BEFORE THE
ILLINOIS COMMERCE COMMISSION

PUBLIC UTILITY BENCH SESSION

Chicago, Illinois
April 7, 2010
Met, pursuant to notice, at 10:30 a.m.

BEFORE:

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

SULLIVAN REPORTING COMPANY, by
Auhdikiam Carney, CSR
License No. 084-004658
CHAIRMAN FLORES: Turning to the Public Utilities Agenda.

There are minutes to approve from the March 10, 2010 Bench Session. I understand that the amendments have been forwarded.

Is there a motion to amend the minutes?

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 amending the minutes.

Is there a motion to approve the minutes as amended?

COMMISSIONER COLGAN: 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 approving the minutes as amended.

We will begin with the Electric Agenda.

Items E-1 through E-9 will be taken together. Each of these matters involve revisions to tariffs filed by an Ameren Illinois Utility. In each instance Staff recommends that the Commission allow the Company's proposal by not suspending the filing. Is there a motion to not suspend the filing?

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.)

The vote is 5-0. The Ameren Illinois
Utility's filings are not suspended. We will use this 5-0 roll-call vote for the remainder of the Public Utility Agenda unless otherwise noted.

Item E-10 concerns the reconciliation of revenues collected under power procurement riders with actual costs associated with power procurement expenditures.

Commission Staff believes it is now appropriate to begin the next series of power procurement reconciliation proceedings for the Ameren Illinois Utilities and Commonwealth Edison and Staff recommends entering an Order commencing reconciliation proceedings.

Is there any discussion?

(No response.)

Any objections.

(No response.)

Hearing none, the Order is entered.

Item E-11 is Docket No. 08-0179, a complaint by Level Field and The Philanthropy Group against ComEd regarding billing and charges. The ALJ recommends dismissing this docket for want of
prosecution.

Is there any discussion?
(No response.)

Any objection?
(No response.)

Hearing none, the docket is dismissed.

Item E-12 is Docket No. 08-0532 concerning the investigation of ComEd's rate design pursuant to Section 9-250 of the Public Utilities Act. This item will be held.

Item E-13 is Docket No. 09-0058 and it involves a Petition for relief to protect confidential and/or proprietary information by Champion Energy. ALJ Kimbrel recommends entry of an Order granting Proprietary Treatment for two years subject to certain conditions.

Is there any discussion?
(No response.)

Any objections?
(No response.)

Hearing none, the Order is entered.

Item E-14 is Docket No. 09-0306
through 09-0311. This is the Ameren Illinois Utilities rate case and these dockets are before the Commission with a drop-dead date of May 1st. We have oral arguments scheduled for this case on April 13th at 1:30 p.m. in the Illinois Commerce Commission's Springfield offices. Any official decision on the Proposed Order changing electric and gas rates will be held for disposition at a future Commission proceeding.

We also have a motion to add issues for oral argument before the Commission. The notice containing an issue list for oral argument was sent to the parties on the afternoon of April 6th after this motion was filed. The notice sent yesterday accommodates issues raised in this motion, which renders the motion to have issues for oral argument moot.

Item E-15 is Docket No. 09-0557, a Joint Motion to Dismiss brought by Julie Murray and Commonwealth Edison company. ALJ Kimbrel recommends that the docket be dismissed with prejudice.

Is there any discussion?
(No response.)

Any objections?
(No response.)
Hearing none, the motion is granted and the docket is dismissed.

E-16 and E-17 will be take together.

These items concern the Applications for Licensure for Agents, Brokers, and Consultants under Section 16-115C of the Public Utilities Act. In both dockets ALJ Yoder recommends approving the Order granting the requested certificate of service authority.

Is there any discussion?
(No response.)

Any objections?
(No response.)
Hearing none, the Orders are entered.

E-18 is Docket 09-0587. This is a Joint Motion to Dismiss brought by Linda Cottle and Commonwealth Edison Company. The ALJ recommends that the docket be dismissed with prejudice.

