BEFORE THE
ILLINOIS COMMERCE COMMISSION

BENCH SESSION

(TRANSPORTATION UTILITY)

Chicago, Illinois
Wednesday February 9, 2011

Met, pursuant to notice, at 10:30 a.m. in
the Room N801, Eighth Floor, 160 North LaSalle
Street, Chicago, Illinois.

PRESENT:

MANUEL FLORES, Acting Chairman

LULA M. FORD, Commissioner

ERIN M. O'CONNELL-DIAZ, Commissioner

SHERMAN J. ELLIOTT, Commissioner
via teleconference

JOHN T. COLGAN, Acting Commissioner
via teleconference

SULLIVAN REPORTING COMPANY, by
Alisa A. Sawka, CSR, RPR
License No. 084-004588
PROCEEDINGS

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

Before moving into the agenda, according to Section 1700.10 of the Illinois Administrative Code, this is the time that 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 the Bench Session. According to the Chief Clerk's Office, we have two requests to speak at today's Bench Session. We have Mr. Thomas Harle and Miss Pilar Vargas. We will begin with Mr. Thomas Harle.

Now, before, Mr. Harle, you begin with your comments, please be advised that the Commission cannot answer any questions or comment on the
testimony that you provide as we are bound by ex
parte rules and other regulations concerning our
communications as Commissioners.

Mr. Harle.

MR. THOMAS HARLE: Good morning. My name is
Thomas Harle. I'm a resident here in Chicago. I
live on the South Side. I'm a missionary. I have
been a missionary for 25 years serving in the
Catholic Church. And I'm coming here this morning to
speak in behalf of the poor in our neighborhood.

As I said, I live on the South Side
and I'm very much aware of the people who are living
with me in the area, who are very poor. And I think
that it's not advisable, I don't think it's a good
idea, to raise the rates -- the electric rates that
the electric company wants to raise.

First of all, raising the rates will
hinder and even hurt more of the poor who are already
poor and not able to make -- not able to meet their
own particular needs. I've been aware of recent
months of how the poor have been affected. They have
to pay their -- if they pay their utility bills, they
have to go without -- sometimes without food, sometimes go without shelter and also medical care.

We live in a society which should be free and if we can keep big companies like ComEd from continuing to want to raise their rates when there's really no particular need to raise their rates, then the poor will be able to have their needs met, be able to meet the needs -- their health needs, their spiritual needs and their emotional needs.

I feel that this is an issue related to the ethics -- good ethics would help -- would help the people, especially the poor people that I've come to represent and speak in behalf of.

Thank you for your time and listening to me this morning and I hope that through what I have said that it will influence your decision not to raise -- not to allow ComEd to raise their rates.

Thank you.

ACTING COMMISSIONER FLORES: Thank you, Mr. Harle.

Now, we have Miss Pilar Vargas.

MISS PILAR VARGAS: Good morning. My name is
Pilar Vargas and I am a Chicago resident. I am here today to speak on behalf of the Cook County Workers Benefit Council, a delegate body that represents the needs and interests of service workers and other low-paid workers in Cook County.

We demand that you, the ICC, deny any rate increase to ComEd. The state law clearly defines this as your duty. The Illinois General Assembly's Public Utilities Act of 2001 states that the ICC is a State agency to regulate utilities and that -- and I quote, the goals and objectives of such regulation shall be to ensure the rates for utility services are affordable and therefore preserve the availability of the such services to all citizens.

Electricity is not affordable and available to all in our city. CBS News reported that over 67,000 households in the Chicago area had no electricity in October 2009. Even when we manage to keep the lights on, the sky-high utility rates for ComEd hit low-income working families the hardest as more and more of us are trying to support our families on just that pay minimum wage or not much
when we have work at all. We are forced to cut back on food, short our landlord on rent and go without necessary medications.

