BEFORE THE
ILLINOIS COMMERCE COMMISSION

PUBLIC UTILITY REGULAR BENCH SESSION

Chicago, Illinois
March 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
CHAIRMAN FLORES: Good morning everybody.

Pursuant to the provisions of the Illinois Open Meetings Act, we now convene the regularly scheduled bench session of the Illinois Commerce Commission.

With me in Chicago are Commissioners Ford, O'Connell-Diaz, Elliot and Acting Commissioner Colgan. I am Acting 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 we allow members of the public to address the Commission. Members of 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, there are 5 requests to speak. Speakers are permitted 3 minutes to address the Commission.

Please be advised that the Commission values the public's participation in the public comment period, but according to ex parte laws and other procedural rules, we the Commissioners are unable to respond. However, if members of the public
have any questions, please contact our Consumer Services Division.

First this morning we have Ms. Linda Applewhite, would you please approach the bench.

MS LINDA APPLEWHITE: How are you?

CHAIRMAN FLORES: You may begin,

Ms. Applewhite.

MS LINDA APPLEWHITE: How are you doing?

CHAIRMAN FLORES: I'm doing very well. Good morning, ma'am.

You may begin.

THE WITNESS: My name is Linda Applewhite. The first part of September of '09, I would say, someone came to my door and said that they could make my gas bill cheaper. By me being on disability, that sounded really good. So -- what -- they informed me that the way that you look at your bill, they count them as therms and they said my therms would be about 40¢ a month as opposed to whatever Peoples Gas was. If it goes up, my therms would be 40¢. And when I first got my first bill -- no, first they sent me a letter saying that my therms would be 79¢ a therm,
plus they say I signed up for green energy, which
would be 10¢ extra. So in reality I was paying 89¢ a
therm which was already more than what Peoples Gas
was charging me. And when I got my first bill,
that's when I realized that what they told me was not
ture. Peoples Gas -- I had two bills on my Peoples
Gas account.

From Peoples Gas I remember it being
$34 and for Just Energy it came up to $238. So I
picked up the phone and called Just Energy and I
asked why I had two prices on my gas bill. They
informed me that the $32 gas bill was for using
Peoples Gas' equipment, and that I used $200 and
some-odd dollars of Just Energy gas and that's the
way it would be.

I said, Well I don't like this. I
would like to get out of this. They told me I
couldn't because I was in a contract for five years.
And the way they do that -- they came in September.
You get a letter -- I got my first letter the 29th of
September. They said you have a month to get out of
it, but when they send you your next bill, your month
has overlapped so it's too late to get out of that contract because after you get your first bill your month is already over with. And my thing is, I got my two kids into it too because they were at the house visiting and it sounded so good. They signed up for it and their gas bill is way worse than mine.

CHAIRMAN FLORES: Thank you, Ms. Applewhite.

Next we have Ms. Nicole Applewhite.

MS. NICOLE APPLEWHITE: Good morning.

CHAIRMAN FLORES: Good morning.

MS. NICOLE APPLEWHITE: My name is Nicole Applewhite. I am the daughter of Linda Applewhite. In September of '09, I was at --

CHIEF CLERK: I'm sorry. The microphone is not on. We can't hear her in Springfield.

COMMISSIONER FORD: Is the green light on?

MS. NICOLE APPLEWHITE: Is that better?

CHAIRMAN FLORES: That's okay, Ms. Applewhite.

MS. NICOLE APPLEWHITE: Again, my name is Nicole Applewhite. I am the daughter of Linda Applewhite. In September of '09 I was at my mom's house when a door to door rep for Just Energy came to
speak with my mom about her energy bill. I was there listening and what the reps -- it was two reps, a male and a female, and what they explained was that -- exactly what they said was the therms -- I don't know how to read my energy bill, just so that you know. I don't know how to read it. And they wanted a bill so they could go over it and we can show you. Most people don't understand how to read the bill and we would like to see the bill so that we can go over and explain to you what you would be paying. They told us and then showed me that it would be 48¢ a therm and that at this time we're cheaper than Peoples Gas and every month it goes up and you wouldn't have to worry about paying more prices because you will stay at this 48¢ a therm because every month it goes up.

So I'm listening to their pitch and I said, That's great. I would like for my bill to be lower, but I have Nicor and I don't have a bill with me. We're cheaper than Nicor, also. All I have to do is to call them or get your account number. So they called right then and got my account number and
switched me over. My bill is generally -- was
generally, maybe about $50 a month. When I got my
first bill from Just Energy it was about $250.

Like my mom, when I called I told
them, No, we were -- I was misled and, you know,
basically lied to. And, again, There's nothing we
can do. You're in contract, blah, blah, blah. Well,
I refuse to pay you. I'm not going to pay you. So
right now I'm still under contract because I couldn't
get out of it. My mom got out of it because she went
to try to get some assistance with the bill and they
couldn't help her because she signed up with Just
Energy. I never qualified to get assistance, so I
never bothered to go and try and get assistance, but
they helped her get out off it.

As of now my bill is $1,000 from Just
Energy. I found out later when I tried to get into
it and understand my bill, at the time of signing up
when they told my 38¢ a therm and we got the letter
and it's actually 89¢ a therm, I was paying 33¢ a
therm with Nicor. So they really, really got me.
And so I'm in a position now where I want to get out
of this contract with them and I know I have to pay them because I did use some gas, but I'm not sure what I can do to actually maybe pay -- not the 89¢ a therm, maybe what Nicor is because that's what I would have been paying had I stayed with Nicor. I don't feel that I should have to pay them the full amount because it was misleading and I think fraudulent.

CHAIRMAN FLORES: Thank you, Ms. Applewhite.

Next we have Ms. Lillie Johnson.

MS. LILLIE JOHNSON: Good morning.

CHAIRMAN FLORES: Good morning, Ms. Johnson.

MS. LILLIE JOHNSON: My name is Lillie Johnson and I'm a resident of the City of Chicago and a customer of Peoples Gas.

On September of 2009, a Just Energy sales rep came by my door selling gas services. The plan he pitched was a confusing plan, it was very confusing and it included a green energy option. After hearing the sales pitch, I indicated that I was not interested in the plan and I did not want to switch to Just Energy because at the time he was
selling a plan that was 79¢ per therm and at that
time I was paying approximately 51¢ per therm. And I
had just recently heard in the news that the price of
home energy was going down, so there was no reason
for me to sign up for a plan that was 79¢ per therm
when I was paying much less at the time.

Well, at that time he asked me if I
could see my gas bill and I showed him my gas bill,
which I should not have, because he wrote my account
number down and I asked him -- he said I qualified
for the plan. So I asked him how could he tell I
qualified for the plan by just looking at my gas bill
and he said that he could tell that I paid my bill.
And so I left it at that. I told him again I do not
want to switch to Just Energy.

Well, he left and after a few weeks I
received a bill from Peoples -- I received a letter
from Peoples Gas indicating that on or around October
27th that Just Energy would be my gas supplier. And
that indicated to me that I had been switched to Just
Energy. Well I didn't switch. I never signed a
contract. I never gave verbal approval for them to
switch me to Just Energy. And because someone
switched my energy, this makes me very angry that
someone can do that without, first of all, a signed
contract. And secondly, even without me telling them
to go ahead and do it. I have nothing.

So switching without my consent, to
me, that's fraud. And if they can switch me without
my consent, I can only wonder how many other
residents of Illinois have been switched without
their consent under this fraudulent practice. So I
beg, please, stop this company from taking advantage
of other Illinois consumers like me. Thank you.

CHAIRMAN FLORES: Thank you, Ms. Johnson.

The next person that we have is
Mr. Renee Green.

MS. RENEE GREEN: My name is Renee Green and
good morning. In August of last year I had a
gentlemen come to my door -- I was home feeding my
three-and-a-half-month old and my two and-a-half-year
old -- and he told my that he was a gentlemen from
Just Energy and that Just Energy was the supplier for
the gas for Nicor and that he just wanted to make
sure Nicor was not overcharging their gas. So I was very happy. I let him in my house to look at my bill and to make sure he was saving me some money. I was in the middle of feeding my children and he asked me to just sign this form stating that Nicor could not charge me more than 79¢ per therm, it could go below, but never above 79¢ per therm. I told him I couldn't read over the whole form so he just showed me where to sign and what it was for. So I signed that line and the other line I signed, it was just stating that he did his job.

My next bill was triple the amount of my regular Nicor bill. So I called Nicor and they told me, Honey, you're not with us anymore. I was completely shocked and I didn't know what to do. They told me to call them. Well, come to find out, I was not only just paying 79¢ a therm at a fluctuating rate -- I wasn't paying it at a fixed rate, plus a 25¢ geotherm, which he never discussed anything about a geotherm for me. So in total I was paying $1.04. I've never been scammed before, and I know it was stupid on my behalf for not reading what I signed,
but he totally misled me and I just felt very scammed.

CHAIRMAN FLORES: Thank you.

Next we have Mr. Jose Cortez.

THE INTERPRETER: Mr. Cortez only speaks Spanish. I offered to interpret for him, if you like.

CHAIRMAN FLORES: I have no issues with that.

Commissioners?

COMMISSIONER COLGAN: Of course not.

CHAIRMAN FLORES: Very well.

THE INTERPRETER: Good morning. My story began in September when a gentlemen called Reese knocked on my door. He was offering me a cheaper gas which was going to be some administered by Just Energy. I don't understand how this company can administer gas without the means to be able to deliver this gas to consumers.

In that time I used to pay a monthly bill of $32, now I pay $90 to $100. When I realized that what they were doing was renting their pipelines from Peoples Gas, I contacted them and I asked them
to cancel the service. They asked me to stay and instead of paying 79¢ per therm, they were going to reduce it to 59¢ per therm. I told them I was not interested. I wanted to end the contract. I had to pay $50 for a cancellation fee. I told them I didn't care. I would pay them a hundred, but I didn't want the contract any longer. So in order for them to cancel the contract, I had to use words that I cannot say or repeat at this time. So that's when they canceled the contract.

After that I excused myself to the person I was speaking to because I misbehaved because I understood that he had to support his family, but that he shouldn't support thieves like Peoples Gas or Just Energy. Thank you.

CHAIRMAN FLORES: Thank you.

We have no further witnesses.

Turning now to the public utility agenda. There are minutes to approve from the February 10, 2010, bench session. I understand the minutes have been forwarded.

Is there a motion to amend the
minutes?

COMMISSIONER FORD: 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 amending the minutes.

Is there a motion to approve the

minutes as amended?

COMMISSIONER ELLIOTT: 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 approving the minutes

as amended.
We are holding Items G-2, G-3 and W-3. We'll be moving on to the electric agenda.

Item E-1 is a tariff filing by MidAmerican Energy Company proposing revisions to Rider 4 and Rider 14. Staff recommends that the Commission allow the Company's proposed filings by not suspending the filing.

Is there a motion to not suspend the filing?

COMMISSIONER FORD: 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. We will use this 5-0 vote for the remainder of the agenda unless otherwise noted.

