion to reopen the
record?

COMMISSIONER ELLIOTT: So moved.

COMMISSIONER COLGAN: Second.

CHAIRMAN FLORES: All in favor say "aye."

(Chorus of ayes.)

Any opposed?

(No response.)

Let the record reflect that there is a
5-0 vote on the motion to reopen the record.

COMMISSIONER O'CONNELL-DIAZ: Judge Dolan I
think will take care of that.
JUDGE DOLAN: Yes.

CHAIRMAN FLORES: Thank you.

COMMISSIONER O'CONNELL-DIAZ: Thank you, Judge Dolan.

CHAIRMAN FLORES: Item G-6 is Docket 09-0113. This is Nicor Gas Company's reconciliation proceeding for revenues collected under its coal tar rider. The Order finds that the costs were prudent. ALJ Sainsot recommends entering the Order approving Nicor's 2008 coal tar reconciliation.

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the Order is entered.

Items G-7 and G-8 will be taken together. These are reconciliation proceedings to determine the prudence of revenues collected under Rider VBA by North Shore Gas Company and Peoples Gas Light and Coke Company. ALJ Moran recommends entering the Orders approving the reconciliations.

Is there any discussion?
Any objections?

(No response.)

Hearing none, the Orders are entered.

Item G-9 is docket 09-0216. This is a compliant by Chiquita R. Bayless against Nicor Gas Company. The Complainant failed to appear before the Commission. ALJ Kimbrel recommends entering the Order dismissing the complaint, without prejudice.

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the Order is entered.

Item G-10 is Docket 09-0283. This is a complaint by Vaudelito Griffin against the Peoples Light Gas and Coke Company regarding a billing dispute. The amount in dispute has been removed as a result of the Complainant's bankruptcy. ALJ Kimbrel recommends entering the Order dismissing the complaint, with prejudice.

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

Hearing none, the Order is entered dismissing the complaint, with prejudice.

G-11 is Docket 09-0330. This is a complaint by Dowell Holdgraf against Illinois Power Company d/b/a AmerenIP. ALJ Yoder recommends entering the joint motion to dismiss, with prejudice.

Is there any discussion?
(No response.)

Any objections?
(No response.)

Hearing none, the joint motion to dismiss is entered.

That concludes the Natural Gas portion of the agenda.

Moving to Telecommunications.

Items T-1 and T-2 will be taken together. Illinois Bell Telephone Company has filed a tariff changing the description of Business Category Search ("BCS") to clarify how IBT searches and retrieves listings.
The other filing establishes retail Mobility National Retail Service Connection Charge Waiver. Staff recommends that the filings not be investigated or suspended.

Is there any discussion?

(No response.)

Any objections?

No response.)

Hearing none, the filing will not be investigated or suspended.

Items T-3 and T-4 will be taken together. These are filings by Verizon North, Inc., and Verizon South, Inc., to discontinue its one-bill offering. Staff recommends not suspending the filings.

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the filing will not be suspended.

Item T-5 is Docket 07-0534. Sterling
Payphones, LLC, applied for a certificate of service authority to provide customer-owned pay telephone service. ALJ Kimbrel recommends entering the Order denying the certificate of authority.

ALJ Kimbrel, can you give us a history on the case and then your thoughts on your ruling here.

JUDGE KIMBREL: Well, Sterling filed their application on November 1st, 2007. I held a hearing on January 30th, 2008. I asked a few questions of the chief financial officer, Mr. Rapaccioli, I believe, and then I marked the matter heard and taken. But I had to reopen it because the Company did not provide the necessary documents. Then they were given the opportunity to provide these documents and they failed to respond. They were given ample time and just never responded. I marked the matter heard and taken.

COMMISSIONER O'CONNELL-DIAZ: Judge Kimbrel, the Applicant was given due notice of hearing dates and did not appear without any communication with your offices as to their inability to appear?
JUDGE KIMBREL: Right. I believe I even called them on a couple of occasions as well and the telephone rang busy. There wasn't even a recording device.

CHAIRMAN FLORES: Judge Kimbrel, can you just tell us the documents that you're referring to.

JUDGE KIMBREL: Sure. If you look at the third full paragraph of my memo, you'll see that they failed to provide the most basic documents, the Article of Incorporation; the Certificate of Authority to transact business in Illinois; evidence of managerial and technical resources and ability to provide services; their officers; income statements; balances; everything.

COMMISSIONER FORD: So they didn't give you an income statement?

JUDGE KIMBREL: Nothing.

