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, Acting Chairman

MS. LULA M. FORD, Commissioner (telephonically)

MS. ERIN M. O'CONNELL-DIAZ, Commissioner

MR. SHERMAN J. ELLIOTT, Commissioner

MR. JOHN T. COLGAN, Acting Commissioner
ACTING CHAIRMAN FLORES: Good morning.

Pursuant to the provisions of the Illinois Open Meeting Act, I now convene a regularly scheduled bench session of the Illinois Commerce Commission. With me in Chicago are Commissioners O'Connell-Diaz, Elliott, Acting Commissioner Colgan and I am Acting Chairman Flores. Commission Ford is available by phone.

Good morning, Commissioner.

COMMISSIONER FORD: Good morning.

ACTING CHAIRMAN FLORES: By rule we are required to vote on allowing Commissioner Ford to participate by telephone.

Is there a motion to approve Commissioner Ford's participation by phone?

COMMISSIONER ELLIOTT: So moved.

ACTING CHAIRMAN FLORES: Is there a second?

ACTING COMMISSIONER COLGAN: Second.

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

All in favor say "aye."

(Chorus of ayes.)
Any opposed?

(No Response.)

The vote is 4-0 approving Commissioner Ford's participation by phone.

Thank you so much, Commissioner Ford.

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 the members of the public to address the Commission.

Members of the public wishing to address the Commission must notify the Chief Clerk's Office at least 24 hours prior to the bench session.

According to the Chief Clerk's Office, there are three requests to speak. Speakers are permitted three 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 will be unable to answer any questions or respond. But should you require any further assistance, please -- we advise that you get in touch
-- that you contact the Consumer Services Division of
the Illinois Commerce Commission.

First we have Trustee Mary Niemiec.

MS. MARY NIEMIEC: Good morning. Thank you for
granting my the opportunity to address the Commission
today. I speak to you as a resident of Homer Glen
and a customer of Illinois American, and I would like
to address the Proposed Order in Docket 09-0319.

I've been told the ruling is all but
finalized and that the rest of the process is a
formality, so that I'm wasting my time coming here
today. But I refuse to be that cynical and ask that
you closely look at the recommendations in the
Proposed Order. If approved, the cost to rate payers
in the Chicago metro area for water, it's the third
increase since 2003, which was 44.2 percent, another
5.28 in '08, and now a 28.8 percent under the
Proposed Order. Wastewater rates have increase
overall 17.64 percent with the base portion of the
water increasing 42 percent for 1000 gallons.

I know you are charged to look at the
cost that this company incurs to provide service and
to strive to determine a reasonable balance between
customer protection and the right of a private
enterprise to operate. Reasonable is the operative
word and an exception of reasonable is what must be
considered. Homer Glen residents pay 218 to
500 percent for water more than their surrounding
communities. These rates include unsubstantiated
stand by fees and capitol improvements driven by a
strategy to increase net worth. The Proposed Order
to says that is inappropriate to compare rates with
surrounding communities.

The study Illinois American conducted
previously by order of this Commission was a sham.
The three communities selected were not true
comparisons and a new objective study needs to be
ordered. Plainfield, that purchases its water from
the same source, American Lake Water, Plainfield
customers pay $4.45 per 1000 gallons while Homer Glen
residents for the same amount of water pay $12.63s
the only difference is in the local distribution
which Illinois American owns.

The study focussed heavily on where
the revenue comes from, which is not the issue. The cost of operation should be the issue. Illinois American's own staff stated that the rate structure is determined via the revenue requirement model, 5 percent in contempt, 7 percent general tax, 12 percent return on equity, 17 percent depreciation, 9 percent death cost and 50 percent maintenance and operations. At minimum, rates would be 25 percent higher than a municipality that purchases its water from Chicago, not 200 to 500 percent. And if what we're told by the company that a privately run and held company can operate more efficiently than inept Government? Shouldn't it be even lower? We have no other choice at this time. We don't have the option to look for other providers. This is the clearest case of a sanctioned monopoly and we the consumers need your protection. I plead with you to be true to your mission. Please don't make your consideration simply formality. Please ask and order a comparable study of other communities, a true one. Thank you.