Item E-2 is a tariff filing by
Commonwealth Edison Company proposing revisions to the design of its customer bill form. Staff recommends that the Commission allow the Company's proposed filings by not suspending the filing.

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the filings will not be suspended.

Item E-3 is Docket 09-0484. This is a complaint by Louis Testa against Commonwealth Edison company. The parties have settled and moved to dismiss. ALJ Gilbert recommends dismissing the complaint with prejudice.

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the complaint is dismissed with prejudice.

Item E-4 and E-5 will be taken
together. These are applications for licensure of agents, brokers and consultants pursuant to Sections 16-115C of the Public Utilities Act. The ALJs recommend entering the Orders granting the certificates.

Is there any discussion?

(No response.)

CHAIRMAN FLORES: I have a question and this may have already been resolved, but I just want to be clear on this: Before -- this is to the ALJs --

JUDGE YODER: Yes, Chairman.

CHAIRMAN FLORES: The evaluation on the granting of the certificates, did we review whether or not any of these applicants or agents had any outstanding actions against them or pending actions against them in other states or other jurisdictions?

JUDGE YODER: Yes, Chairman. In some cases supplemental ALJ rulings were sent out to the parties, in some instances, I think it might have been combined with any other deficiencies. Docket 09-0604 indicated that it is registered with the Massachusetts Department of Public Utility's Energy
broker and has had no complaints filed against it for its provisional services in the gas or electric industry.

Docket 09-0599, World Energy, indicated that it is certificated in 14 other jurisdictions similar to the ABC licensing in Illinois and also it had no complaints filed against it for its provision of services in the gas or electric industry.

CHAIRMAN FLORES: Do you know whether or not as part of that analysis we inquired with, perhaps, organizations that are analogous to the Citizens Utility Board like we have here in the State of Illinois, where, perhaps, actions or complaints may be registered to those organizations; but not in particular being pursued by the Public Utilities Commissions in those jurisdictions?

JUDGE YODER: No, Chairman. No other inquiry was made for organizations similar to the Citizens Utilities Board in those other jurisdictions.

CHAIRMAN FLORES: What about analysis or questions of the Better Business Bureaus in those
jurisdictions and whether or not we made inquiries to
their Better Business Bureaus?

JUDGE YODER: No, Chairman.

CHAIRMAN FLORES: Okay. For the sake of
discussion, I would propose that me may want to
evaluate whether or not it may be prudent to go
beyond just asking whether or not there are formal
complaints being registered before Public Utilities
Commissions such as this one for the sake of getting
a clearer picture in terms of what may be going on in
those jurisdictions. I don't know.

Is there any discussions?

COMMISSIONER FORD: It has to be in the
statute -- I mean the rules -- the Administrative
Code.

JUDGE WALLACE: Mr. Chairman, this is Judge
Wallace. We think that the inquiry to the applicant
itself, you know -- I don't know that CUB or the
Better Business Bureau will elicit any valid
information because those types of organizations are
private organizations and the information we would
receive from them would not be readily admissible in
these types of proceedings.

COMMISSIONER O'CONNELL-DIAZ: The other thing I would just point out, and it's reflected in the preliminary matters of the Order, is that the parties are under oath when they present the testimony that is elicited. That would have to be, I think, a staff function to start a discovery procedure in these other jurisdictions. And as we heard earlier today, these are 14 jurisdictions and I really don't know how to do that.

COMMISSIONER ELLIOTT: I sort of agree. I think the issue of -- if it hasn't come before a regulatory proceeding and gone through the evidentiary basis, similar to the complaint process we engage in here, I'm not sure how admissible it would be just to --

CHAIRMAN FLORES: That may be the case, but I think it still may be something that we may want to further discuss at a later point. We've reviewed -- the concern always is, again, what are some of these companies doing in other jurisdictions and can we glean from their experiences in other places. And,
in particular, where there may be instances of cases where, you know, you see some egregious conduct. And to the extent that the information is out there and it's not that difficult to come about by, perhaps another just simple phone call or inquiry and at the minimum, we can include it in the record, I think it can offer some level of instruction.

In particular, given -- you know -- I think our interest, as Commissioner O'Connell-Diaz has indicated, when there are violations earlier as she indicated -- or rather instructions that were made in terms of filing complaints before this Commission, I think it could be -- could provide for some additional level of instruction. So --

COMMISSIONER ELLIOTT: I tend to agree that it would be a regulatory or a court or county jurisdiction. I would agree. Where I could go to the regulatory body and go through due process.

COMMISSIONER FORD: It would certainly have to be a regulatory body.

COMMISSIONER ELLIOTT: Exactly. I would look to their decisions in other jurisdictions as opposed
COMMISSIONER O'CONNELL-DIAZ: I just harken back to the days of the slamming that went on in the telecommunications industry and as those markets became competitive. We had a host of bad actors that came in here. And during the proceedings involving those particular companies, there was discovery having to do with the cases that were pending relative to a high number of consumer complaints. So I think that there is a mechanism for that and I think that the inquiry that Judge Yoder has suggested has become -- you know, its kind of the way that they to do it. I find that to be appropriate.

You know, with regard to the consumers earlier -- going to your point, Mr. Flores, with regard to the consumer knowing what they can do or can't do, these consumer have not been told the right information, I believe, these people that came here today. They have a right to file a complaint against the provider of that service and they should do so. Certainly that's up to them, but I'm quite taken aback that we would hear these stories this
morning and that these folks have not filed consumer
complaints with our consumer division, that's what
they're there for.

COMMISSIONER COLGAN: Mr. Chairman -- and I
think that's what I think you're trying to get at is
that there are these violations that happen and
people make complaints, but they don't make those
complaints to the legal authority that can actually
have jurisdiction over it. I share your concerns
that -- I mean, there's a ton of these ABCs that have
come through -- I mean, every session we have five or
six of those it seems. And I think our intent is
to -- before we invite in bad players, that we take
precautions to make sure that doesn't happen.

So I appreciate the concerns by all of
the Commissioners on this issue and maybe we take
that under advisement and we can have further
discussions about the very best way that we can do
that without creating a lot of unnecessary work for
the Staff, it's already really busy; but to try to
make sure that we have really reasonable policies in
place that try to discover this before it becomes an
COMMISSIONER FORD: I think if you look back in the preliminary matters, the ALJ heard what we said last week because he said he requested additional information on the applicant, so they heard us. And so they did do what we asked them to do, in my opinion, due diligence by asking. And they were under oath, I think, when they gave this information, so we can always come back. This Commission has the jurisdiction to come back and say, You did not give us the right information.

COMMISSIONER ELLIOTT: Just to reenforce what Commissioner O'Connell-Diaz mentioned, we've gone down this path before in this regulatory agency with the telecommunications carrier (someone coughing) and legislative processes and regulatory processes to protect consumers, and there were problems and they were -- and so we shouldn't have to file this round again. This type of information that we engaged in or embodied in our telecommunications certification cases, I think, should be adopted and adapted and --

COMMISSIONER O'CONNELL-DIAZ: You know, I heard
this morning from one of the presenters that they were directed to call someone else other than the Commission. That's troubling to me and it was from one of our regulated entities, at least that's the story that I heard.

COMMISSIONER FORD: It was alleged.

COMMISSIONER O'CONNELL-DIAZ: Maybe there was misunderstanding, but this is the regulatory body that licenses these providers and this is the place that citizens come to file a complaint relative to any issue that they may have. So to me I think that Commissioner Colgan is right on. It's a question of getting that message out to consumers that this is the place you come. Don't join some group and think that -- if you've got an individual complaint, come here. This is what we do.

COMMISSIONER COLGAN: I think we're --

CHAIRMAN FLORES: And that's my point. If it goes on in this jurisdiction, I think it's a pretty safe bet to assume that it's going on in other jurisdictions as well in which, unfortunately, you have a scenario where the Public Utility Commissions
are not the only places where people are going and
registering complaints. I, for one, am as concerned
as all of you are, in particular, hearing the
egregious allegations of -- some of the allegations
that were made. And if we have an opportunity to
gather information that's readily accessible, that we
at least ask for it.

I'm not saying that we weigh and make
a decision given also the concerns for due process,
but at the minimum that we have that information in
our file for the purposes of making sure that we
protect the consumers from egregious conduct.

COMMISSIONER O'CONNELL-DIAZ: I think everyone
is interested in protecting the consumers.

CHAIRMAN FLORES: I think you're right
Commissioner O'Connell-Diaz.

Any further discussion on this matter?

(No response.)

Item E-6 is Docket 09-0614. This is a
complaint by Merle Hudgins and Marcial Salgado
against Commonwealth Edison Company. ALJ Kimbrel
recommends dismissing the complaint.
Is there any discussion?
(No response.)
Any objection?
(No response.)
Hearing none, the complaint is dismissed with prejudice.
That concludes the electric portion of today's agenda.
Turning to natural gas, as previously mentioned, we are holding Items G-2 and G-3. Items G-1 and G-5 will be taken together. These are complaint cases where the parties have settled and moved to dismiss. The ALJs recommended dismissing the complaints with prejudice.
Is there any discussion?
(No response.)
Any objections?
(No response.)
Hearing none, the complaints are dismissed with prejudice.
Item G-4 is Docket 09-0408. This is a complaint by Valentina Taylor against Peoples Gas
Light and Coke Company. ALJ Hilliard recommends entering the Order dismissing the complaints, with prejudice.

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the order is entered.

Item G-6 is Docket 10-0084. This is a petition by Interstate Gas Supply of Illinois, Inc., to keep confidential portions of its 2009 Report of Continued Compliance as an Alternative Gas Supplier. ALJ Sainsot recommends entering an Order granting the petition for a period of two years.

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the Order is entered.

Item G-7 is Docket 10-0098. This is a petition by Consumer Gas Company seeking authority pursuant to Section 6-102 of the Public Utilities Act
to incur indebtedness in the amount of $1.5 million.

Chief ALJ Wallace recommends entering Order granting the petition.

Is there any discussion?
(No response.)

Any objections?
(No response.)

Hearing none, the order is entered.
That concludes the natural gas portion of today's agenda.

Starting with the telecommunications agenda, Item T-1 is a tariff filing by Illinois Bell Telephone Company seeking to modify the retail and resale of $5 residence Access Line Retention Offer. Staff recommends not suspending the filing.

Is there any discussion?
(No response.)

Any objections?
(No response.)

Hearing none, the filings will not be suspended.

Item T-2 is Docket 09-0279. ALJ Baker
recommends entering an amendatory order making

corrections to the certificate of local and

interexchange authority.

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the amended order is

entered.

Item T-3 and T-4 will be taken
together. These are applications requesting

certificates of service authority to provide resold

wireless communication services in Illinois. ALJ

Riley recommends entering the orders granting the

certificates.

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the orders are entered.

Item T-5 and T-6 will be taken
together. These are verified petitions to withdraw
Certificates of Service Authority. ALJ Baker recommends entering the Order granting the petitions.

Is there any discussion?
(No response.)

Any objections?
(No response.)

Hearing none, the orders are entered.

Items T-7 through T-11 will be taken together. Staff recommends entering the Orders initiating citation proceedings for failure to maintain corporate status.

