BEFORE THE

ILLINOIS COMMERCE COMMISSION

BENCH SESSION

(SPECIAL OPEN MEETING)

Wednesday, April 1, 2014

Chicago, Illinois

Met, pursuant to notice, at 10:30 A.M.,
at 160 North La Salle Street, Chicago, Illinois.

PRESENT:

BRIEN SHEAHAN, Chairman

JOHN ROSARIO, Commissioner

ANN MCCABE, Commissioner

SHERINA E. MAYE, Commissioner (via video)

MIGUEL DEL VALLE, Commissioner

SULLIVAN REPORTING COMPANY, by
PATRICIA WESLEY
CSR NO. 084-002170
CHAIRMAN SHEAHAN: Good morning, Commissioner Maye.

COMMISSIONER MAYE: Good morning.

CHAIRMAN SHEAHAN: How are you.

COMMISSIONER MAYE: Good. How are you.

CHAIRMAN SHEAHAN: Are we ready to go in Springfield?

COMMISSIONER MAYE: Ready to go.

CHAIRMAN SHEAHAN: Pursuant to the Open Meetings Act, I call the April 1, 2015 Special Open Meeting of the Illinois Commerce Commission to order.

Commissioners McCabe, del Valle, and Rosales are present with me in Chicago.

Commissioner Maye is present in Springfield. We have a quorum.

We have no requests to speak and, therefore, we will move into our regular agenda.


Is there a motion to consider these items together and approve the procurement
administrator's recommendations?

COMMISSIONER McCabe: So moved.

CHAIRMAN SHEAHAN: Is there a second?

COMMISSIONER McCabe: Seconded.

CHAIRMAN SHEAHAN: Is there any discussion?

(No response.)

All those in favor, say aye.

(Chorus of ayes.)

Opposed, say no.

(No response.)

The vote is 5 to 0 and the administrator's recommendations are approved.

Item 3 concerns the IPA's 2015 Spring Renewable Energy Credits Procurement for ComEd and Ameren.

Is there a motion to approve the procurement administrator's benchmark methodology and report?

COMMISSIONER McCabe: So moved.

CHAIRMAN SHEAHAN: Is there a second?

COMMISSIONER del Valle: Seconded.

CHAIRMAN SHEAHAN: Is there any discussion?
It's been moved and seconded. All those in favor, say aye.

(Chorus of ayes.)

Opposed, say no.

(No response.)

The vote is 5 to 0 and the administrator's benchmark methodology and report is approved.

Items 4 and 5 concern complaints by New Jerusalem Pentecostal Ministries against Ameren.

Are there any objections to considering these items together and approving the proposed orders?

(No response.)

Hearing no objection, the Orders are approved.

Item No. 6 is Source Power & Gas, LLC's application to operate as an ARES in Illinois.

Are there any objections to approving the Proposed Amendatory Order.

(No response.)
Hearing none, the Amendatory Order is approved.


I understand that Commissioner McCabe has some questions for the ALJ.

ALJ Kimbrel, just state your name for the record.

JUDGE KIMBREL: Ethan Kimbrel.

CHAIRMAN SHEAHAN: Thanks for being here.

Commissioner.

COMMISSIONER McCabe: The customer authorization language that's in the appendix defined in the Order say that the authorization language established by this Order will be used by RESs to access customer interval usage data.

I was wondering if the language in the appendix is final and will be in place for a certain amount of time or if it can be modified and whether it was tested in any kind of focus groups with actual customers.
JUDGE KIMBREL: Commissioner, that language was developed in the workshops, and then the unresolved issues came before me in the docket and then I decided those issues.

Regarding whether that language will be permanent, Staff is going to file a report a year from today's Order and see whether or not the language was successful. If it is successful, then there will be measures to make the language permanent in the applicable codes. And if they don't feel that it is, they will recommend an alternative authorization language in Staff's report.

COMMISSIONER McCabe: Okay. My only concern if this language is to encourage folks to say, yes, I'm not sure if it can achieve that goal.

CHAIRMAN SHEAHAN: Thank you.

Any other questions or comments?

Commissioner del Valle, do you have --

COMMISSIONER del VALLE: I have an edit.

CHAIRMAN SHEAHAN: -- an edit?