Each rate hike means we'll have less money to spend in our communities and local businesses are happy with customers. Chicago area businesses are already suffering from the effects of high unemployment and more of us working for lower wages cannot afford to have $396 million more taken out of our pockets. This rate increase request is clearly a profit brag. ComEd increased profits by 24 percent in 2009 after you, the ICC, approved a $274 million rate increase for ComEd.

John W. Rowe, the CEO of ComEd's parent company Exelon, received compensation of nearly $6 million in 2010. For you, the ICC, to grant this rate increase could be a clear abandon of your duty. The Cook County Workers Benefit Council calls on you to fulfill the mandate of the Public Utilities Act of 2001 to ensure you deliver service that is affordable and available to all.

We demand that the ICC direct ComEd to
suspend shutoffs and reconnect service without charge to households whose income is 300 percent or less than the Federal Poverty line whose service was terminated due to nonpayment of arrears. We demand that the ICC direct ComEd to work out reasonable payment plans for customers unable to pay their bills in full at time of received. We demand that the ICC direct ComEd to cease all future shutoffs for those whose income are 300 percent or lower than the Federal Poverty Level.

Again, we demand the State of Illinois through the ICC fulfill the mandate of the Public Utilities Act of 2001, that utilities will be affordable and available to all and reject ComEd's $396 million rate increase request. ICC, do your duty, please.

Thank you very much.

ACTING COMMISSIONER FLORES: Thank you, Miss Vargas.

COMMISSIONER FORD: Thank you.

ACTING COMMISSIONER FLORES: Very well. Those are the only two speakers that we have for today's
session -- section of the public statements.

So we will be moving on now to the Transportation Agenda. We will begin with approval of minutes from January -- the January 5th Bench Session.

I will make a motion to approve the minutes.

Is there a second?

COMMISSIONER FORD: Second.

ACTING COMMISSIONER FLORES: It's been moved and seconded.

All in favor say "aye."

(Chorus of ayes.)

ACTING COMMISSIONER FLORES: Any opposed?

(No response.)

ACTING COMMISSIONER FLORES: The vote is 5-0 approving the minute for January 5th.

Moving to Railroads, Items RR-1 through RR-3 will be taken together. These items concern petitions for the construction of grade separation structures and crossings at various locations in Illinois. In each case the
Administrative Law Judge recommended entry of an Order granting the petition for the project. I will make a motion to enter the Orders. Is there a second?

COMMISSIONER COLGAN: Second.

ACTING COMMISSIONER FLORES: It's been moved and seconded.

All in favor say "aye."

(Chorus of ayes.)

ACTING COMMISSIONER FLORES: Any opposed?

(No response.)

ACTING COMMISSIONER FLORES: The vote is 5-0 and the Orders are entered. We will use this 5-0 vote for the remainder of the Transportation Agenda unless otherwise noted.

Items RR-4 through RR-6 can be taken together. These items concern stipulated agreements regarding public safety improvements at highway-rail grade crossings across Illinois. In each case Staff recommends entry of an Order authorizing the project. Any discussion?
ACTING COMMISSIONER FLORES: Any objections?

(Chorus of ayes.)

ACTING COMMISSIONER FLORES: Hearing none, the Orders are entered.

Item RR-7 is Docket No. T10-0015.

This item concerns a petition for authorizing the replacement of an overpass structure in Wabash County. Administrative Law Judge Kirkland-Montaque recommends entry of an amended Order correctly describing the project and granting the petition.

Any discussion?

(No response.)

ACTING COMMISSIONER FLORES: Any objections?

(No response.)

ACTING COMMISSIONER FLORES: Hearing none, the Amendatory Order is entered.

Item RR-8 is Docket No. T06-0027.

This item concerns a petition to reconstruct a crossing in Will County. Administrative Law Judge Kirkland-Montaque recommends entry of a Supplemental Order granting an extension of time for the project's
1 completion.

2 Any discussion?

3 (No response.)