Is there any discussion?
(No response.)

Any objections?
(No response.)

Hearing none, the Orders are entered.

Item T-12 is Docket 09-0317. This is an investigation proceeding as to whether interstate access charges by Norlight, Inc., d/b/a Cinergy Communications were just and reasonable. ALJ Benn finds that the revised tariffs are just and reasonable and recommends dismissing the proceeding,
without prejudice.

Is there any discussion?

(No response.)

Any objection?

(No response.)

Hearing none, the proceeding is dismissed without prejudice.

Item T-13 is Docket 09-0382. This item initiates a rulemaking proceeding and authorization for the first notice period. The rule amends 83 Illinois Administrative Code Part 732 entitled "Customer Credits." ALJ Benn recommends entering the first notice Order.

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the Order is entered.

Item T-14, T-15, and T-17 through T-25 will be taken together. These are petitions for relief to protect disclosure Petitioners' 2009 Annual Report. The ALJs recommend entering Orders granting
the petitions, but only for a period of 2 years.

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the Orders are entered.

Item T-16 is Docket 10-0011. This matter concerns a joint motion to extend the deadline in this case. ALJ Hilliard recommends entering an Order extending the deadline in this case to October 21, 2011.

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the Order is entered.

Item T-26 is Docket 10-0101. This is an amendment to an interconnection agreement. ALJ Benn recommends entering the Order approving the amendment -- actually, I have here Order approving the agreement.

Is there any discussion?
(No response.)

Any objections?
(No response.)

Hearing none, the Order is entered.
That concludes the telecommunications portion of the agenda.

Turning to water and sewer, item W-1 is Docket 10-0194. This is a tariff filed by Aqua Illinois, Inc., to increase its rates for water service in the Kankakee Water Division. Staff recommends the filing be suspended and set for hearing.

Is there any discussion?
(No response.)

Any objections?
(No response.)

Hearing none, the filing will be suspended.

Item W-2 is Docket 08-0083. This is an application by Illinois American Water Company for a Certificate of Public Convenience and Necessity to service a parcel in DuPage County. ALJ Baker
recommends entering the Order approving the application.

Is there any discussion?
(No response.)

Any objections?
(No response.)

Hearing none, the order is entered.

As stated previously, item W-3 is being held.

Item W-4 is Docket 10-0107. This is a request by Aqua Illinois, Inc., for waiver of a provision in 83 Illinois Administrative Code Part 285 to use 2008 AICPA guide. ALJs Hilliard and Benn recommend granting the waiver.

Is there any discussion?
(No response.)

Any objections?
(No response.)

Hearing none, the waiver is granted.

This concludes the water and wastewater portion of the agenda. There is one miscellaneous item on today's agenda.
Item M-1 is a Resolution adding a new page, lb, to Form 21ILCC, the annual report form for electric utilities, licensees and/or natural gas utilities. Staff recommends entering the Resolution.

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the Resolution is entered.

Turning now to Petitions for Rehearing, items PR-1 concerns petitions for rehearing in Docket 09-0166/09-0167 consolidated, North Shore Gas Company and Peoples Gas Light and Coke Company's proposed general increase in natural gas rates.

The Utilities, the Attorney General, Citizens Utility Board, and the City of Chicago have filed petitions for rehearing.

I will be voting present on this case at this time. Given that when this matter was first before us in January for the final order, at that
time I did not vote given that that was the first day
that I started on the Commission.

Judges Moran and Haynes, will you
please briefly discuss this matter.

JUDGE MORAN: We have these applications for
rehearing. The Commission has 20 days to rule on
them. Some applications were filed earlier than
others. Pursuant to law, the Commission was to take
action on these pleadings by March 11. In one of the
applications for rehearing, there were certain
technical corrections.

If the Commission grants rehearing, we
will include those corrections in an order on
rehearing. If the Commission doesn't grant
rehearing, then we're going to submit a separate
Amendatory Order on those corrections. We've
submitted a memorandum that pretty closely
approximates the arguments and points of error raised
by the parties.

JUDGE HAYNES: The first issue that the
Utilities seek rehearing on is the compensation
issue. And the Order adopted Staff's position, for
the most part, on this issue and the Utility doesn't raise anything new on their petition for rehearing and we do not recommended that you grant a rehearing on that issue.

And the second issue is the pension asset liability and OPEB liability and somewhere the compensation issue. We don't recommended rehearing and this decision that the Commission reached in the Order is consistent with the Peoples Gas rate case. We also believe it's consistent with the recent appeal of the ComEd rate case and we don't need a rehearing.

JUDGE MORAN: We've got two sets of issues under Rider ICR. The first is the challenge to the orders directives on the Rider ICR. Baseline -- that's where the Commission directed the company to meet with Staff and determine a baseline for calculating costs. That would be put in and modify the Rider.

The problem is as City and CUB and the AG have set out that setting rights is purely a Commission function and it is a task that really
cannot be delegated to either Staff or to the Company. Now, the parties have raised that point. We think they're right on that point. They're also talking about this sort of constitutes a legal settlement. The problem is, I think, with this language is the Commission didn't carry to another step. If they didn't say that the results of those negotiations would be brought back to the Commission for some type of approval either in this proceeding or in another proceeding. But you've got to put the stamp on it and you've got to find that it's just and reasonable and appropriate in the circumstances. And for all these reasons that we've kind of explained and set out in this memo, we believe that rehearing is wrong to adhere, but on that specific issue only and if the Commission agrees that we ask that you make that clear. I'm saying that because we find that there are other challenges to the Commission's approval to Rider ICR. Those are in many ways the same arguments that were raised before. We've gone through all those objections and those objections incidentally are only raised by two parties, the AG
and CUB.

And I think if you go to the final recommendation on Page 10 it kind of says it all. This is taken out of CUB's application for rehearing. And it really specifies what this Commission did. It reviewed whether an accelerated main replacement program could go forward. It considered whether the company had shown the Rider ICR is just and reasonable. It went through discussion of the legal standards. It discussed all the terms and the proposals for the Rider ICR tariff and then it went through this balancing act of trying to make it even better than anybody had proposed. You can't read this account and not be convinced that the Commission did everything right in terms of ICR. So therefore we find no reason to have rehearing on that issue.

The next point of argument is challenges to the capital structure. Again, we go through an explanation and an analysis of the arguments. We do not find rehearing to be warranted for this issue either.

And then we go to cost of equity. The
Commission made changes to the proposed Order, some
of which we had recommended, although it rejected
some of our recommendations also. In any event, this
memo goes through the Commission's adoption of the
constant growth DCF models and says, Hey we've done
this before. This is really nothing new. The
applicant says that the Commission didn't consider
financial conditions. The testimony is full of
evidence and testimony on that. The Commission did
consider it. The order says that it was considered.
Our memo addressed those financial conditions also.
So it's really unfair to say that the Commission
didn't take account of it. They also say that the
Commission didn't consider the results of any non
constant growth model. Well, yes, you didn't
consider those results when you're making your final
estimate, but you also say in that Order why you
didn't.

Among other things, the order notes
that this model has unserveable growth rate variables
that are likely subject to greater measurement error,
so that's a factor of reliability. Also, the order
notes a striking variation in results between the Staff's estimate and the CUB/City's estimate under the same model. So, again, that's a telling aspect for reliability. So we do believe that the Commission has considered everything that was essential to the problem and the situation of the DCF models.

The other issue is that the Commission bases its cost of equity determination on calculations that lack record support. That's, again, not a fair assessment because the Commission can develop its own cost of analysis or estimate and even the applicants recognized this. And they're actually challenging the Commission for doing what it is absolutely permitted to do. Each and every estimate that was applied in this case was derived from the record. That's what the law requires even if it's not one a particular party requires.

Interestingly enough at Page 31 of its application, CUB reintroduces a chart that we've seen numerous times in this proceeding. We've seen it in one of the testimonies either of Bodnar or Thomas, I
know we've seen it in briefs and briefs on exceptions. This chart illustrates CUB's view of the record and, in our view, it reflects an attempt to have the Commission focus on only those recommendations as being final and determinate on the issues.

In other words, you're going to read this chart whether it's intended or not, the results would kind of show that, Oh, Staff and CUB are pretty close and the company is far out. And when you see that, you're going to think the Company is an outlier here and outliers are generally not viewed as reliable. But what the Order did is it went past this chart, it knew that each of those estimates were derived from not one judgment, but of multiple different judgments.

In other words, the Commission did not take an easy path in arriving at its determination. It did exactly what City/CUB's own witness, Bodnar, proposed that it do, it scrutinized the recommendations derived from these financial models and, as such, no rehearing is warranted here.
The third contention of CUB and the AG is that the Order excluded CUB and AG's analysis from consideration. And they talk about that particularly in terms of the cap on analysis. That somehow the Commission short changed that witness' account. But if you look at the Order, it shows that the Commission went through the beta input, the market risk premium, and the rate of return on the market parameter and it looked at the way each witness including City/CUB witness Thomas developed estimates on these parameters and the Commission gave all these parameters scrutiny so there's really nothing more than to do here on rehearing.

The last argument under cost of equity belongs to the Utilities, and they're talking about the risk adjustments. Staff proposes, if you recall, this 20-basis point risk adjustments and Staff proposed a lot of other adjustments for Rider VBA, for Rider UVA. The Commission -- well, we actually addressed all these adjustments in our memo to the Commission before it entered it's order. We thought that there might have been some double counting here.
The Commission, however, didn't make any changes in its Order and under those circumstances we're not going to recommended rehearing.

So really there is only one issue that we find warrants rehearing and that is our recommendation to this Commission.

COMMISSIONER O'CONNELL-DIAZ: Judge Moran, with regard to the one issue that you believe should have rehearing -- and I agree with you -- I think in the rush to -- because safety is a huge concern, I think, for the Commission on the issue of the Rider ICR and so we would like to move as expeditiously as possible. In order to cure the defect as you see it in the Order, Staff and the Company have developed this baseline. How would you propose that we deal with that? Have parties file comments or -- and can we do it in a short time frame so that there is full and fair hearing of that and also we move as quickly as we do need to move because, as I see, it we have -- unfortunately last week we had an incident in the City of Chicago and there was a life lost and I believe the Commission is concerned.
JUDGE MORAN: It's certainly our intent to move this matter along. I think that maybe it would be best that the Commission maybe not specify the procedural matter or specify the scope. That's always a challenge when we get rehearings when the Commission doesn't specify the scope and then everybody thinks that everything can be tried a new. So we do urge that you limit the scope of this proceeding to that.

COMMISSIONER O'CONNELL-DIAZ: Scope being to the baseline?

JUDGE MORAN: Yes, and we would like ourselves to see the parties negotiate this even before our filing comments. But, again, I don't know if that's a direction that we can set out at this time. It would be certainly something we would urge on rehearing.

COMMISSIONER COLGAN: Are there three things then? It's like the baseline, it's the parties involved and final sign-off by the Commission?