COMMISSIONER del VALLE: Thank you, Mr. Chairman.
First of all, I must say that I fully concur with Commissioner McCabe on the language of the authorization form. I think that it's going to need some work. We were having a real challenge in this business of explaining things to people in plain language, which I realize the lawyers play a role in putting together the language, and it's always the utilities and their representatives. It's been their purpose of making sure that every one is protected, but when you are dealing directly with the customer, we have to find a way of making sure that they understand fully what it is that they are providing their authorization for.

So I agree with Commissioner McCabe that it will need some work in some form, but I do have an edit. My edits can be found at Sections G and H of the Order regarding third-party affiliates on Pages 12, 13 and 14.

The appendix is amended accordingly and non-substantive edits have also been recommended by myself and Commissioner McCabe as well throughout the document.
Section G addresses the authorization language regarding the disclosure of usage information to third parties by RESs.

Section 8 addresses the disclosure of RES affiliates. The edits to the conclusion explain that although the authorization should permit disclosure of the data to its contracted third parties and affiliates, it should also clearly foreclose the authorization to sell or license the electric usage information by RESs or its contracted agent to any party contracted or not.

Maintaining the principle that these companies should not be able to profit from access to this customer data, it concludes that Staff's language fail to accomplish this, instead the edits adopt the following language. RESs may disclose the EUI to contracted third-party vendors or affiliates for this purpose only.

RESs, its affiliates and its contracted third-party vendors, will not sell or license DUI to any party for any purpose. This language explains to the customer the scope of the
authorization that is being granted, and, as I indicated earlier, I agree that that will probably need some work down the road and the limits placed on the RESs and its agents by the authorization.

With that, I move the adoption of this edit.

CHAIRMAN SHEAHAN: Is there a second?

COMMISSIONER McCabe: Seconded.

CHAIRMAN SHEAHAN: Any discussion on the edits?

(No response.)

All those in favor of adopting Commissioner del Valle's edits, say aye.

(Chorus of ayes.)

Opposed, say no.

(No response.)

Motion carries.

So now we come to the Order as amended. Is there any discussion regarding the order as amended?

(No response.)

Is there a motion to adopt the Order as amended?
COMMISSIONER ROSALES: So moved.

CHAIRMAN SHEAHAN: Is there a second?

COMMISSIONER McCabe: Seconded.

CHAIRMAN SHEAHAN: Is there any discussion?

(No response.)

All those in favor, say aye.

(Chorus of ayes.)

Opposed, say no.

(No response.)

Vote is 5 to 0 and the Order as amended is approved.

Items 8 through 11 concern petitions for confidential/proprietary treatment of various reports.

Are there any objections to considering these items together and approving the proposed Orders?

(No response.)

Hearing none, the Orders are approved.

Item 12 is Spark Energy, LLC's petition to change its corporate form.

Are there any objections to granting
Spark Energy's motion to withdraw its petition?

(No response.)

Hearing none, the motion is granted.

Item 13 is Sustain-A-Building, LLC's application for DG installer authority.

Are there any objections to approving the proposed Order?

(No response.)

Hearing none, the Order is approved.

Items 14 and 15 are applications for authority to operate as an Agent, Broker and Consultant.

Are there any objections to approving the proposed orders?

(No response.)

Hearing none, the Orders are approved.

Items 16 is going to be held for disposition at a future meeting.

Items 17 and 18 are petitions for confidential/proprietary treatment of reports by Prairie Point Energy, LLC, d/b/a Nicor Advanced Energy, LLC's.
Are there any objections to
considering these items together and granting the
motion to reopen?

(No response.)

Hearing none, the motions are granted.

Item 19 will be held for disposition
at a future Commission proceeding.

Item 20 is a complaint against Peoples
Gas as to billing and/or charges.

Are there any objections to granting
the parties' joint motion to dismiss?

(No response.)

Hearing none, the motion is granted.

Item 21 concerns Ameren's Petition for
Temporary and Permanent Certificate of Public
Convenience and Necessity to Construct, Operate, and
Maintain a Natural Gas Distribution Main and Related
Facilities in Madison County.

Are there any objections to approval
of the Interim Order?

(No response.)

Hearing none, the Interim Order is
Item 22 is Spark Energy Gas, LLC's petition to change its corporate form. Are there any objections to granting the petitioner's motion to withdraw?

(No response.)

Hearing none, the motion is granted.

Item 23 is TeleManagement Systems' petition to cancel its authority. Are there any objections to approval of an Amendatory Order to correct minor scrivener's errors?

(No response.)

Hearing none, the Amendatory Order is approved.

