BEFORE THE
ILLINOIS COMMERCE COMMISSION

BENCH SESSION
(PUBLIC UTILITY)

Springfield, Illinois
Wednesday, April 16, 2014

Met, pursuant to notice, at 10:30 a.m. at
527 East Capitol Avenue, Springfield, Illinois.

PRESENT:
MR. DOUGLAS P. SCOTT, Chairman
MR. JOHN T. COLGAN, Commissioner
MS. ANN McCABE, Commissioner
MS. SHERINA E. MAYE, Commissioner
MR. MIGUEL del VALLE, Commissioner (via phone)

MIDWEST LITIGATION SERVICES, by
Angela C. Turner, Reporter
CSR #084-004122
CHAIRMAN SCOTT: Pursuant to the provisions of the Open Meetings Act, I now convene a regularly scheduled Bench Session of the Illinois Commerce Commission. With me in Springfield are Commissioner Colgan, Commissioner McCabe, and Commissioner Maye. With us in Chicago is Commissioner del Valle. I am Chairman Scott and we have a quorum.

Before moving into the agenda, according to Section 1700.10 of Title 2 of the 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 Commission meetings. According to the Chief Clerk's office, we have no requests to speak at today's Bench Session.

Moving on to the Public Utility Agenda, we will begin with the approval of minutes from our March 19th Bench Session. I understand the amendments have been forwarded.

Is there a motion to amend the minutes?

COMMISSIONER MAYE: So moved.

CHAIRMAN SCOTT: Moved by Commissioner Maye.
Second?

COMMISSIONER McCABE: Second.

CHAIRMAN SCOTT: By Commissioner McCabe.

All in favor aye.

(Chorus of ayes.)

CHAIRMAN SCOTT: Any opposed?

(No response.)

CHAIRMAN SCOTT: The vote is five to nothing, and the amendments are adopted.

Is there now a motion to approve the minutes, as amended?

COMMISSIONER COLGAN: So moved.

CHAIRMAN SCOTT: Moved by Commissioner Colgan.

COMMISSIONER MAYE: Second.

CHAIRMAN SCOTT: Second by Commissioner Maye.

All in favor say aye.

(Chorus of ayes.)

CHAIRMAN SCOTT: Any opposed?

(No response.)

CHAIRMAN SCOTT: The vote is five to nothing, and the minutes from our March 19th Bench Session, as amended, are approved.
Next, we have the approval of minutes from our March 25th Regular Open Meeting. I understand amendments have been forwarded.

Is there a motion to amend the minutes?

COMMISSIONER McCabe: So moved.

CHAIRMAN SCOTT: Moved by Commissioner McCabe.

Second?

COMMISSIONER COLGAN: Second.

CHAIRMAN SCOTT: By Commissioner Colgan.

All in favor say aye.

(Chorus of ayes.)

CHAIRMAN SCOTT: Any opposed?

(No response.)

CHAIRMAN SCOTT: The vote is five to nothing, and the amendments are adopted.

Is there now a motion to approve the minutes, as amended?

COMMISSIONER COLGAN: So moved.

CHAIRMAN SCOTT: Moved by Commissioner Colgan.

Second?

COMMISSIONER MAYE: Second.

CHAIRMAN SCOTT: By Commissioner Maye.
All in favor say aye.

(Chorus of ayes.)

CHAIRMAN SCOTT: Any opposed?

(No response.)

CHAIRMAN SCOTT: The vote is five to nothing, and the minutes from our March 25th Regular Open Meeting, as amended, are approved.

Turning now to the Electric portion of today's agenda. Item E-1 is our reconciliation of revenues collected under ComEd's Rider PORCB, Purchase of Receivables with Consolidated Billing, with actual and prudent associated costs. Staff recommends entry of an Order commencing the reconciliation proceeding.

Is there a motion to enter the Order?

COMMISSIONER COLGAN: So moved.

COMMISSIONER McCABE: Second.

CHAIRMAN SCOTT: Moved by Commissioner Colgan. Second by Commissioner McCabe.

Is there any discussion?

(No response.)

CHAIRMAN SCOTT: All in favor say aye.

(Chorus of ayes.)

CHAIRMAN SCOTT: Any opposed?
CHAIRMAN SCOTT: The vote is five to nothing, and the Order is entered.
We will use this five to nothing vote for the remainder of today's Public Utility Agenda unless otherwise noted.