JUDGE MORAN: Yes, that's basically how it would work. On rehearing we would, of course, give
notice to all the parties. Those parties would come in and we would discuss how we would proceed with this, whether they want to do comments, whether they want to have some meetings before comments --

COMMISSIONER O'CONNELL-DIAZ: As to a time period, I'm thinking a 90-day time period.

JUDGE MORAN: We do have -- I don't want to say a schedule alternative argument by the Utilities that they have set out a proposal and -- Hold on a second.

COMMISSIONER O'CONNELL-DIAZ: I think this is something that the ALJs that grant the rehearing that they will be given the latitude to work with the parties and develop a methodology that moves the ball forward with regard to this in taking the various parties positions and that may be our best --

COMMISSIONER ELLIOTT: Particularly if we limit it to the due process issues around the baseline determination.

COMMISSIONER FORD: You said 90 days?

COMMISSIONER O'CONNELL-DIAZ: Well, I was just looking for a 90-day turnaround -- or do you think we
should just leave that?

JUDGE MORAN: I think the rehearing has to be done within 5 months, if I remember correctly. For a lot of reasons, we will certainly be pushing that date forward.

COMMISSIONER O'CONNELL-DIAZ: Well, I think the Commission is looking to expedite it as quickly as we can given the safety factors involved.

JUDGE MORAN: Trust me, so are we.

COMMISSIONER O'CONNELL-DIAZ: Well, I think then we'll leave the scheduling up to the ALJs. My recommendation would be to grant rehearing as Judge Haynes and Judge Moran have presented us today with regard to the baseline issue. They will go forward with the rehearing format and you can talk to the parties how they want to deal with it and negotiate it or however they want to deal with it.

COMMISSIONER FORD: Is that a motion?

COMMISSIONER O'CONNELL-DIAZ: I think that's a motion.

COMMISSIONER ELLIOTT: I will second that one.

CHAIRMAN FLORES: Very well.
It's been moved and seconded.

All in favor say "aye."

(Chorus of ayes.)

Any opposed?

(No response.)

The vote is 4-0. The rehearing will be granted on the one specific issue regarding Rider ICR's baseline issues only.

We have two FERC matters on the agenda requiring closed session.

Is there a motion to go into closed session?

COMMISSIONER ELLIOTT: So moved.

CHAIRMAN FLORES: Is there a second.

COMMISSIONER FORD: 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 to go into closed session.
Please let me know when the room is ready in Springfield.

JUDGE WALLACE: It's clear.

CHAIRMAN FLORES: Thank you.
(Whereupon, the following proceedings were had in open session.)

COMMISSIONER ELLIOTT: Mr. Chairman with regard to these two FERC matters, I would make a motion that we have a Commission vote to allow me to support these in the OMS meeting tomorrow.

COMMISSIONER COLGAN: I second that motion.

CHAIRMAN FLORES: Very good.

There is a motion to file the comments with FERC.

It's been moved and seconded.

All in favor say "aye."

(Chorus of ayes.)

Any opposed?

None the vote is 5-0. The comments will be filed with FERC and Godspeed Commissioner Elliott.

So the record is clear that motion was for FERC items, RM10-13-000 as well as Docket AD10-5-000.

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

JUDGE WALLACE: Mr. Chairman, if we can backup
to E-4 and E-5, I think we got into a discussion and
I don't know if the Commission took a vote on this,
please.

CHAIRMAN FLORES: I belief we did. We did
grant the Order or the Certificate.

JUDGE WALLACE: All right.

CHAIRMAN FLORES: No, we did order it. There
was no agreement in terms of exactly -- there was a
discussion in terms of what would be appropriate to
consider and I think the ultimate recommendation is
just for something to keep it under advisement.

Okay? Is that clear.

JUDGE WALLACE: Okay. Thank you, sir. Other
than that --

COMMISSIONER ELLIOTT: I will make a motion
just to clarify the record that we grant the
Certificates and the Application for both E-4 and
E-5.

COMMISSIONER FORD: I second.

CHAIRMAN FLORES: All in favor say "aye."
(Chorus of ayes.)

Any opposed?

(No response.)

The vote is 5-0. Thank you.

At this point the meeting stands adjourned. We're going to take a 15-minute break and then convene in the video conference room for the administrative meeting.

(Whereupon, the Administrative meeting begins.)

CHAIRMAN FLORES: Beginning the administrative meeting agenda. Present we have Commissioner Ford, we have Commissioner O'Connell-Diaz, Commissioner Elliot, and Acting Commissioner Colgan. I am Acting Chairman Manny Flores. We have folks in Springfield joining us as well, gentlemen, good afternoon.

JUDGE WALLACE: Good afternoon.

CHAIRMAN FLORES: That was a test to make sure you were hearing the audio over there.

Everyone has the agenda that we distributed.

Do you want a copy of it.
COMMISSIONER ELLIOTT: I don't have it with me.
I can live.

COMMISSIONER COLGAN: Same here.

CHAIRMAN FLORES: I wanted to give us all an
opportunity to just talk a little bit about the
committees. I understand that there's an interest in
having some policy committee meetings. I know that
we have annual meetings already with the Water
Committee and also the Gas Committee, historically,
and also the Electricity Committee. There have
already been -- there was one request for an
Electricity Committee hearing. So I just thought it
would be a good idea for us to come together just to
get a sense of scheduling issues and procedures and
how to move forward with the Policy Committees. Also
Commissioner Colgan had -- there was a discussion
about the creation of a new committee, the Consumer
Affairs Committee.

So first on the agenda is a brief
discussion on mission and goals of the Consumer
Affairs Committee that Commissioner Colgan wanted to
move forward on.
COMMISSIONER COLGAN: Thank you, Mr. Chairman.

Just in some discussions that we've had over the last couple of weeks and at the Naruc meetings, I attended the Consumer Affairs Committee meeting on several occasions and weighed in on a few different issues there. Well, I didn't realize we had committees. You know, when you mentioned in the bench session that you chaired the Gas Committee, I was thinking, What is that?

COMMISSIONER FORD: You'll find out soon enough.

COMMISSIONER COLGAN: So then a discussion -- I asked, What is the Gas Committee and I found out there were committees. And in discussions with you -- well, Chairman Box chaired the Electricity Committee. Each of you have chaired different committees, so I just brought up the issue of like, Well, what about consumer affairs? Do we have such a committee? It has occurred to me that we wouldn't need a Gas, Telecom, Electricity, Water, you name it Committee if it wasn't for consumers. The consumers are at the base of it. Without the consumer, we
really wouldn't have a need for any of those committees, so it seems fundamental.

It also seems that you can assume that each of those committees takes into considerations issues of consumers, but it looks to me like we're living in the brave new world as we head off into deregulated markets and the telecom and electricity markets, all the complications and big issues are swirling out there in terms of the effects that it's going to have on consumers, the whole smart technology issue.

You've got one set consumers that's like, Bring it on. Why isn't it already here? And then on the other end, it's kind of like a timeline there. The example I found myself using is if you go onto a college campus and you see kids walking around talking each other, but they're all like, you know, while they're talking, Oh, yeah, yeah. So the digital world is there at the Naruc meeting. I think it was the VP of General Electric who started out his comments with, How many people in the room have a cell phone that's older than three years?
COMMISSIONER FORD: Did anybody raise their hand?

COMMISSIONER COLGAN: I think there were a couple.

COMMISSIONER FORD: You're kidding.

COMMISSIONER COLGAN: There were two or three.

COMMISSIONER FORD: Why are they keeping is so long?

CHAIRMAN FLORES: She's due for her new contract.

COMMISSIONER O'CONNELL-DIAZ: No, I don't want it. I made them go in the back and get an old phone because it really works well.

COMMISSIONER ELLIOTT: I had a hard time converting from the Blackberry.

COMMISSIONER COLGAN: I will think the point there becomes that consumers are not only ready for the new technology, but they're willing to pay for it.

COMMISSIONER FORD: Some of them.

COMMISSIONER COLGAN: There is a that segment of the population that's all gung-ho and they're
trying to hold them back and at the other end. If you go to a senior meal site and do a survey of who here wants a smart meter, you might get a lot of push back on that like, Why do I need that? I'm 70 years old and this has all worked well for me.

So anyway it's just a broad spectrum of issues. It also occurred to me that there's always the divide between the advocates and the utilities and we sit in the middle of that. We're actually charged with finding that balance, and it seems like a Consumer Affairs Committee could be a place where people all come to the same table and talk about some issues and maybe we can have a more civil discussion about how things work. We all have issues with how some issues get brought to us. What format do they come to us? So then that brings to bear the matter of the fact that we have our on Consumer Issues Department inside this agency that many times just gets overlooked.

COMMISSIONER FORD: Absolutely.

COMMISSIONER COLGAN: I'm thinking that that committee could -- a Consumer Affairs Committee could
actually convene those stakeholders -- all the
stakeholders together to just kind of rationally talk
through some issues.

COMMISSIONER O'CONNELL-DIAZ: I think it's a
great idea. One thing I would say though is that our
different committees -- and this is probably
informational for all of us and particularly for our
two newest members that there is always -- whenever
we do have a policy meeting -- it's not just, you
know, once a year. As issues come before the
Commission, sometimes we will have -- when we had the
storms a couple years ago, we had electric policy
meetings about how were the companies in the service
territory dealing with the issues of the storm.
Actually, that was the precursor to the Liberty
situation. We did same thing with Com Ed when they
had 148,000 people out. The next week we had an
electricity policy meeting as we felt it was
important that the Commission be addressing this in a
public way and letting them know what was going on
and how we were paying attention to that.

So at critical times these committees
can be used for those type of information sharing.

COMMISSIONER ELLIOTT: You had one on high-speed rails last --

COMMISSIONER O'CONNELL-DIAZ: Yeah, we had one on high-speed rails last summer or fall. And at those we do -- there is a balancing of including the consumer interest as we are charged to do. We don't just regulate utilities, we also have to ensure that it's the fair and reasonable rate that people are paying. So there is always an attempt at any of these committee meetings to have, you know, participation from consumer folks.

While I think it's a wonderful idea, I just think we need to be cautious in that -- and I know we're taking the name from the Naruc thing, but I don't want it to look like the other committees don't care about the consumers. So I think it's -- and also there's some situations where we've had -- where we felt we brought everybody to the table and they're sitting in the back hatching their own plan that has nothing to do with the betterment for the consumers.
So I think it's a good idea and I just think we need to proceed with our eyes really wide open as we move into those areas. This morning was a perfect example. These people have not been given the information that they needed by these consumer representatives.

COMMISSIONER ELLIOTT: That would have been my suggestion for the first meeting. How do we get people to drive these customers to us so that our processes can work?

COMMISSIONER FORD: Well, once John gets it up and if we do a press release, he'll simply say we're all members of it and he's just the chair. Because this article he just sent us on the socialization for those transmission lines is going to take the wind. That's something that you can jump out ahead of that because that's going to be a big fight, the socialization of those transmission lines.

COMMISSIONER COLGAN: And it seems, too, that, you know -- I guess we've all been seeing a flurry of news articles about a certain rate case pending before us -- and it just seems that the consumer
groups, you know, kind of hang out in this adversarial position with us.