CHAIRMAN FLORES: I think their omissions speaks very loudly.

Are there any questions for Judge Kimbrel?

COMMISSIONER O'CONNELL-DIAZ: This is just kind
of a thing I always say -- obviously this has caused
our office and -- that's what our businesses do. So
to hear these cases -- because this is not a
complaint case or anything of that nature. This is
someone that is seeking to do business in our state
and now they have filed something with the
Commission, they have not followed through, they have
not done their due diligence, they paid the filing
fee and that's it. I just think that it's a misuse
of our precious time that our Staff has and our
Judges have and I think it would be a good thing to
look at how -- the remuneration for the hearing dates
that are scheduled when people don't show up
repeatedly. This costs the State a lot of money.
These people need to take it seriously and there
should be -- especially in this instance where it's a
business -- there should be a lot of court costs and
attorney's fees and all sorts of things that they
charge over there. So that might be something that
we can look at.

JUDGE WALLACE: Commissioner O'Connell-Diaz, in
addition to that, there is no filing fees.
COMMISSIONER O'CONNELL-DIAZ: There isn't. So this has cost, I'm sure, thousands of dollars of the State's money in something that someone filed and gave the bare minimum of attention to.

CHAIRMAN FLORES: Any other discussion?

(No response.)

Any objections to the Order?

(No response.)

Hearing none, the Order is entered.

Item T-6 is Docket 09-0917. Lightyear Network Solutions, LLC, has applied for a Certificate of Authority to provide commercial radio services within the State of Illinois. ALJ Riley recommends entering the Order granting the certificate.

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the Order is entered.

Item T-7 is 09-0619. Comity Communications, LLC has applied for a Certificate of Local and Interexchange Authority to operate as a
reseller-and facilities-based carrier of telecommunications services in the State of Illinois.

ALJ Tapia recommends entering the Order granting the certificate.

Is there any discussion?
(No response.)

Any any objections?
(No response.)

Hearing none, the Order is entered.

Item T-8 is Docket 10-0039. The City of Marseilles petitions to modify its 9-1-1 emergency telephone number system. ALJ Tapia recommends entering the Order granting the petition.

Is there any discussion?
(No response.)

Any any objections?
(No response.)

Hearing none, the Order is entered.

T-9 is Docket 09-0384. These are rules amending Part 735 of the Illinois Administrative Code regarding "Procedures Governing the Establishment of Credit, Billing, Deposits,"
Termination of Service and Issuance of Telephone Directories for Local Exchange Telecommunications Carriers."

The purpose of the proposed amendment is to deal with the postmark requirements for bills and discontinuance notices. The Joint Committee on Administrative Rules has filed no objection to the amendment. ALJ Dolan recommends entering the Order adopting the amendment.

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the Order is entered.

Item T-10 through T-12 will be taken together. These are petitions for emergency relief to protect from disclosure Petitioner's 2009 Annual Reports for not less than five years. ALJ Hilliard recommends entering the Order granting the petitions, but for two years.

Is there any discussion?

(No response.)
Any objections?
(No response.)

Hearing none, the Order is entered

granting the Petition for a period of two years.

Item T-13 through T-21 will be taken

together. These are interconnection agreements or

amendments to interconnection agreements. The ALJs

recommend entering the Order approving the agreements

or amendments to the agreements.

Is there any discussion?
(No response.)

Any objections?
(No response.)

Hearing none, the Orders are entered.

That concludes the Telecommunications

portion of the agenda.

Moving on to Water and Wastewater.

Item W-4 is withdrawn.

Item W-1 is Whispering Hills Water

Company proposed general increase in water rates.

Staff recommends entering the Suspension Order.

Is there any objection?
(No response.)

Any objections?

(No response.)

Hearing none, the Suspension Order is entered.

Item W-2 is Docket 09-0144. Aqua Illinois, Inc., seeks approval of its reconciliation of its purchased water surcharge. Staff recommends certain revisions to Aqua's calculations, which Aqua accepts. ALJ Kimbrel recommends entering the Order approving the reconciliation.

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the Order is entered.

Item W-3 is Docket 09-0145. Aqua Illinois, Inc., seeks approval of its reconciliations of its Qualifying Infrastructure Plant ("QIP") Surcharge Reconciliation for the 2008 reconciliation year, for its Kankakee and Vermilion Water rate areas. Staff recommends certain revisions to Aqua's
calculations, which Aqua accepts. ALJ Kimbrel recommends entering the Order approving the reconciliation.