ACTING CHAIRMAN FLORES: Next we have Jean smith.
MS. JEAN SMITH: My name is Jean Smith and I am a resident of Prairie Grove, Illinois and I want to thank you for letting me speak to you today on behalf of the hundreds of residents and customers of Illinois American Water.

I'm very concerned about the proposed rate hike. I recent called around to nine different municipalities in our area and tried to determine what my average consumption would be if were to live in these other areas. And of the nine areas I made and average and my monthly average would be approximately $71. I current pay $104 a month on average. And with these proposed rate increase, my rate would go up to $138 a month. Now, there's only one village or town in the area that was above my current rate, so I made a phone call to them to kind of find out why they would have a higher rate than I would have. And speaking to the lady, she was explaining to me that their small town had to incur a lot of debt. And out of the $1.3 million it cost them to run their Water and Sewer Division, $600,000 of it was to pay off there debt.
In this economic time, she said they really needed to raise their rate a whole lot higher, but they didn't feel like the people in their community could pay for such rate increases. So they want back and they renegotiated their debt and they are continuing the debt so that they only have to have a 3 percent increase this year because they know their people, they know their community, they're involved in it. I believe that whole problem with the Illinois American Water is the fact that they doesn't live in the communities in which they serve and they don't see the pain that people are right now having with the economy. So we are just asking you to be the voice of the people and to be the conscious of the people because right now we can't afford these additional rate hikes and there's things that they can could to keep their cost down that I think they should look at to try to do the same thing as the small communities are to help their people.

ACTING CHAIRMAN FLORES: Thank you.

MS. JEAN SMITH: Thank you.

ACTING CHAIRMAN FLORES: Next we have Lawrence
MR. LAWRENCE CONRATH: I want to thank the commissioners for allowing me to speak as a resident of Homer Glen and speak about the sexy subject of sewerage. In addition to the water rates going up, we have a very unique situation for 8,000 of our residents, 6,000 of which live within the boundaries of Homer Glen and another 2,000 that live in Orland and Homer Township. We are all customers of Illinois American Water. We are the only customers that have other wastewater treatment through them in the immediate 10-mile radius. All the other villages and cities pretty much do their own wastewater treatment. Within the district that we are under, Illinois American has asked in the Proposed Order to increase their rates with customers that average 8,000 gallons among which we believe is the average. Will see since July of '08, July of '08 being significant because in August of '08 the company decided to change the way they bill wastewater from a flat rate per home, to a flat rate plus volumetric. In July of '08, homeowners were paying $46 a month for the sewer
After the Proposed Order increase, the same homeowners less than two years later will be paying $70 a month. That's a 52 percent increase in our bills in less than two years and I don't understand what's changed in less than two years that would justify such an increase.

By comparison, we're paying $8.75 after the Order is implemented per thousands gallons for wastewater. Our neighbors directory to the east, Orland, pay less that $3; Mokena, to our south, $3.60; New Lenox, $4.64, the larger municipalities get the benefits of spreading their affixed costs over larger customer base. Plainfield can treat a thousand gallons of Wastewater for $1.77. Lockport just finished their study and announced on March 31st that they're going to have to fix their infrastructure, which is the same excuse that Illinois American has given for the increased cost. They're a hundred-year-old village and they're going to be able to do it for $3.60 per thousand gallons of wastewater. Again, the Proposed Order for the Village of Homer Glen and other neighboring townships
are going to send the rates to $8.75 per thousand gallons, up 52 percent in less than two years.

Now what has that done for Illinois American? I've done a study and I've looked at the schedules that were submitted by the Company for the commissioners to look at in their Proposed Order to determine whether or not what they're asking for is reasonable. I've read the Proposed Order in this matter and believe that the rate-making formulas need to be revised to reflect current economic conditions.

On. Appendix D, Page 1, Illinois American details the impact that the granted new rates will make in the Chicago-metro wastewater collection and treatment district. The revenues are going to increase in that district by $2 million with net post-tax income rising from $2.5 million to $3.7 million. And they'll increase on the percent of revenues from a 22 percent bottom line to a 29 percent bottom line. Why the Company should enjoy a 6 percent increase in their net profits because they say they need to cover fixed costs is beyond me. Again, we were paying just $46 a month less than two years ago and now we're
faced with this 50-something percent increase in our wastewater rates on top of the increase that we're getting in our water.