I'm not naive enough to think that we can all be friends. But at the same time, I think a forum where people have an opportunity to be in there at the table making their input might kind of put some of that down in terms of feeling that maybe they have their own little place where they can come. And it's not just for consumer advocates because the Chairman and I were out at Com Ed yesterday for a tour of their call center and we kind of brought this issue up because look at the contact they have. They get 11 million calls --

COMMISSIONER O'CONNELL-DIAZ: But, John, just so you know, there was a time here at the Commission that if we had gone to the call center, we would have been on the front page of the Tribune as like being over at the call center fixing a rate case. This is wrong. We need to communicate to our utilities. They also are a font of consumer contact and why can't we, not as the regulatory body, work with them to review the knowledge that needs to be out there.
And if we cannot do that, we cannot do our job because God knows the State doesn't have the money to be doing this --

CHAIRMAN FLORES: I would say Commissioner O'Connell-Diaz nailed it right on the head. That was the one thing that Commissioner Colgan and I picked up on immediately. That's why we went to the call center to see where -- and we were listening in on a number of calls that were made and hearing and how the Company was also interacting with the public to ensure that they were interacting with the public in a professional manner and in a way that they were going to be serving the needs. And it just makes sense for all stakeholders to be working towards -- in a very open -- and to everyone's point here, the beautiful part about having a policy committee is it is open, it is transparent, and no one has, then at that point, any excuse or any reason for not to be participating as a stakeholder within the framework --

COMMISSIONER O'CONNELL-DIAZ: Don't be naive. You have no concept of what these people can do and
what they cause. You can start out with all the best intentions and -- maybe it's a different day, but I just think we need to turn the tables and this morning was a perfect example. That should be an embarrassment.

COMMISSIONER ELLIOTT: The one point that I -- not only the consent decree issue, but it was the fact that Nicor directed them to CUB.

COMMISSIONER FORD: Well, they alleged that.

COMMISSIONER COLGAN: That's what I'd like to know. If that is a practice of the call center I have no knowledge of this. The only thing I have is anecdotal information that that occurred.

What I'd like to do is try to defuse some of that. And maybe it can't happen, but I'd like to try.

COMMISSIONER ELLIOTT: I think it's a good thing. The more dialogue we can have on this issue --

COMMISSIONER COLGAN: What I'd like to see is if there are concerns or if you have words of wisdom for me, maybe shoot me an e-mail in the next week or
two. And I'll probably talk it around to our own
Consumer Department. I want to ask them what they
think and try to get a handle on how this should be
structured. Maybe put together a little bit of a
mission statement for what the committee is about so
that it isn't crossing over into all kinds of other
issues. Like some things we're going to deal with,
we're going to refer other things to other
committees. But other committees might want to refer
some of that stuff to this committee.

COMMISSIONER O'CONNELL-DIAZ: Or their would be
joint -- I don't know how you get away from the
consumer aspect in anything that we do just like you
can't get away from the Utility Act because those are
the two things that we -- you, know, we regulate one
and we have to insure that it's fair for the other.

COMMISSIONER ELLIOTT: In this case.

COMMISSIONER FORD: They would be apart of this
collaboration.

COMMISSIONER ELLIOTT: As we discussed today,
we're talking about slamming and cramming issues.
This is nothing to do with industry. It's agnostic
to gas, electric or Telecom. It's a consumer issue.

We've already dealt with it in certain areas. We're much more mature --

COMMISSIONER FORD: But maybe in the initial stages their consumer person should be in that --

COMMISSIONER ELLIOTT: That's what I'm talking about. Maybe the people in the call centers or maybe the people that were here didn't work in the telecom industry and don't have the experience that we have and we can draw upon. It would be great to have our Teleco Staff say, Yeah, we dealt with this. We were here. You and I were here when this was going on. It was a nightmare. It was all dealt with. The Commission, through legislation and its regulatory rules and procedures, dealt with it. And coming at it again, it's like this is a new and novel thing, it's not.

CHAIRMAN FLORES: And it shouldn't be.

Very well. Any further discussion on the Consumer Affairs Committee that Acting Commissioner Colgan will be chairing?

COMMISSIONER COLGAN: I would just like to
thank everybody for your consideration here, and for
your help in trying to get this thing squared up so
that we know that this -- it's a new committee so we
want to know what it is before we actually roll it
out there and say, Here it is.

So I'm going to count on you to give
me some feedback. I'll talk to some staff, I'll talk
to some other stakeholders, I talked to ComEd
yesterday and got all kinds of good feedback from
them.

COMMISSIONER FORD: Iowa has a good one. I sit
on the board with a GTI person and he's from Iowa.

COMMISSIONER O'CONNELL-DIAZ: And that's thing
another thing, at the Narook meeting you'll have an
opportunity to meet the consumer reps from other
states where there is not an antagonistic situation.
I cannot tell you how refreshing it is to have
everybody working towards that same goal and how far
we could go if --

COMMISSIONER ELLIOTT: It is a different
situation.

COMMISSIONER O'CONNELL-DIAZ: It's a healthy
situation and people are looking for --

COMMISSIONER ELLIOTT: The consumers council in other states are -- the structure is quite different, they're funded legislatively and the relationships --

COMMISSIONER O'CONNELL-DIAZ: And they really work together. And that's really I think what we should be.

COMMISSIONER COLGAN: I have started a dialogue with Ann Boyle from Nebraska. She chairs the Narook Committee.

COMMISSIONER ELLIOTT: John Perkins is a classic -- he's been around this world for a long time.

COMMISSIONER O'CONNELL-DIAZ: The kind of CUB people in those various states. It's a different thing when you sit down next to them and you're like, Yeah, we work with our Commission on this and I'm like -- We really do need to help each other.

MR. ANDERSON: I was inquiring about some of the comments that were made and I don't know they started or where they came from, but the Policy Meetings themselves seem to be kind of fairly
informal in terms of where they come about. Do you

guys want to formalize them a little bit or do you

want to just kind of leave them the way they are?

CHAIRMAN FLORES: When you say "formalize

them," what do you mean by that?

MR. ANDERSON: Well, I mean, like right now as

far as I can tell, you can say, Let's do this and do

it, but then again you said you didn't know we had

them.

COMMISSIONER COLGAN: I wondered if we need to

formally establish a committee or do we just decide

that there is a committee.

CHAIRMAN FLORES: You can play this one or a

couple different ways.

MR. ANDERSON: And I don't have a preference.

CHAIRMAN FLORES: The bottom line here and the

way I understand it -- and please, our colleagues who

have been here for longer than the two new acting

Commissioners.

COMMISSIONER O'CONNELL-DIAZ: The newbies.

CHAIRMAN FLORES: The policy committees play a

very important role in the ICC. Some of the points
that have already been made have been meeting
officially for the purpose of informing people about
what the ICC is doing and to also, in some instances,
inquire of the utilities and the other stakeholders
that we are responsible for working with and
regulating to inform the ICC and the general public
about what they're doing to address -- whether it be
safety issues weather storms or other policy issues
that maybe related. So to that extent, I think
they're formal.

One question that I had -- and that's
why I thought it would be a good idea to have this
meeting would be, I personally asked a judge, in
terms of when we call for a meeting a policy
committee meeting, if we're going to be gathering
testimony in the meeting that we setup --

COMMISSIONER O'CONNELL-DIAZ: We don't do that.

CHAIRMAN FLORES: Why can't we do that?

COMMISSIONER ELLIOTT: It's not a docketed
proceeding. And also it will hamper you from being
able to take any new information you want to get and
free dialogue.
THE WITNESS: It depends on what you mean by testimony. Are you meaning it in a general sense?

COMMISSIONER O'CONNELL-DIAZ: I didn't mean to cut you off.

CHAIRMAN FLORES: I'm talking if you have a meeting when Com Ed comes in to explain what they're doing, they're reporting --

COMMISSIONER FORD: It's on the record.

CHAIRMAN FLORES: So that's what I'm talking about.

COMMISSIONER ELLIOTT: It's a transcript.

COMMISSIONER O'CONNELL -DIAZ: Yes, but it's not like a docketed proceeding.

COMMISSIONER ELLIOTT: Nobody is sworn in.

CHAIRMAN FLORES: Guys, I mean testimony.

COMMISSIONER FORD: Yes, like they do at the City Council.

CHAIRMAN FLORES: In the City Council -- when you want to pass legislation, what you do is you introduce the law into the general council and then the general council will move it to a committee; the committee will hold a hearing. They will take
testimony. The testimony is on the record. And then at that point, depending on the type of legislation, there will be action taken or no action taken. 

COMMISSIONER ELLIOTT: The on the record part is the troubling issue here because on the record for me is in a docket. You have a docket, it's open --

CHAIRMAN FLORES: So when the Commission in the past has held committee meetings, are they open to the public.

COMMISSIONER O'CONNELL-DIAZ: Yes.

COMMISSIONER COLGAN: Are minutes taken?

COMMISSIONER ELLIOTT: It's a verbatim transcript.

CHAIRMAN FLORES: What's the difference between that and --

COMMISSIONER ELLIOTT: Let me give you an example.

CHAIRMAN FLORES: Maybe what we need is a tutorial form from either the Commissioners or the lawyers --

MS. STEPHENSON-SCHROEDER: The Commission doesn't make law like that or make rules like what
you are suggesting.

MR. ANDERSON: We don't issue orders out of policy. We take people -- however you guys want to do it and, like I said, there's two ways to use the word "testimony." I think there's two ways to use the word "testimony." There's a legal way and then there's a more general way that you do it legislatively. It's more of the legislative style in a policy committee meeting as opposed to the sworn and recorded.

CHAIRMAN FLORES: I'm referencing here the former where you're taking information. Which is what we've been doing already.

MR. ANDERSON: You mean presentation. Maybe Presentation is a better word.

COMMISSIONER FORD: That's right.

CHAIRMAN FLORES: That's what we are talking about.

COMMISSIONER ELLIOTT: If the guy that comes in and talks to us in a policy meeting in general, ideas about what we're doing, then they file a case and what they do and what they said may not match up.
Now, we can't use this, But you said in this policy meeting you were going to do this.

CHAIRMAN FLORES: That's fine. I'm just talking about getting information to us. That's what I'm talking about.

COMMISSIONER O'CONNELL-DIAZ: It is in a formal setting -- and when I say "formal," I mean there has been proper notices open to the public and actually the purpose is to have this discussion, open dialogue with -- and I think dialogue is the right word because the Commissioners presentations occur, the Commissioners go back and forth --

CHAIRMAN FLORES: And no votes are taken; correct?

COMMISSIONER O'CONNELL-DIAZ: No, it's not a docket.

CHAIRMAN FLORES: So given that no votes are taken and it's not a docketed proceeding, and that it's not formal in that respect and it doesn't bind the ICC to any type of official action for the purposes of scheduling the policy committee meetings, we don't need a forum then; right?
COMMISSIONER O'CONNELL-DIAZ: No, you don't need a quorum.

MR. ANDERSON: I think we need a quorum to convene the meeting.

