BEFORE THE
ILLINOIS COMMERCE COMMISSION

SPECIAL OPEN MEETING
(PUBLIC UTILITY)

Chicago, Illinois
Friday, April 15, 2011

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

PRESENT:

DOUGLAS P. SCOTT, Chairman

LULA M. FORD, Commissioner

ERIN M. O'CONNELL-DIAZ, Commissioner
via teleconference

SHERMAN J. ELLIOTT, Commissioner
via videoconference

JOHN T. COLGAN, Acting Commissioner
via videoconference

SULLIVAN REPORTING COMPANY, by
Alisa A. Sawka, CSR, RPR
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CHAIRMAN SCOTT: Pursuant to the provisions of the Illinois Open Meetings Act, I now convene a Special Open Meeting of the Illinois Commerce Commission. With me in Chicago is Commissioner Ford. With us in Springfield are Commissioner Elliott and Acting Commissioner Colgan. I'm Chairman Scott. We have a quorum. I believe we have Commissioner O'Connell-Diaz available by phone.

Are you there, Commissioner?

COMMISSIONER O'CONNELL-DIAZ: Yes, I am.

CHAIRMAN SCOTT: Per the Commissioner rules, we'll vote to allow Commissioner O'Connell-Diaz to participate by phone.

I move to allow Commissioner O'Connell-Diaz to participate by phone.

Is there a second?

COMMISSIONER FORD: Second.

CHAIRMAN SCOTT: It's been moved and seconded. All in favor say "aye."

(Chorus of ayes.)

CHAIRMAN SCOTT: Any opposed?

(No response.)
CHAIRMAN SCOTT: The vote is 4 to nothing and Commissioner O'Connell-Diaz may participate in today's Special Open Meeting by telephone.

Before moving in to agenda, according to Part 1700.10 of Title 2 of the Illinois Administrative Code, this is the time we allow members of the public to address the Commission. Members of the public wishing to address the Commission must notify the Chief Clerk's Office at least 24 hours prior to the Commission meeting. According to the Chief Clerk's Office, we have one valid request to speak at today's Open Meeting. I believe we have Mr. William Byrne available to speak with us.

Mr. Byrne, are you here?

MR. WILLIAM BYRNE: Can I switch that to Sue?

I'm feeling a little under the weather.

CHAIRMAN SCOTT: And Sue's name is --

MS. SUSAN PRONOVE: I'm Sue Pronove.

CHAIRMAN SCOTT: Sue. Okay. Sure. And I think the Clerk's Office told you you have 3 minutes to make your comments. So, please, when you're
ready, feel free to start.

MS. SUE PRONOYE: Okay. This is regarding the ComEd Kreutzer Road -- regarding ComEd putting their poles along Kreutzer Road.

Reams of paper have been generated and hundreds of thousands of dollars have been spent by both parties as well as the Village of Huntley in this fight to put 75-foot poles along Kreutzer Road. ComEd is pushing through with this plan despite the fact that it's based on erroneous and outdated evidence. They are ignoring the ruling by the Court of Appeals that they must specify exactly what land they are taking and where it is located.

The parcels noted in the record encompass most of the land we own. They are ignoring the plans to widen Kreutzer Road and make it a major transportation corridor. These plans were even brought before the ICC.

Placing the poles at 50 feet ensures that they will have to be moved in the near future. Will this be another burden on taxpayers? Will ComEd just institute increased electrical rates to pay for
the error? No developer will touch this land once
the poles are located on it.

ComEd has a viable alternative route
that is shorter and where they own most of the
easements necessary. The record should be reopened
to examine this route instead of blocking the only
access to our land on the south side of Kreutzer
Road, demolishing a historically preserved home and
ruining the viable agricultural land.

Despite testimony by the Village of
Huntley, Commonwealth Edison and ARCADIS both — they
all ignored the fact that improvements to Kreutzer
Road were necessary and imminent in their initial
study recommending this route. As early as 2008, the
ICC was also analyzing improvements to Kreutzer Road
regarding the realignment of the railroad crossing.
Despite this knowledge, ComEd and the ICC have tried
to push through placement of the poles 50 feet from
the existing road. This will make it necessary at a
cost of about $4 million in order for the road
improvements to be implemented.

If the poles are not moved, the road
would go from five lanes to two lanes after a railroad crossing, a bridge and a curve. This would make Kreutzer Road one of the most dangerous roads in Kane and McHenry Counties. Rain, ice, snow, fog and 75-foot poles topped by 138 kV of electricity would only make the hazard worse.

Who's responsible for any fatalities on this type of road? Who would pay to move the poles if the risks it presents are deemed too great? No developer will take on this huge expense, especially in the current economic state. It will ultimately be a burden to the taxpayers.