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

(No response.)

Hearing none, the Motion is granted and the docket is dismissed.

E-19 through E-22 will be taken together. These items concern Applications for Licensure for Agents, Brokers and Consultants under Section 16-115C of the Public Utilities Act. In each docket, ALJ Yoder recommends approving the Order granting the requested certificates of service authority.

Is there any discussion?

(No response.)

Any objection?

(No response.)

Hearing none, the Orders are entered. Item E-23 is Docket 10-0033, a Stipulation and Joint Motion to Dismiss brought by Willie Green and Commonwealth Edison Company. ALJ Benn recommends that the docket be dismissed with prejudice.

Is there any discussion?
(No response.)

Any objection?

(No response.)

Hearing none, the Motion is granted and the docket is dismissed.

Items E-24 and E-25 will be taken together. These items concern the Applications for Licensure of Agents, Brokers and Consultants under Section 16-115C of the Public Utilities Act. In both dockets ALJ Yoder recommends approving the Order granting the requested certificate of service authority.

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the orders are entered.

That concludes the Electric portion of today's Agenda.

Turning to Natural Gas.

Item G-1 (10-0276) concerns a Suspension Order for a proposed general increase in
natural gas rates by Consumers Gas Company. Staff recommends in order to determine the reasonableness of the proposed increase to natural gas rates, the filing be suspended and set for hearing.

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the Suspension Order is entered.

Item G-2 through G-7 will be taken together. Each of these matters involve revisions to tariffs filed by Ameren Illinois Utility. In each instance, Staff recommends that the Commission allow the Company's proposal by not suspending the filing.

Is there any discussions?

(No response.)

Any objections?

(No response.)

Hearing none, the filings are not suspended.

Item G-8 is Docket No. 08-0175. This
case concerns complaints brought by Citizen's Utility Board, Citizen Action/Illinois and AARP against U.S. Energy Savings Corporation, an alternative gas supplier. We're going to hold G-8 for disposition at a future hearing.

Moving on, G-9 is Docket No. 08-0597. This item will be held.

G-10 is Docket No. 09-0061. Before the Commission is Interstate Gas Supply of Illinois Petition for proprietary treatment of certain portions of its Compliance Report. ALJ Kimbrel recommends entering an Order granting proprietary treatment for a period of two years subject to certain conditions.

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the order is entered.

Item G-11 is Docket No. 09-0128. This item will be held.

Item G-12 is Docket No. 09-0195
concerning a complaint as to billing and charges by Warren and Celeste Tukes against Peoples Gas. ALJ Kimbrel recommends entering an Order dismissing the complaint with prejudice.

Is there any discussion?

(No response.)

Any objections?

Hearing none, the Order is entered.

Item G-13 is Docket No.09-0571. This Docket concerns Ambit Illinois' Application for Certificate of Service Authority under Section 19-110 of the Public Utilities Act. ALJ Sainsot requests that the Commission reopen the record in this docket on its own motion for the limited purposes of entertaining Ambit's Petition for confidential treatment of it's logo.

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the Motion is accepted and the docket is reopened.
Item G-14 is Docket No. 10-0042, a Joint Motion to Dismiss brought by Teresa Berry and Nicor. ALJ Benn recommends that the docket be dismissed with prejudice.

Is there any discussion?
(No response.)
Any objections?
(No response.)
Hearing none, the motion is granted and the docket is dismissed.

Item G-15 is Docket No. 10-0129
Integrys Energy Service's Application for Certificate of Service Authority under Section 19-110 of the Public Utilities Act. ALJ Sainsot recommends entering an Order granting this request and allowing Integrys to operate as an alternative gas supplier.

Is there any discussion?
(No response.)
Any objection?
(No response.)
Hearing none, the Order is approved.