CHAIRMAN FLORES: Why would you need a quorum to --

MS. STEPHENSON-SCHROEDER: To satisfy the Open Meeting Act. We have had sessions before where somebody heads up a concern committee where it might just be one Commissioner and they're holding something. But if you're sitting on open meeting --

MR. ANDERSON: I think you're talking about legal letter of the law kind of thing versus real practice. If you have two Commissioners decide that they're going -- because three Commissioner couldn't make it and they know they're not going to be able to make it, they'll let you do it --

MS. STEPHENSON-SCHROEDER: Not going to make it's decision.

MR. ANDERSON: There's nothing to challenge.

COMMISSIONER ELLIOTT: My understanding was that you needed to have a sufficient number of
Commissioners to open the meeting. Once the open meeting is stated because there's no vote, Commissioners can get up and leave if they want. That was my understanding.

MR. ANDERSON: The difference being --

MS. STEPHENSON-SCHROEDER: In the legal way that we've done the policy meetings before, yes. We follow all the letter of the law as far as giving notice and Mike can also jump in.

CHAIRMAN FLORES: My question is, can we -- I'm not suggesting that we don't issue notice. We want to issue notice. We want to have these policy committee meetings open to the general public. That's the whole point behind these meetings. I foresee, for instance, a potential where given our busy schedules, that if Commissioner Colgan wants to have a meeting and he's tried and unfortunately by one reason or another everyone's schedules have conflicted and he's trying to bring in experts from across the country that they can't meet our schedules because of I've been down that road before in my other capacity, would it be okay for John, after the
ICC issues all the open meetings requirements in terms of noticing the public and everything before 48 hours, doing everything even that we do now, is it okay if he were the only Commissioner to be at the meeting convening it.

COMMISSIONER O'CONNELL: First of all, that has not occurred because the Commission is -- it's business is to have these meetings. These are not meetings we have every month. So I don't think we're going to have a situation where we're going to be not available. Maybe somebody might be missing, but, generally speaking, these are not meetings we have every month. And also I think it is important that the Commissioners be together. When we have these important issues that we develop and you get people.

In the post 2006 initiative that was a committee that I led off. The Commissioners, we would be there for some of it, but they weren't there for all of it. We had 250 people in working groups, so I wasn't in there every week. I think when we do have these committee meetings, it's a respect that the other Commissioners go to the meetings when they
COMMISSIONER ELLIOTT: I'm just wondering and maybe you can help me here.

COMMISSIONER FORD: But if you have three to convene --

COMMISSIONER ELLIOTT: I think if we have an open meeting, we meet as a body. It's the Commission.

MS. STEPHENSON-SCHROEDER: But that's what I was saying, I know, in the past, we've also had hybrid meetings, if you want to call them. I know that when Commissioner Lieber when he was here, he had things like that and it didn't involve going out and giving the notice. It depends on how we call it.

COMMISSIONER ELLIOTT: You did some stuff, but that wasn't an open meeting.

MS WITNESS: The policy meetings have typically gone under as open meetings. Again, Mike, correct me if I'm wrong. We've conducted them like open meetings. We've given everybody the opportunity to participate, just another thing about why we give the notice. So we've asked a group that we inadvertently
forgot to participate and they want to participate in
the policy meeting. They have that and they are
afforded that opportunity.

CHAIRMAN FLORES: I know that we haven't had
meetings every month, but there are going to be some
issues that -- I'm going to be up front with
everybody -- I anticipate in my work with the
Electricity Committee to bring issues regularly
before this Policy Committee. And I am interested in
holding regular meetings. I don't want to encumber
anyone's scheduling.

I can see that more than -- the types
of meetings that I'm envisioning convening are the
ones that you've had in the past where it's a matter
of getting information from experts, not binding the
ICC to any specific policy. It's really just to get
more information, but doing it in a way where we can
all participate and do it openly in a way --
sometimes we can't because of the ex parte
communications. All of us have so much to contribute
and I must confess, I find it challenging to do some
of the work without being able to consult with all of
you in an open setting. I know that all of you are not going to be able to attend all of the meetings, but I guess I want to know what level of flexibility we have so that we can be effective as well.

COMMISSIONER COLGAN: I'm thinking if we're going to have a meeting and we send out official notice that there is going to be a meeting of the Telecom Committee, then it seems to me that if we're going conduct business of that committee, we would have to have a quorum present to call that meeting in order.

If a quorum didn't show up, I don't know if you can continue to have the meeting. It seems to me like if you are having a meeting and somebody is assigned as the secretary to take notes of the meeting and at the next meeting you approve the minutes of that, that's an official meeting. That's the record, the minutes to the meeting.

COMMISSIONER ELLIOTT: It would have a verbatim transcript because any of the meetings we engage in is going to have a verbatim transcript.

COMMISSIONER FORD: You can follow the agenda
and no votes can be taken and whatever happens you qualify at the next meeting. I don't know if ours can do that, I know that's Robert's Rules.

COMMISSIONER COLGAN: And I think Robert's Rules are you can hold an official meeting where a quorum is not present and you can submit the minutes to that meeting at the next regularly schedule meeting and if nobody challenged the presence of the quorum at the previous, the minutes can be adopted and they become the official record of the meeting.

CHAIRMAN FLORES: So what are you saying because you started out by saying that we need a quorum to have the first meeting, but now you're suggesting that perhaps we don't need a quorum because Robert's Rules of Order just basically say that if no one calls you out on the quorum --

COMMISSIONER O'CONNELL-DIAZ: We don't go by Robert's Rules, we go buy the Open Meetings Act.

CHAIRMAN FLORES: So what's the rule? I want to know what the rule is.

MS. STEPHENSON-SCHROEDER: I can sort this all out for you, and then also if there are some hybrid
issues, somebody wants to have an independent talks meeting on or conduct certain things, those fall under a different set of rules that we can follow. So I can set out those two scenarios or you.

COMMISSIONER COLGAN: That would be helpful. And an answer to your question of what am I saying.

CHAIRMAN FLORES: I'm not trying to give a hard time.

COMMISSIONER COLGAN: I posed that as a question because this is a different world for me. My world used to be every one of my communications used to be ex parte.

CHAIRMAN FLORES: There was nothing wrong with --

COMMISSIONER ELLIOTT: Before you started here, just to clarify for the record.

COMMISSIONER COLGAN: The world in general kind of operates on people getting together and talking about things. So I have to understand this new world that I'm living in and I think there are times where it is really important for the five of us to be able
to come together and really talk openly about where things are at and how we want to proceed.

MR. ANDERSON: Which you can do any time you want as long as you do it in an open meeting.

COMMISSIONER COLGAN: But then you're saying I could have meetings with different people --

COMMISSIONER FORD: That would just be a meeting.

COMMISSIONER ELLIOTT: The two of us can have a meeting but whatever has go around to each Commissioner, it's not exactly official.

COMMISSIONER FORD: Right.

MR. ANDERSON: And the open meeting things is separate from the ex parte. You guys can all be together and ex parte can be taking place.

COMMISSIONER O'CONNELL-DIAZ: And then you get into if it's got issues that are part of a docket, then you can't talk about it. It's a Rubik's Cube because it's always changing and you have to be really cognisant because the folks out there are waiting for us to screw up.

MR. ANDERSON: You guys can't have a policy
committee meeting in an open forum and talk about rate issues from case X because none of the parties would be there and that's ex parte.

COMMISSIONER COLGAN: We would need a statement that we would read every time that we opened says that we cannot have any of these discussions and if anybody brings that up, it will immediately -- and I think somebody from the Staff needs to be present at those meetings to be able to make that call like, Timeout. We can't talk about this.

COMMISSIONER ELLIOTT: Just from a realistic perspective to talk about policy matters in these meetings in this context is that so many times and so often most of these issues are being contested somewhere in a litigated proceeding and it's very difficult to have that conversation.

COMMISSIONER O'CONNELL-DIAZ: That's why all of that smart grid stuff, that's part of a docketed matter. So we've got constraints as to what we can go out and engage in as Commissioners because they're going to be reporting back to us at a certain point and this is part of that.
COMMISSIONER ELLIOTT: That's why I haven't participated in any of those collaborative meetings.

MR. ANDERSON: You know the collaborative is not docketed.

COMMISSIONER O'CONNELL-DIAZ: No, but it's a result of a Commission Order and they are going to report back to the Commission. So it's part of a proceeding that's before us really.

COMMISSIONER COLGAN: From my perspective, I would like to have this really clear. Before I start convening meetings, I want to know what the rules are because I don't want to be five months into it and have something like, Acting Commissioner Colgan broke every rule with this meeting that he held.

MR. ANDERSON: And that's something that Mary and Mike can do as you're contemplating having a meeting. Before you put the posting out, we look over it and say this looks great make sure you don't do that and that would be before you even notice it up.

MS. STEPHENSON-SCHROEDER: And that's why a lot of the assistants too -- we work them. For instance,
like Heather and Brandy, they've been doing this for quite some time. They know what needs to go into these notices and everything. So they're also covering you. There are all these safeguards in place to try to help everybody so that none of you screw up.

CHAIRMAN FLORES: Very good.

COMMISSIONER ELLIOTT: Getting to your point regular schedule, I think that's fine if we did it around bench dates.

CHAIRMAN FLORES: I'm not even going to discuss it. I think we need to know what the rules are because if that's the case, then to John's point, maybe we just don't -- I don't want to hold policy meetings if it's going to end up creating scenario for us.

COMMISSIONER O'CONNELL-DIAZ: I think you can hold them, but they have to be specific and you can't get into --

CHAIRMAN FLORES: I hear you, but I don't know what the rules are. So unless I know what the rules are, I personally feel uncomfortable having meetings
if I don't know what the rules are because I don't want to create a scenario where it puts the ICC in a position that's not in a very favorable light and I don't want to be in an unfavorable light and I know none of us want to be in unfavorable light.

COMMISSIONER FORD: When I have my Gas Policy meeting, I'll have a representative from every utility and then I'll have a representative from CUB. I don't think I've had the AG.

COMMISSIONER ELLIOTT: But generally these are issues that are before us and --

COMMISSIONER O'CONNELL-DIAZ: Why didn't the AG have a representative?

COMMISSIONER FORD: I've never asked them to come. It would be on heating and cooling and this time I'm bringing -- it's going to be pipeline because that was the recommendation you said you wanted me to bring in and that's what my next meeting will be about. We always have national person.

MR. ANDERSON: American Gas Supply.

CHAIRMAN FLORES: But see that's an interesting scenario. So we're going to have a policy meeting,
not a regular meeting, policy meeting on an issue that could be tangentially related to a docketed proceeding. Remember what it is. That report, that letter, that report that was published that was given to us, that Liberty Report comes from a docketed proceeding.

    COMMISSIONER FORD: Right.

    CHAIRMAN FLORES: So how can we speak about that in a policy committee if we are talking about an issue that is in a docketed proceeding?

    COMMISSIONER FORD: That is not the way I will come at it. The pipeline people will simply come in and talk about cast iron and duck tile iron and the replacement policies over the country and what's being done. And when they come in and tell me, they are not talking about this case, they're just giving a generalization.