The Kreutzer family has been fighting ComEd and the ICC in the attempt to preserve the historical integrity of their land as well as to highlight the financial irresponsibility of the plan. ComEd lost their eminent domain case against the family when they tried to acquire the land by quick take because they failed to negotiate fairly and asked for rights to utilize 225 acres to maintain and enlarge and install communications lines even though the easement was only for 50 feet.
The location of easement also takes away the use of the whole frontage of the property, which is the only ingress and egress to the land. The Appellate Court ruled in favor of the Kreutzer family when it stated that the easement must be properly identified by ComEd. This was after ComEd and the ICC arbitrarily changed the footage needed for the poles from 50 feet to 175 feet.

There was no testimony or evidence as basis for this change. When an alternate route considered by ComEd located along an industrial commercial route already has easements owned by the Utility as well as some poles installed, according to the official testimony of the Commerce Commission's senior engineer, the route along Kreutzer Road is one of the most costly choices. This was before the legal battles it triggered. This totally disregards the Utility's mandate to provide the best service to the least cost to the consumer. In this climate of rising costs for basic necessities it seems obvious to choose the least expensive route.

There are two Kreutzer farms impacted
by the ComEd route. Both are designated as centennial farms soon to qualify for susquicentennial status. ComEd has an agreement with the Illinois Department of Agriculture to utilize other land before farmland for their easements. There is also an area that is historically preserved due to the huge impact that Paul Kreutzer had on the community from his arrival in the United States in 1868 until his death in 1934.

The historically preserved area is the Paul Kreutzer Farmhouse on Marie Caranci's farm. This farmhouse is only 1 of 33 historically preserved homes in Kane County. It will definitely be demolished at the 50-foot easement.

It seems incomprehensible that all this evidence presented in our briefs and the appeal can be completely ignored. It's not just a matter of 50 feet versus 175 feet. There are major issues affecting several towns and potentially costing millions of dollars riding on your decision today. Have you honestly read and evaluated all of the evidence? Do you understand the repercussions of
this decision? This has become much bigger than ruining one family and their home for almost 150 years.

This is allowing a major utility to spend millions of dollars to knowingly put up electrical poles that will impede a planned transportation corridor, only to have someone else have to pay to move them. In these economic times that seems extremely irresponsible. Please do not rush into a decision today. Take the time to reevaluate and reexamine the arguments against this decision. They are compelling and should not be ignored.

And then just on a personal note my cousin says, I hope with all my heart that this Commission and the Administrative Judge will put an end to the mental anguish and financial hardship being endured by the Kreutzer/Caranci families. My husband and I have been wanting to build a house and move back to Huntley for years now. Our lives have been on hold because of this horrible situation of possibly having these power lines ruin the family
farm. We should already be living in Huntley now so I could be helping my 81-year-old mother on a day-to-day basis.

Now that spring is here and I'm at the farm more often to do yard work, every year I enjoy taking in the views across the field and spotting various wildlife, birds, butterflies and deer. As I take in the beautiful views I keep thinking, is this the last year to enjoy this?

CHAIRMAN SCOTT: Thank you. If you could say and then spell your last name, too, so we have it for the court reporter.

MS. SUSAN PRONOVE: My name is Susan Pronove, P-r-o-n-o-v-e. I am the daughter of Marie Caranci, and it's the majority of her land that will be affected by this.

CHAIRMAN SCOTT: Thank you, Miss Pronove.

Moving in to today's agenda we will start with minutes from the previous Commission meetings. Item 1 today is the approval of minutes from our March 23rd Bench Session. I understand amendments have been forwarded.
Is there a motion to amend the minutes?

COMMISSIONER FORD: So moved.

CHAIRMAN SCOTT: Is there a second?

COMMISSIONER ELLIOTT: Second.

CHAIRMAN SCOTT: It's been moved and seconded.

All in favor say "aye."

(Chorus of ayes.)

CHAIRMAN SCOTT: Any opposed?

(No response.)

CHAIRMAN SCOTT: The vote is 5 to nothing amending the minutes from March 23rd.

Is there a motion to approve the minutes as amended?

COMMISSIONER FORD: So moved.

CHAIRMAN SCOTT: Is there a second?

COMMISSIONER COLGAN: Second.

CHAIRMAN SCOTT: It's been moved and seconded.

All in favor say "aye."

(Chorus of ayes.)

CHAIRMAN SCOTT: Any opposed?

(No response.)
CHAIRMAN SCOTT: The vote is 5 to nothing approving the minutes from March 23rd as amended.