4 ACTING COMMISSIONER FLORES: Any objections?

5 (No response.)

6 ACTING COMMISSIONER FLORES: Hearing none, the

7 Amendatory Order is entered.

8 Item RR-9 is Docket No. T 07-0005.

9 This item concerns a petition for permission to

10 construct 16 railroad crossings associated with a new

11 ethenol plant. The petitioner has filed a motion to

12 withdraw the original petition and Administrative Law

13 Judge Kirkland-Montaque recommends that the

14 Commission enter a Supplemental Order granting the

15 motion to withdraw and vacating the Commission's

16 initial 2007 Order.

17 Any discussion?

18 (No response.)

19 ACTING COMMISSIONER FLORES: Any objections?

20 (No response.)

21 ACTING COMMISSIONER FLORES: Hearing none, the

22 Supplemental Order is entered and the original
petition is withdrawn.

Item RR-10 is Docket No. T 09-0051.

This item concern a petition for permission to construct sidewalk crossings in Lake County.

Administrative Law Judge Kirkland-Montaque recommends that the Commission enter a Supplemental Order granting an extension of time associated with the project.

Any discussion?

(No response.)

ACTING COMMISSIONER FLORES: Any objections?

(No response.)

ACTING COMMISSIONER FLORES: Hearing none, the Supplemental Order is entered.

Items RR-11 through RR-14 can be taken together. These items concern stipulated agreements regarding public safety improvements at highway-rail grade crossings across Illinois. In each case, Staff recommends entry of a Supplemental Order authorizing additional time for the project completion.

Any discussion?

(No response.)
ACTING COMMISSIONER FLORES: Any objections?

(No response.)

ACTING COMMISSIONER FLORES: Hearing none, the Supplemental Orders are entered.

Moving on to Motor Carriers. Item MC-1 through MC-3 will be taken together. These items concern stipulated settlement agreements concerning alleged violations of the Illinois Commercial Transportation Law. In each case our Transportation Counsel recommends entry of an Order accepting the stipulated settlement agreements.

Any discussion?

(No response.)

ACTING COMMISSIONER FLORES: Any objections?

(No response.)

ACTING COMMISSIONER FLORES: Hearing none, the Orders are entered and the settlement agreements are approved.

Item MC-4 is the Padded Wagon's application for a Certificate of Public Convenience and Necessity under the provisions of the Illinois Commercial Transportation Law. Administrative Law
Judge Kirkland-Montaque recommends approving the application.

Any discussion?

(No response.)

ACTING COMMISSIONER FLORES: Any objections?

(No response.)

ACTING COMMISSIONER FLORES: Hearing none, the Order is entered and the application is granted.

Item MC-5 is Vic Towing Company's application for a commercial relocator's license under the Illinois Commercial Relocation of Trespassing Vehicles Law. Administrative Law Judge Duggan recommends that the Commission enter an Order approving the application.

Any discussion?

(No response.)

ACTING COMMISSIONER FLORES: Any objections?

(No response.)

ACTING COMMISSIONER FLORES: Hearing none, the Order is entered and the application is granted.

Item MC-6 is Lake Auto Rebuilders' application for renewal of a commercial relocation
towing license pursuant to the provisions of Section
401 of the Illinois Commercial Relocation of
Trespassing Vehicles Law. Staff recommends entry of
an Order granting the application for renewal.

Any discussion?

(No response.)

ACTING COMMISSIONER FLORES: Any objections?

(No response.)

ACTING COMMISSIONER FLORES: Hearing none, the
Order is entered and the renewal is granted.

Mr. Matrisch, are there any other
matters or business to come before the Commission
today, sir?

MR. MATRISCH: Nothing further, Mr. Chairman.

Thank you.

ACTING COMMISSIONER FLORES: Thank you very
much, gentlemen. That concludes today's
Transportation Agenda.

(The Public Utility portion of
the proceedings was held at
this time and is contained in a
separate transcript.)