    MR. ANDERSON: And I don't think it's the rules that will complicate things because the rules are pretty straight forward, don't talk about cases. Make sure you're in open meeting. Those things are pretty straight forward. The thing that's going to
be complicated is, does this subject matter that we want to talk about touch on any docketed cases that are going on?

COMMISSIONER ELLIOTT: And if so, how do we narrowly tailor this so that we don't step on those land mines.

MR. ANDERSON: That's a not the rule, that's just sorting out the subject matter.

COMMISSIONER ELLIOTT: And that's where reliance on our general counsel, the assistance and others is critical.

COMMISSIONER FORD: And they usually will send us out their handout when they present.

MS. STEPHENSON-SCHROEDER: You establish your agenda and then you get the --

CHAIRMAN FLORES: So in terms of the dates because that's the second item on the agenda, I know that you had presented a date, Commissioner Ford, for the your Gas Committee. Did you have a general idea about which one you wanted to move forward on?

COMMISSIONER FORD: I was trying to wait after this case.
CHAIRMAN FLORES: I saw an e-mail going around for water --

COMMISSIONER ELLIOTT: So you're going to be in after rehearing on Peoples?

COMMISSIONER FORD: Yes.

CHAIRMAN FLORES: Do you have a date in June?

COMMISSIONER O'CONNELL-DIAZ: You know, I have to check with my assistants and the other part of that is -- I think it is the first week in June whatever that date is. We're going to do outreach to get some national speakers here and it's also the beginning of the summer season. So that's a good time to have a water meeting.

MR. ANDERSON: And then you'll have a major one.

COMMISSIONER O'CONNELL-DIAZ: Right. We will try to do it in-between rate cases we have.

MR. ANDERSON: Not that you won't have other ones.

COMMISSIONER O'CONNELL-DIAZ: No, but we've got a break in-between.

CHAIRMAN FLORES: The third point -- is
everyone okay with June 6th?

COMMISSIONER ELLIOTT: Well, June 6th is Sunday. The first and second are pre-bench and bench.

MR. ANDERSON: That was my mistake.

CHAIRMAN FLORES: In terms of the Illinois smart grid collaborative, because that is technically a docketed matter, I would just say then procedurally if we can just have it then on that pre-bench, which would be April 6. But it's not going to be a joint policy committee meeting it will be a matter that will be pre-bench to give a full update on the -- but we said April 6th because we were hoping to get them moving a little faster rather than waiting too long. Because I think what we made end up hearing in testimony frankly, is that there may be some issues that we may want to tell them or advise them to accelerate and the more time we have --

COMMISSIONER O'CONNELL-DIAZ: What are you talking about testimony?

CHAIRMAN FLORES: The smart grid collaborative, we want an update from the folks who have been
working on the smart grid collaborative.

COMMISSIONER ELLIOTT: Yeah, I think there's some potential that they're looking for direction from the Commission potentially.

MR. ANDERSON: You obviously had what you had coming out of the Order was a lot of points. Some of which have proved workable to follow, some of which have proved not workable to follow.

COMMISSIONER O'CONNELL-DIAZ: We didn't know what we were doing. We really were shooting in the dark.

MR. ANDERSON: It's certain things people weren't going to do. So we kept it going and we made some adjustments. We want to make sure we come back to you before a report comes to you and says this isn't in the Order. What the Heck is this?

CHAIRMAN FLORES: For the sake of the Commissioners, I don't want -- I've looked at the stuff that's filed now on the site that you've provided us. Some of it is helpful, but to your point, we're going to expect an update from the collaborative and just telling us up front what has
not been working and what appears to be unworkable so
that it can be instructed to us --

MR. ANDERSON: And here's how you're going to
get that because first of all Internex (phonetic) is
the facilitator who can give the overview. After
Internex comes in, you guys are going to have to
decide who you want to hear from because the
collaborative is a huge amount of people. Some of
which go to everyone, some of which goes whenever
it's convenient, some of which goes maybe once.

COMMISSIONER FORD: So we've got to hear from
the person you have in charge.

MR. ANDERSON: To start with, but I assume
you're going to want to hear from Com Ed. I assume
you're going to want to hear from the AG. You're
going to want to hear from a smattering of both
sides.

COMMISSIONER FORD: But Internex would be first
and then the next scheduled meeting we could have all
the intervenors.

CHAIRMAN FLORES: It's going to take a long
time.
MR. ANDERSON: You can hear from whoever you want.

COMMISSIONER O'CONNELL-DIAZ: My question is, why are we hearing from the AG?

CHAIRMAN FLORES: Because they're a member of the collaborative.

COMMISSIONER O'CONNELL-DIAZ: Well, there's 200 some-odd members of the collaborative, so why are we hearing from the AG?

MR. ANDERSON: I would say you'd want to hear from the AG or --

COMMISSIONER ELLIOTT: CUB.

MR. ANDERSON: No, CUB is more pro smart grid than the AG and AARP are.

CHAIRMAN FLORES: This is what I recommended -- we are gathering information. One of the reasons why we were looking to have this policy committee was Sherman and I have been talking about some ideas that we have frankly in terms of smart grid technology and some other policies and we want -- and in discussion with all of you in this open -- we were envisioning having this open meeting was to get a sense of how we
can also provide the kind of input that we'd like in
this collaborative to get the result that we want and
not that some other group --

COMMISSIONER O'CONNELL-DIAZ: I'm just going to
say one thing. I'm putting it out there because I
think we really need to be thinking about when we're
in these meetings and obviously having these public
discussions that we've got our thoughts lined up. I
think that we need to be conscious that there's
always -- we don't want to look like fools on a
transcript. So I think we need to think about that
before we go into the meeting and be prepared.

COMMISSIONER ELLIOTT: I think we can do that
setting the agenda. It is going to be difficult with
this many collaborators to find out on a limited time
frame who are the parties that should present their
views on whatever issues we determine the agenda
should cover.

MR WITNESS: You definitely don't need to hear
from AARP and the AG and the City. You need to hear
from one of them because they have the same
perspective.
COMMISSIONER ELLIOTT: It's almost like setting the schedule for an oral argument.

COMMISSIONER FORD: Then have Internex and let's stare at the AG since, you know that's going to be the people that's going to cause gripes.

CHAIRMAN FLORES: I think it's going to be instructive. I'm not suggesting that we automatically adopt before --

COMMISSIONER FORD: Oh, I know.

CHAIRMAN FLORES: -- but at the minimum, we can see where some of these groups are going to be coming from before we get to that point.

MR. ANDERSON: And I'm guessing at the most five.

CHAIRMAN FLORES: I think the other reason why this meeting is so important is, again, to the work that we first started, it's important that these stakeholders also know what the expectations that the ICC has given that the ICC was the driving force behind calling for this collaborative to begin with.

MR. ANDERSON: There's been a good amount of time since the order left off to where we are now and
the final report is due in October. After that the
order calls for a policy docket, which becomes I
think really what you guys want to make clear for.
It's probably too late to engender a lot of change to
the collaborative, it's going to have a finish up.
But that policy docket is going to be the important
thing.

COMMISSIONER ELLIOTT: It really is. It's sort
of the initiating order of the scoping of that policy
docket that's going to be the key. And hopefully --
I think the idea was that the smart grid
collaborative would inform us of what the broad scope
should be.

COMMISSIONER FORD: What I think is going to
come out of this --

COMMISSIONER ELLIOTT: There's a question as to
whether or not it's going to do that.

CHAIRMAN FLORES: I've looked at some of the
doubts and I think we definitely need an update
sooner rather than later.

COMMISSIONER FORD: I want an update, but I'm
saying if you have 250 people, they should be in
segments. Why are they grouped?

MR. ANDERSON: Well, it's in terms of activity.

COMMISSIONER O'CONNELL-DIAZ: I said 250. I don't know if it's exactly that number, but it's a large number.

MR. ANDERSON: If GE is monitoring it, that doesn't mean they are necessarily talking at the meetings, they might just be on the list. I didn't mean to say that that's what they are doing, that's an example.

COMMISSIONER O'CONNELL-DIAZ: You've got investment people in those meetings.

MR. ANDERSON: This is just an idea, you guys decide what you want to do. Internex can give the overview. ComEd could represent the utilities because they're the active utility Ameren really isn't. CUB, I think you definitely want to hear from because they have a pro smart grid perspective that's different. The people that would be hesitant about it would be the AG, AARP group kind of thing, whoever you want to here from.

COMMISSIONER ELLIOTT: Hesitant?
COMMISSIONER FORD: Okay. We've got our group. How long are we talking about for this policy meeting, an hour?

CHAIRMAN FLORES: This is not a policy meeting.

COMMISSIONER FORD: Usually an hour and a half to two hours?

CHAIRMAN FLORES: Max.

COMMISSIONER FORD: Then we have four people. Give Internex the most time and give the whose representing all the utilities the next core amount of time and give everybody else ten minutes.

MR. ANDERSON: And like Commissioner Elliot mentioned, you're going to hear the problems from the people that come after Internex -- and staff should be there.

COMMISSIONER FORD: Definitely staff.

MR. ANDERSON: So what you've got then is Internex probably giving, since they're the higher facilitator, there's is probably going to sound rosy. This is what we've worked out. It's working real well. Things are great. Then everybody else is going to say we think it should be done this way or
like tis and you'll probably get something from everybody.

COMMISSIONER FORD: Then that's our next meeting. That's our next overview.

MR. ANDERSON: But I think that give you what you need.

COMMISSIONER FORD: Absolutely.

CHAIRMAN FLORES: Very good.

So then the next matter is the scheduling protocol of future policy committee hearings. That was a point I brought up and really what I meant by that was can we reach an agreement that if we are planning on holding a policy committee meeting that we first look at a pre-bench date just as a basic marker an as a default date that we all can agree on given that it's already on the calendar?

COMMISSIONER O'CONNELL-DIAZ: I would suggest that it's a really good idea, but I think we should look at this pre-bench date as well as the bench date because some days if we don't have anything and then for us to travel down to Springfield, the cost and everything, sometimes it's not good. And then if we
were going to do it, we would do it on the Wednesday right after bench.

COMMISSIONER ELLIOTT: I could do it one day the bench in the morning and a policy meeting in the afternoon.

COMMISSIONER O'CONNELL-DIAZ: I'm just thinking about money.

MR. ANDERSON: It's kind of the way you guys tend to do oral arguments.

COMMISSIONER O'CONNELL-DIAZ: So we really need to look at the pre-bench days and the bench days as the days we would do a policy meeting and then we can work with that.

MR. ANDERSON: Can I go back real quick to this pre-bench on April 6th. Are you guys going to set that up or how is that going to work?

COMMISSIONER ELLIOTT: Mike, do you have something?

JUDGE WALLACE: I just want to point out that if you used pre-bench we normally don't -- I think it's happened to let other people speak, but you have to be cognisant of that fact that usually pre-bench
is just the Staff speaking.

COMMISSIONER O'CONNELL-DIAZ: We would do a separate policy meeting after pre-bench. We would have pre-bench and end that meeting and then go into the policy meeting.

JUDGE WALLACE: Okay.