Item G-16 is Docket No. 10-0163
involving Glacial Natural Gas' Application for Certificate of Service Authority under Section 19-110 under the Public Utilities Act. Glacial has made a motion to withdraw its application. ALJ Sainsot recommends granting this motion dismissing the docket with prejudice.

Is there any discussion?

(No response.)

Any objection?

(No response.)

Hearing none, the motion is granted and the docket is dismissed with prejudice. That concludes the Natural Gas position of today's agenda.

Starting with the Telecommunications Agenda.

Items T-1 through T-5 will be taken together. These items concern filings for modification in the nature of services offered by telecommunication providers. In each instance Staff recommends not suspending or investigating the filings.

Is there any discussion?
(No response.)

Any objections?

(No response.)

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

JUDGE DOLAN: Chairman, going back to G-16, it's supposed to be according to -- Judge Sainsot's recommendations should be without prejudice and not with prejudice since they didn't have a hearing on the merits.

CHAIRMAN FLORES: Very well. The record should reflect that the matter will be dismissed without -- I'm sorry. I misread that -- that this motion is granted and docketed without prejudice. I'm sorry. I misspoke.

JUDGE DOLAN: Thank you.

CHAIRMAN FLORES: Going back to Telecommunications, we are at Item T-6 involves an Application by Innovative Security Information Systems for a Certificate to provide pay telephone service within the State of Illinois. ALJ Riley recommends entering the Order granting the
Certificate.

It there any discussion?

(No response.)

Any objections?

Hearing none, the order is granted.

T-7 concerns TDS Long Distance Corporation's Application for Certificate to Operate as a Reseller of Telecommunications Services in the State of Illinois. The Commission entered an order on March 24 approving TDS's Certificate, but an Amendatory Order is required to cure deficiencies with that previous Order. ALJ Benn recommends that the Commission approve this Amendatory Order.

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the Amendatory Order is approved.

Item T-8 concerns Triarch Marketing's Application for a Certificate to operate as resale and facilities based carrier of telecommunication
services throughout the State of Illinois. The Applicant filed a request to withdraw the application without prejudice. ALJ recommends that the Commission approve withdraw without prejudice.

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the application is withdrawn.

Items T-9 through T-11 will be taken together. These items involve the Illinois Commerce Commission's initiating citation proceedings on its own initiative against UStel, Loop Telecom and Midwestern Telecommunications. In each instance, Staff recommends entry of an Order initiating proceeding.

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the Orders are approved.
Item T-12 is Docket No. 09-0268, the Verizon Frontier merger case. This item will be held for disposition at a future hearing.

Items T-13 through T-25 will be taken together. These items each involve Petitions for relief to protect confidential and/or proprietary information. In each instance the ALJ recommends entering an Order approving the Petition. This includes Item T-19, which indicates a recommendation of denial in our agenda; but in which the ALJ actually recommends approval in the supporting memorandum and suggests the Order.

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the Orders as drafted by the ALJs are entered and the Petitions are approved.

Per Judge Wallace's request, Item T-26 will be held.

Item T-27 is AT&T's Petition for relief to protect confidential and/or proprietary
information. ALJ Moran recommends entering an Order approving the Petition.

Is there any discussion?

(No response.)

Any objections?

Hearing none, the Order is entered.

Items T-28 through T-39 will be taken together. These Items each involve Joint Petitions surrounding Resale and Interconnection Agreements under 47 U.S.C. Section 252. In each docket the ALJ recommends an Order approving a new Agreement or amendment to an existing Agreement.

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the Orders are entered.

That concludes the Telecommunications portion of today's agenda.

Water and Sewer.

Items W-1 (10-0280) concerns a Suspension Order for a Proposed General Increase in
water and sewer rates by Galena Territory Utilities.

Staff recommends that in order to determine the reasonableness of the proposed increase of water and sewer rates, the filing be suspended and set for hearing.

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the Suspension Order is entered.

Item W-2 is Docket No. 09-0319, Illinois-American Water's case. Oral argument was heard on this matter on March 23rd and this matter will be held for disposition at a future hearing.