Item 2, 11-0356, 11-0355, 11-0356, 11-0357, concerns initiating power procurement reconciliation proceedings from the Ameren Illinois Utilities and ComEd. Staff recommends that the Commission enter an Order commencing the reconciliation proceedings.

I move to enter an Order commencing the proceedings.

Is there a second?

COMMISSIONER FORD: Second.

CHAIRMAN SCOTT: It's been moved and seconded.

All in favor say "aye."

(Chorus of ayes.)

CHAIRMAN SCOTT: Any opposed?

(No response.)

CHAIRMAN SCOTT: The vote is 5 to nothing and the Order is entered.

We will use this 5 to nothing vote for the remainder of today's Special Open Meeting unless otherwise noted.
Item 3, 11-0358, concerns proposed tariffs filed by Ameren adding a new section to its supplier terms and conditions regarding the purchase of uncollectible receivables. In order to determine the reasonableness of the proposed language, Staff recommends that the filing be suspended through entry of a Suspension Order and set for hearing.

Is there any discussion?

(No response.)

CHAIRMAN SCOTT: Any objections?

(No response.)

CHAIRMAN SCOTT: Hearing none, the Suspension Order is entered.

Item 4 is Docket No. 07-0310. This is ComEd's Application for a Certificate of Public Convenience and Necessity to construct a 138,000-volt transmission line in Kane and McHenry Counties. This matter is on remand from the Appellate Court and Administrative Law Judge Dolan recommends that the Commission enter an Order adopting a 50-foot width right of way adjacent to Kreutzer Road for construction of the previously approved transmission
line.

Is there any discussion?

(No response.)

CHAIRMAN SCOTT: Any objections?

(No response.)

CHAIRMAN SCOTT: Hearing none, the Order is entered.

Items 5 and 6 can be taken together. These items are customer complaints as to billing and/or charges against ComEd. In each case the parties have apparently settled their differences and brought Joint Motions to Dismiss, which the ALJs recommend that we grant.

Is there any discussion?

(No response.)

CHAIRMAN SCOTT: Any objections?

(No response.)

CHAIRMAN SCOTT: Hearing none, the Joint Motions to Dismiss are granted.

Item 7 is Docket No. 10-0709. This is Eloisa Ochoa's metering complaint against ComEd. ALJ Riley recommends that the Commission enter an Order
1 dismissing the Complaint with prejudice.
2 Is there any discussion?
3 Actually, I have a little bit of
discussion, if I could.
4 The question I have is, this seems to
be an unusual thing to come before the Commission.
And I guess being new I'm asking these questions a
lot. I mean, is this the kind of thing where it's
really a dispute with the Utility over the
information concerning when a meter was installed?
Is that an unusual occurrence?

JUDGE RILEY: It's the first of its kind that
I've encountered. I've been here going on 13 years
now. It was not clear from the transcript from going
back through it what the town of Cicero's requirement
was that the -- that Miss Ochoa try and determine
when the meters were first installed in the house
that she purchased.

CHAIRMAN SCOTT: All right.

JUDGE RILEY: I never understood what the --
what the necessity was.

CHAIRMAN SCOTT: And the nature of the
complaint is it's a -- is it a one-family or a
two-family and that seemed to be part of the
contention that Miss Ochoa had.

JUDGE RILEY: It was a two-family when she
bought it. It's a one-family now. She plans to make
it a two-family again because she wants to get the
basement repaired and rented out and then there's
just a single story up above.

CHAIRMAN SCOTT: Okay. I appreciate that.

JUDGE RILEY: Sure.

CHAIRMAN SCOTT: Thank you. Thanks for the
clarification.

Is any other discussion on this?

(No response.)

CHAIRMAN SCOTT: Any objections?

(No response.)

CHAIRMAN SCOTT: Hearing none, the Order is
entered and the Complaint is dismissed.

Item 8 is Docket No. 11-0310. This is
Nordic Energy Services' Petition for confidential
treatment of portions of its Annual Agent, Broker,
Consultant Recertification Report. ALJ Albers
recommends that the Commission enter an Order granting the requested relief.

Is there any discussion?

(No response.)

CHAIRMAN SCOTT: Any objections?

(No response.)

CHAIRMAN SCOTT: Hearing none, the Order is entered.

Item 9 is Docket No. 08-0521. This item is Henry Graham's complaint alleging the unauthorized switching of his service against Santana Energy Services. Parties have apparently resolved their differences and brought a Joint Motion to Dismiss which ALJ Baker recommends that we grant.

Is there any discussion?

(No response.)

CHAIRMAN SCOTT: Any objections?

(No response.)

CHAIRMAN SCOTT: Hearing none, the Joint Motion to Dismiss is granted.