CHAIRMAN FLORES: Right. We're just referring the pre-bench date and the bench dates as the dates designated to hold -- we're not saying that we're going to hold a policy committee meeting, per say, during the time period that has been designated for pre-bench or bench. Does that make sense?

JUDGE WALLACE: It's okay. You can do it that way, you just need to keep in mind that if you're going to do it on a pre-bench day and have it follow the normal pre-bench, we still need to have an agenda and I don't know what you want to call it necessarily.

CHAIRMAN FLORES: We'll just call you in advance and you will notice it up and everything. We know that you still have to follow the 48-hour rule with regards to notice for having the policy
meetings.

MR. ANDERSON: I think the confusion is coming in with the idea that this April 6 meeting not being a policy committee meeting. I think it maybe should be.

COMMISSIONER ELLIOTT: I think it should be.

CHAIRMAN FLORES: Should be what?

MR. ANDERSON: A policy committee meeting.

CHAIRMAN FLORES: We can't have our cake and eat if too folks. It's either a docketed proceeding.

MR. ANDERSON: It's not docketed.

COMMISSIONER ELLIOTT: The collaborative is the result of the Commission Order. And the Commission Order said informally work together and then formally file something at a date certain.

COMMISSIONER FORD: This is an update.

MR. ANDERSON: The collaborative is a nondocketed workshop process.

COMMISSIONER ELLIOTT: I think we're okay in having them come and tell us what's going on in the process.

MR. ANDERSON: If you want to start talking
about the details of AMI deployment from the pilot
docket, that might be a problem or if you want to
talk about something else -- is that still open?

MS. STEPHENSON-SCHROEDER: There are some other
ones and this is what the two attorneys are working
on --

CHAIRMAN FLORES: You know, I just think for
the sake of argument, I think we should just go.
This thing is not going away. The reality is there's
a pre-bench that's already scheduled every month and
this is an important collaborative. If we find after
our update this we have to might more regularly, then
we just meet as a regular group on pre-bench. We're
already scheduled anyway and we dictate whether it's
pre-bench. We have pre-bench scheduled every month.

COMMISSIONER ELLIOTT: I think the difference
is the meeting itself.

MS. STEPHENSON-SCHROEDER: You can only do
certain things -- correct me if I'm wrong, Mike,
here's what you can do at a pre-bench meeting.

CHAIRMAN FLORES: What can you do at a
pre-bench meeting, Mike.
JUDGE WALLACE: Well, if you put something on the agenda you can do anything. I was just pointing out historically that bench and pre-bench meetings speakers are limited to Staff.

CHAIRMAN FLORES: We're going to have to change that.

MR. ANDERSON: If that's not required, then it's not a problem. Is it a requirement or practice?

COMMISSIONER ELLIOTT: It's just a tradition.

JUDGE WALLACE: It's a practice and I'm just point it out. If you want to deviate from that, that's fine with me.

MR. ANDERSON: I think one of the things that Commissioner O'Connell-Diaz mentioned about having ComEd come in after a storm, I think we might have done a policy meeting one time, but I think one time we did it at the end of a regular bench.

JUDGE WALLACE: Some of those things if you do them as policy it's a little easier, I think.

CHAIRMAN FLORES: I just think here what's in question is whether or not this is a docketed proceeding. So if we are going to be -- I would
just -- I think there's a question as to whether or not it's part of a docketed proceeding. I think to play it safe, you just put it on the next pre-bench. It's an update. It's already scheduled. There is nothing that prevents us so long as we put it on the agenda.

MS. STEPHENSON-SCHROEDER: Let me just verify everything just to make sure we're not crossing into any other --

MR. ANDERSON: Or just red line around the things that you can't. It's not docketed. The collaborative is purposefully not docketed. It was constructed that way. You can get an update on the collaborative.

MS. STEPHENSON-SCHROEDER: I think there is more than just one other and I need to check and see what that is.

CHAIRMAN FLORES: Commissioner, you seem hesitant.

COMMISSIONER O'CONNELL-DIAZ: I would defer to let Mary check on this, but I certainly wouldn't want us to go into an area where we're going to have egg
on our faces. So let's just be cautious about it and let OGC walk through it.

CHAIRMAN FLORES: Why don't we do this, just for the sake of keeping the ball moving forward, I don't think it's going to create a problem. I think there's a question as to whether or not we can do this as a regular policy meeting or not. The bottom line is this -- I'm also keeping in mind the e-mail that you sent to us Tim and I think the e-mail was sent two weeks ago already asking for the update.

MR. ANDERSON: Probably.

CHAIRMAN FLORES: And in that e-mail you sent out you were looking for a date of when to hold a meeting so can we agree to hold the date on April 6 for the update.

COMMISSIONER O'CONNELL-DIAZ: I don't think there's an issue of that. The issue is a whether it's going to be part of the prevent or it's going to be a separate policy meeting.

CHAIRMAN FLORES: And, Mary, then between that time you can tell us what it is or not, but I think we also need to tell Tim because some of the folks
that we were working with we've got to tell them
deright away to put them on the schedule.

MR. ANDERSON: Especially Internex because
they're the ones that don't live here. I gave you
rundown of who I thought off the top of my head, but
I'd like to make sure you guys give me a list of who
you want to here from and then I'll contact them
otherwise it's me picking and choosing.

COMMISSIONER FORD: You don't want your head on
the platter.

MR. ANDERSON: I'll put it there. I don't mind
if it's on there their platter. I don't want it on
your platter.

CHAIRMAN FLORES: And then, again, Judge
Wallace, just to clarify for you, what we are talking
about moving forward in terms of scheduling regular
policy meetings. We're not talking about the update
here on the smart grid collaborative. We're talking
about regular policy meetings that we would plan on
scheduling those meetings either on pre-bench or
bench days that are already scheduled on the
calendar.
JUDGE WALLACE: I understand that.

CHAIRMAN FLORES: Okay. Then there is the final matter that someone asked. I don't know who added this on the agenda, Commission calendar.

COMMISSIONER O'CONNELL-DIAZ: Not me.

CHAIRMAN FLORES: Very well. I did have one other matter, it was more of a procedural matter, but before I ask I want clarification from counsel.

COMMISSIONER ELLIOTT: Let's go back to the Commission calendar. I think Carol may have raised that issue with April 27. I think there is a bench session date and I think some of us are going to be gone.

JUDGE WALLACE: It's a regular open meeting date on April 27th.

COMMISSIONER COLGAN: It's about the convergence of three rate cases for about a week and you guys won't be there.

COMMISSIONER FORD: I thought we would change it to the 26th.

CHAIRMAN FLORES: Do we all agree on the 26th then?
COMMISSIONER ELLIOTT: I think we can do it on the morning of the 26th.

COMMISSIONER O'CONNELL-DIAZ: Well, let's look at those dockets and see if we can get them done the week before.

COMMISSIONER ELLIOTT: We can also cancel the meeting and reschedule it, but I think it would be better to move the 27th to the 26th.

COMMISSIONER COLGAN: I think there's three cases. MidAmerica seems like it's the simplest case and then I think Illinois American Water is second in ranking and then the Ameren case. So if we could dispose of one, take them in that priority order and get those off the calendar so that we can have -- I would like to see us have some serious focused attention on all of these. They are very important, all of them; but to take them in that order and I'd like to have like maybe a weeks time to be focused on that Ameren case.

JUDGE WALLACE: Good luck with that.

COMMISSIONER O'CONNELL-DIAZ: Once you get the proposed order, you can start focusing because
things will flow out of that. So all of our
assistants will be reading that, as well we should,
and be developing areas that we have issues with and
then we need to talk amongst ourselves and get your
votes organized and also get language organized. We
can't be, on the morning of the 26th, looking for
language.

COMMISSIONER COLGAN: This is my point, we came
up to the Peoples case and was right up to the last
minute and you can say "good luck with that" all you
want, but that's no way to run a railroad. I want to
have some focussed attention and not have everything
come and due all at the same time.

CHAIRMAN FLORES: Can we agreed to a schedule
right now in terms of when we would like to have
these --

COMMISSIONER ELLIOTT: As a point of future
reference, Commonwealth Edison has made it plain that
they're coming in for a rate case. As a point of
practice, when Commonwealth Edison files, everyone
else does too, specifically for the reason that
everything comes through all at once. It's a
deliberate tactic to overtax our Staff, our resources and us. So this is a point of future reference.

JUDGE WALLACE: Can I interrupt.

COMMISSIONER ELLIOTT: Commissioner Colgan, I wasn't trying to be flip, it's just that the three cases are coming due precisely for what Commission Elliott said. They all filed within the same frame. So that's why we set schedules to try to give you as much time as possible, but they still all filed within days of each other. So that's way beyond our control.

We've got a request for oral argument in Illinois American, and I'm fairly certain that we'll have a request for oral argument in Ameren. So those two things have to be scheduled too.

COMMISSIONER O'CONNELL-DIAZ: And here's something I think we can do in the interim. I think we can all go and look at what the deadlines are for those cases. We can look at our schedules. We may have to meet extra days to deal with all of this stuff. If we have more questions, then we can get together for those Tuesday and Wednesday sessions.
That's something that the Commission does do, but we also need to develop a timeline for us and our language changes and have those done in a certain period of time so we aren't scrambling at the last minute because we won't have the time and it will get too confusing.

COMMISSIONER FORD: We're going to have to get or Staff because John has no one and I always want my optimum level. That is priority because he cannot do it alone.

MS. STEPHENSON-SCHROEDER: Can I just say one thing since Commissioner Ford opened that door. It's kind of off topic, but since many of you are going to be having new assistants, some are familiar with the procedures here and some are completely new, I am having a training next Tuesday for some of the new assistants. And if Commissioners are participating in that training, they need to because it is mandatory. But I also do need to work with the new assistants because some persons have had involvement in matters here and they will have to recuse themselves if they have touched upon any of those
matter. So it's something we need to keep in mind that I need to work with all of you on. I know some of you are very familiar with that, but we do have some assistants staff here and have worked on cases. So we need to be cognisant of that.

**COMMISSIONER O'CONNELL-DIAZ:** We've got to get a template together and get the last date of revisions to the order because otherwise we would not get that work done.

**COMMISSIONER ELLIOTT:** And we need to back off from when we get the proposed order to and the changes need to be made.

**COMMISSIONER O'CONNELL-DIAZ:** We should be getting the proposed order certainly within three weeks of the drop-dead date.

**COMMISSIONER COLGAN:** I think we have everything on the MidAmerica case.

**JUDGE WALLACE:** The proposed orders have been out.

**COMMISSIONER O'CONNELL-DIAZ:** I mean the final order we'll get.

**CHAIRMAN FLORES:** We also have some experienced
assistants and so next week your meeting with those assistants Mary, the new ones, and I think we tell them when we break from this meeting that we want to set this timeline up. We all know that we have these cases, let's get them to start thinking about working with us individually and collectively on the timeline we're going to agree to. There's a very collaborative environment with regards to the way -- with the assistants. So we'll be okay. We just ave to give them some instruction, give them the timeline that we're looking for. All right.

Any other matters? If that's it, then I'd like to adjourn this meeting and we'll get those schedules.