Item 24 is Illinois Consolidated Telephone Company's petition for confidential/proprietary treatment of its annual report. Are there any objections to approving the proposed Order?

(No response.)
Hearing none, the Order is approved.

Items 25 through 27 are joint petitions for approval of amendments to interconnection agreements.

Are there any objections to considering these items together and approving the proposed Orders?

(No response.)

Hearing none, the Orders are approved.

Item 28 through 30 are petitions for approval of annual reconciliations of revenues collected and costs incurred through surcharges for purchased water or sewage treatment.

Are there any objections to considering these items together and approving the proposed Orders?

(No response.)

Hearing none, the Orders are approved.

Item 31 is Aqua Illinois' Petition for Issuance of a Certificate of Public Convenience and Necessity to Operate a Water Distribution System and Wastewater Collection System in Cook County, and for
the issuance of an Order Approving the Rate Base,
Rates and Accounting Entries.

Are there any objections to approving
the proposed Order?

(No response.)

Hearing none, the Order is approved.

Item 32 is our resolution regarding
"Call Before You Dig Month." I believe Commissioner
McCabe is going to handle this.

COMMISSIONER McCabe: Thank you. April is "Call
Before you Dig Month." Illinois is a leader in the
campaign to spread awareness of the one-call number,
811.

A call to JULIE, Inc., which is the
Joint Utility Locating Information for Excavators,
provides excavators and underground utility owners a
one-call message handling and delivery service to
protect our underground pipelines, cables and
wiring, as well as the health and safety of those
working or living near them.

JULIE, Inc., covers the state outside
of the city limits of Chicago, has nearly 100 employees, and receives 1.2 million locate calls annually.

Illinois law requires all homeowners and contractors, prior to digging, to call 811, so that underground utility lines can be marked, whether you are planting trees or doing major construction.

In 2014, ICC Staff issued 125 warnings and 86 citations resulting in almost $83,000 in penalties for not having a valid locate request, not digging carefully around marked underground utility facilities and for utilities failing to mark their facilities in a timely manner.

A proclamation from Governor Rauner declaring April "Call Before you Dig Month" in Illinois is on display on the first floor of the Commission office in Springfield.

The Commission supports safety around utility lines and urges excavators and homeowners to call 811 before digging.

I move the adoption of a resolution
recognizing April 2015 as "Call Before You Dig
Month" in Illinois.

CHAIRMAN SHEAHAN: Is there a second?

COMMISSIONER ROSARIO: Seconded.

CHAIRMAN SHEAHAN: Is there any discussion?

(No response.)

All those in favor, say aye.

(Chorus of ayes.)

Opposed, say no.

(No response.)

Motion carries 5 to 0.

Item 33 concerns pending litigation, so we'll go into closed session to address it.

Are there any objections to entering closed session?

(No response.)

Hearing none, we will go into closed session now and we'll clear the room here in Chicago and in Springfield.

(Whereupon, Pages 18 thru 22 are contained in a separate transcript for Closed Session.)
(The following proceedings are in Open Session.)

So we are back into open session. We will go ahead and invite people to rejoin us.

(A brief pause.)

COMMISSIONER MAYE: We are ready.


Is there a motion to adopt the comments?

COMMISSIONER McCABE: So moved.

CHAIRMAN SHEAHAN: Is there a second?

COMMISSIONER del VALLE: Seconded.

CHAIRMAN SHEAHAN: Is there any discussion?

(No response.)

All those in favor, say aye.

(Chorus of ayes.)

Opposed, say no.

(No response.)
The motion carries 5 to 0.

We have no administrative matters to discuss today.

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

JUDGE WALLACE: No, Mr. Chairman.

CHAIRMAN SHEAHAN: Commissioners, are there any other new business?

Commissioner del Valle.

(A brief pause.)

Commissioner del Valle reminds me that this is Nicole Luckey's last day. Forgive me, for I commented on this yesterday, but she and Suzanne were very, very gracious in helping me through the transition from one chairman to another, and I'm grateful for their service and their help, and so we just want to thank you again for your service to the Commission and the People of Illinois. Thank you for everything you have done.

Is there any other new business before the Commission?

COMMISSIONER ROSARIO: Excuse me. I would like
to thank Nicole as well. She's been phenomenal.

Thank you, Nicole.

CHAIRMAN SHEAHAN: Terrific. Without objection, we are adjourned.

(Whereupon, the above matter was adjourned.)