Item W-3 is Docket No. 10-0182 Sundale Utilities seeks an Order in connection with its financing of indebtedness of up to $107,755.02 to be repaid over a period of 12 months for the purpose of refinancing outstanding indebtedness. ALJ Tapia recommends entering the Order granting the requested relief.
Is there any discussion?
(No response.)

Any objections?
(No response.)

Hearing none, the Order is entered.

This concludes the Water and Sewer portion of today's agenda.

We have miscellaneous matter for disposition today. This matter concerns the Initiation of a Rulemaking Proceeding on 83 Illinois Admin. Code at 300. Staff recommends entry of an Order initiating a Rulemaking Proceeding and Authorizing a First Notice Period.

Is there any discussion?
(No response.)

Any objections?
(No response.)

Hearing none, the Order is entered.

Other business, we have a few other matters on the agenda for today. First off is our consideration of the Ameren Illinois Utility's 2010 Capacity Request For Proposal.
Is there a motion to approve the Ameren Illinois Utility's 2010 Capacity Request for Proposal?

COMMISSIONER ELLIOTT: So moved.

CHAIRMAN FLORES: Is there a second?

COMMISSIONER COLGAN: Second.

CHAIRMAN FLORES: Its been moved and seconded.

All in favor say "aye."

(Chorus of ayes.)

Any opposed?

(No response.)

The vote is 5-0. The Ameren Capacity RFP is approved.

Next up are a couple of FERC matters that require us to go into closed session.

Is there a motion to go into closed session?

COMMISSIONER ELLIOTT: So moved.

CHAIRMEN FLORES: Is there a second?

COMMISSIONER COLGAN: Second.

CHAIRMAN FLORES: Its 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 clear in Springfield, please.

JUDGE WALLACE: We're set down here, Mr. Chairman.

(Whereupon, the following proceedings were had in closed session.)
(Whereupon, the following proceedings were had in open session.)

CHAIRMAN FLORES: Now returning back to open session.

In closed session the Commission discussed filings in two FERC cases. First is Docket No. AD09-10-000. Staff proposes filing comments regarding FERC's National Action Plan on Demand Response.

Is there a motion to file the comments with FERC?

COMMISSIONER ELLIOTT: Mr. Chairman, Commissioner O'Connell-Diaz offered an amendment to the language for Staff to include and I will support that and move that we amend the comments to that affect.

CHAIRMAN FLORES: Is there a second?

COMMISSIONER COLGAN: Second.

CHAIRMAN FLORES: All in favor say "aye."

(Chorus of ayes.)

Any opposed?
The vote is 5-0 accepting Commissioner O'Connell-Diaz's amendments to the comments.

Now voting to then accept the comments as amended with the FERC.

Is there a motion?

COMMISSIONER ELLIOTT: So moved.

CHAIRMAN FLORES: Is there a second.

COMMISSIONER COLGAN: Second.

CHAIRMAN FLORES: All in favor say "aye."

(Chorus of ayes.)

Any opposed?

(No response.)

The vote is 5-0, the comments as amended will be filed with FERC.

The next item is FERC Docket ER10-863-000. Staff has proposed filing comments on the Midwest ISO's March 11th filing of the Midwest ISO's Transmission Owners' Agreement.

Is there a motion to file the comments with FERC?

COMMISSIONER O'CONNELL-DIAZ: So moved.
CHAIRMAN FLORES: Is there a second?

COMMISSIONER ELLIOTT: Second.

CHAIRMAN FLORES: Its been moved and seconded.

All in favor say "aye."

(Chorus of ayes.)

Any opposed?

(No response.)

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

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

JUDGE WALLACE: No, Mr. Chairman.

CHAIRMAN FLORES: Thank you very much. I hope all of you are doing well in Springfield.

And hearing none, this meeting stands adjourned. Thank you folks.

(And those were all the proceedings had.)