One of the comments that one of your commissioners made was that they rejected the request to conduct an independent audit into the high cost for sewer because "it was not clear that any such study or audit would produce a meaningful cost-effective result". I've looked at exhibit -- appendix D, Page 1, which outlines exactly what the Company states is their cost of operations and their revenues in our area. And it masks the fact that the entire increase that they're requesting is going to only be impacted by the 8,000 customers in Homer Glen and Homer Township. They say they're only increasing the rates 17.64 percent, but they use the entire revenue for the district to come up with that number. The real impact is closer the 50 percent on the customers that are going to have their bills increased. The same schedule, if they were to just break out their wastewater treatment and collection from that district number would reveal this much
larger increase that they're going to enjoy.

They've always made the argument that when we compare our rights with surrounding municipalities, it's not an apples, apples comparison because we're comparing municipalities that can charge these rate to their customers on a monthly bill or in their real estate tax bill. If we were given the cost of this district and how many wastewater gallons that they actually treated in the last year, it would give us a meaningful number in terms of their true cost to provide wastewater service for Homer Glen. And with that analysis, we can then compare it to our sister communities and give you specific numbers that you can rely on to show whether or not this monopoly water company is providing the lowest cost service in our area. I suspect --

ACTING CHAIRMAN FLORES: If you can just rap it up, please.

MR. LAWRENCE CONRATH: Okay. And in summary, I just wanted to say that we're heavily dependant on this Commission to represent our quality of life out
in the area in which we leave. Appear we're hoping  
that you will look at this carefully and cut some of  
this tremendous increase in the cost from the  
Proposed Order. Thank you very much for your time.  

ACTING CHAIRMAN FLORES: Thank you very much,  
Mr. Conrath, and thank you to all of the individuals  
what took time from their schedules to appear before  
the Commission today to provide their testimony.  

That concludes the public comment  
portion of today hearing.  

Turning to the Public Utilities  
Agenda.  

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

Is there a motion to amend the  
minutes?  

COMMISSIONER ELLIOTT: So moved.  

ACTING CHAIRMAN FLORES: Is there a second?  

ACTING COMMISSIONER COLGAN: Second.  

ACTING CHAIRMAN FLORES: Its 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?

ACTING COMMISSIONER COLGAN: So moved.

ACTING CHAIRMAN FLORES: Is there a second?

COMMISSIONER ELLIOTT: Second.

ACTING CHAIRMAN FLORES: Its 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.

ACTING CHAIRMAN FLORES: Is there a second?

ACTING COMMISSIONER COLGAN: Second.

ACTING CHAIRMAN FLORES: Its 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. 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 9250 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 moved.

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. 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 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
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-99 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 440 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 will 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 or 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 is 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?
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.

ACTING 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.

ACTING 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 approved.
1 withdrawn.

2 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.

3 Is there any discussion?

4 (No response.)

5 Any objections?

6 (No response.)

7 Hearing none, the Orders are approved.

8 Item T-12 is Docket No. 09-0268, the Verizon Frontier merger case. This item will be held for disposition at a future hearing.

9 Items T13 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 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.

ACTING CHAIRMAN FLORES: Is there a second?

ACTING COMMISSIONER COLGAN: Second.

ACTING 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 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?

ACTING COMMISSIONER COLGAN: Second.

ACTING 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.)

ACTING 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.

ACTING CHAIRMAN FLORES: Is there a second?
ACTING COMMISSIONER COLGAN: Second.

ACTING CHAIRMAN FLORES: All in favor say "aye."

(Chorus of ayes.)

Any opposed?

(No response.)

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.

ACTING CHAIRMAN FLORES: Is there a second.

ACTING COMMISSIONER COLGAN: Second.

ACTING 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.

ACTING CHAIRMAN FLORES: Is there a second?

COMMISSIONER ELLIOTT: Second.

ACTING 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.

ACTING 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.)