Item 10 is Docket No. 11-0031. This is D.D.D. Calling's Petition to Withdraw its
Certificate of Local Authority to Operate as a Facilities-Based Carrier of Telecommunications Services previously issued in Docket No. 96-0238. ALJ Baker recommends that the Commission enter an Order granting the Petition.

Is there any discussion?

(No response.)

CHAIRMAN SCOTT: Any objections?

(No response.)

CHAIRMAN SCOTT: Hearing none, the Order is entered and the Certificate is withdrawn.

Item 11 is Docket No. 11-0034. This is Ridley Telephone Company's Petition for the withdrawal of its Certificate of Interexchange Service Authority previously granted in Docket No. 02-0407. ALJ Baker recommends that the Commission enter an Order granting the Petition.

Is there any discussion?

(No response.)

CHAIRMAN SCOTT: Any objections?

(No response.)

CHAIRMAN SCOTT: Hearing none, the Order is
entered and the Certificate is withdrawn.

Item 12 is Docket No. 11-0073. This is K-Wireless's Application for designation as an eligible telecommunications carrier in Illinois for offering lifeline service to qualified households. ALJ Riley recommends that the Commission enter an Order granting the Application.

Is there any discussion?

(No response.)

CHAIRMAN SCOTT: Any objections?

(No response.)

CHAIRMAN SCOTT: Hearing none, the Order is entered and the Application is granted.

Item 13 is Docket No. 11-0176. This is GC Pivotal's Application for a Certificate of Service Authority to Operate as a Resale Carrier of Telecommunications Services throughout Illinois. ALJ Teague recommends that the Commission enter an Order granting the requested Certificate.

Is there any discussion?

(No response.)

CHAIRMAN SCOTT: Any objections?
CHAIRMAN SCOTT: Hearing none, the Order is entered and the Certificate is granted.

Item 14 is Docket No. 11-0181. This a Joint Petition for Approval of an Interconnection Agreement between Illinois Bell Telephone Company and IQ Telecom. ALJ Baker recommends that the Commission enter an Order approving the Interconnection Agreement.

Is there any discussion?

(No response.)

CHAIRMAN SCOTT: Any objections?

(No response.)

CHAIRMAN SCOTT: Hearing none, the Order is entered and the Interconnection Agreement is approved.

Item 15 is Docket No. 11-0182. This is a Joint Petition for the approval of a 10th Amendment to an Interconnection Agreement between Illinois Bell Telephone Company and Sage Telecom. ALJ Baker recommends that the Commission enter an Order approving the amendment to the Interconnection Agreement.
Agreement.

Is there any discussion?

(No response.)

CHAIRMAN SCOTT: Any objections?

(No response.)

CHAIRMAN SCOTT: Hearing none, the Order is entered and the amendment is approved.

Item 16 is Ivie Clay's complaint to service against Peoples Gas. The complainant has filed a Petition for Rehearing in this case. ALJ Benn recommends that the Commission deny the Petition for Rehearing for failure to allege any new facts or legal basis for which rehearing would be appropriate.

Is there any discussion?

Actually, I have a little discussion, Judge Benn.

JUDGE BENN: Yes, good morning.

CHAIRMAN SCOTT: Good morning.

And I just want to do this for clarification. In your memorandum, you state that the petitioner hasn't given any new evidence or anything new being brought forward, but you didn't
really recommend -- you didn't make a recommendation in the memorandum that we deny the Petition for Rehearing. So is my assumption correct that that would be your recommendation?

JUDGE BENN: Yes. Yes, that's correct. It's my understanding that we could no longer recommend regarding the Petition for Rehearing so that's why I didn't include it.

CHAIRMAN SCOTT: Okay. Fine. Thank you very much.

JUDGE BENN: You're welcome.

CHAIRMAN SCOTT: Thank you.

Is there any discussion?

(No response.)

CHAIRMAN SCOTT: Any objections?

(No response.)

CHAIRMAN SCOTT: Hearing none, the Petition for Rehearing is denied.

Item 17 concerns Commission consideration of the RFP results for the recent June Ameren capacity IPA procurement event.

I move to approve the Ameren capacity
RFP results.

Is there a second?

COMMISSIONER FORD: Second.

CHAIRMAN SCOTT: It's been moved and seconded.

All in favor say "aye."

(Chorus of ayes.)

CHAIRMAN SCOTT: Any opposed?

(No response.)

CHAIRMAN SCOTT: The vote is 5 to nothing and

the June 2011 Ameren capacity RFP results are

approved by the Commission.

Judge Wallace, are there any other

matters to come before the Commission today?

JUDGE WALLACE: No, that's it, Mr. Chairman.

CHAIRMAN SCOTT: Thank you, sir.

Hearing none, this meeting stands

adjourned.

MEETING ADJOURNED