Is there any discussion?
(No response.)

Any objections?
(No response.)

Hearing none, the Order is entered.

Item W-4 is withdrawn.

Item W-5 is docket 09-0251. This matter is on Bench for discussion purposes at the recommendation of ALJ Yoder.

Judge Yoder, would you please brief us on this matter.

JUDGE YODER: Yes, Chairman. The Commission is aware that an oral argument was granted in this proceeding at the last hearing at the Commission. Oral arguments were scheduled for February 23rd, 2010, therefore, I believe that was the same day that the reply beliefs on exceptions were due. Therefore, after receiving those I finalized the Order and the Order before the Commission is my final
recommendation on this issue for the Commission's
consideration on this docket. I indicated
Illinois-American has filed a proposed "QIP" Rider, a
Qualified Infrastructure Plan Rider.
Illinois-American has that rider in various districts
throughout the state and they have filed this
proceeding to add that QIP Surcharge in, I believe,
six of their districts.

The Staff of the Illinois Commerce
Commission has reviewed the matter and had no
objection. They had some technical changes to the
riders, which Illinois-American accepted. The City
of Champaign and the Illinois Attorney General also
participated in this docket and filed testimony.
They had various reasons for objecting to the
Surcharge Rider, among those being the general
argument against riders and their being put in place.

They argued that the Illinois-American
has not shown that the rates would be charged would
be reasonable. A couple of other arguments, as an
alternative to the City and AG's request that the
Commission deny the surcharge riders. They also --
their alternative was to have the Commission delay
the implementation of the surcharge riders until
January 1st of 2011.

There is a pending Illinois-American
water case, Docket 09-0319, using a 2009 future test
year and the City of Champaign and the Attorney
General made various arguments regarding the risk of
(inaudible) that pending rate cases using the QIP
Surcharge in place at the same time. I placed the
matter on the agenda for discussion just so that the
Commission would be able to review my recommendations
on a final order prior to the oral argument on
February 23rd.

CHAIRMAN FLORES: Any discussion by the
Commission?

(No response.)

Very well. The -- in terms of us
being on track for the oral arguments, will you have
all the materials submitted to us, Judge Yoder?

JUDGE YODER: I'm sorry? What do you mean?

CHAIRMAN FLORES: Are we going to have all the
filings that remain? Do we have all the filings
already at this point?

JUDGE YODER: Yes, all filings have been made by the parties. The Commission oral arguments were scheduled for February 23rd. The deadline for Commission action is March 20th. So there should be sufficient time after the oral argument for the Commission to make a final decision on this matter.

CHAIRMAN FLORES: Okay. Very well, Judge. Thank you, Judge Yoder, for your briefing on this matter.

Item W-6 is Docket 09-0552. This is a complaint by Kelly McFarland & Dean A. Feller against Aqua Illinois, Inc., regarding a billing dispute. The parties have settled and filed a stipulation to dismiss. ALJ Hilliard recommends dismissing this docket, with prejudice.

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, this docket is dismissed, with prejudice.
We have one FCC item on the agenda.

We must go into closed session to discuss this item.

Is there a motion to go into closed session?

COMMISSIONER ELLIOTT: So moved.

CHAIRMAN FLORES: Is there a second?

COMMISSIONER FORD: Second.

CHAIRMAN FLORES: All in favor say "aye."

(Chorus of ayes.)

The vote is 5-0. The Commission will now go into closed session.
CHAIRMAN FLORES: We've now returned to the open session. In closed session the Commission discussed filing comments with the FCC in Docket EB-09-MD-009 regarding the NextG Networks Illinois, Inc., versus RCN Telecom services of Illinois, LLC.

Is there a motion to file comments with the FCC regarding this case.

COMMISSIONER ELLIOTT: So moved.

CHAIRMAN FLORES: Is there a second?

COMMISSIONER O'CONNELL-DIAZ: Second.

CHAIRMAN FLORES: It's been moved and seconded.

All in favor say "aye."

(Chorus of ayes.)

Any opposed?

(No response.)

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

Judge Wallace.

JUDGE WALLACE: Yes.

CHAIRMAN FLORES: Are there any other matters that come before this Commission?

JUDGE WALLACE: Nothing further, Mr. Chairman.
CHAIRMAN FLORES: Hearing none, this meeting stands adjourned. Hopefully you all in Springfield are having some better weather.

JUDGE WALLACE: No, it's quite cold down here, sir.

(And those were all the proceedings had.)