Item E-2 is Docket Number 12-0549. This is our reconciliation of revenues collected under ComEd's power procurement riders with actual costs associated with power procurement expenditures. ALJ Hilliard recommends entry of an Order approving the reconciliation.

Is there any discussion?

(No response.)

CHAIRMAN SCOTT: Any objections?

(No response.)

CHAIRMAN SCOTT: Hearing none, the Order is entered.

Item E-3 is Docket Number 12-0598. This is Ameren Transmission Company of Illinois' Petition for a Certificate of Public Convenience and Necessity pursuant to Section 8-406.1 of the Illinois Public Utilities Act, and an Order pursuant to Section 8-503 of the Public Utilities Act, to construct, operate
and maintain a new high voltage electric service line and related facilities in countries across Illinois. The Morgan, Sangamon, and Scott Counties Land Preservation Group and Edgar County Citizens are Entitled to Due Process have each filed Motions for Stay of the Commission's decision, which ALJs Albers and Yoder recommend we deny.

Is there any discussion?

(No response.)

CHAIRMAN SCOTT: Are there any objections to denying the motions?

(No response.)

CHAIRMAN SCOTT: Hearing none, the Motions for Stay are denied.

Items E-4 and E-5 can be taken together. These items are complaints against ComEd as to billing and/or charges. It appears the parties have settled their differences and have filed a Stipulation and Joint Motion to Dismiss, which the ALJ in both cases recommends we grant.

Is there any discussion?

(No response.)

CHAIRMAN SCOTT: Any objections?

(No response.)
CHAIRMAN SCOTT: Hearing none, the Orders are entered.

Item E-6 is Docket Number 13-0186. This is Chet DeKing's complaint against ComEd as to removing 12 blue spruce evergreens from his property without proper notice. It appears the parties have settled their differences and have filed a Stipulation and Joint Motion to Dismiss, which ALJ Riley recommends we grant.

Discussion. Commissioner McCabe.

COMMISSIONER McCABE: On September 4th, we disagreed with ComEd's Motion to Dismiss in this case, which concerns the removal of blue spruce trees on Complainant's property during non-emergency vegetation management without sufficient notice.

In our Interim Order last September, we granted Mr. DeKing the right to file a Second Amended Complaint and we requested the parties brief several disputed issues, including jurisdiction and potential remedies.

This case was continued at least four times. Briefs were due March 25th. A stipulation was filed March 19th. While I am pleased the parties reached an agreement in this case, it highlights the need to
follow the notice requirements pertaining to vegetation management. Thank you.

CHAIRMAN SCOTT: Thank you, Commissioner.

Further discussion?

(No response.)

CHAIRMAN SCOTT: Are there any objections to the Proposed Order?

(No response.)

CHAIRMAN SCOTT: Hearing none, the Order is entered.

Item E-7 is Docket Number 13-0543. This is Darlene Goodman's complaint against ComEd as to billing and/or charges in Chicago. It appears the parties have settled their differences and have filed a Stipulation and Joint Motion to Dismiss, which ALJ Benn recommends we grant.

Is there any discussion?

(No response.)

CHAIRMAN SCOTT: Any objections?

(No response.)

CHAIRMAN SCOTT: Hearing none, the Order is entered.

Items E-8 through E-10 can be taken together. These items are complaints against ComEd
for billing or service issues. The ALJ in each case
recommends entry of an Order dismissing the
complaint.

Is there any discussion?

(No response.)

CHAIRMAN SCOTT: Any objections?

(No response.)

CHAIRMAN SCOTT: Hearing none, the Orders
are entered.

Item E-11 is Docket Number 14-0205. This is
David Beavers' complaint against ComEd as to being
charged for inactive high voltage electric service in
Calumet. Complainant has filed a Motion to Withdraw,
which ALJ Benn recommends we grant.

Is there any discussion?

(No response.)

CHAIRMAN SCOTT: Any objections?

(No response.)

CHAIRMAN SCOTT: Hearing none, the Motion to
Withdraw is granted and the complaint is dismissed.

Items E-12 through E-16 can be taken
together. These items are Applications for
Certification to Install, Maintain or Repair Electric
Vehicle Charging Station Facilities under Section
Item E-17 is Docket Number 14-0090. This is Solar Micronics' Application for Certification as an Installer of Distributed Generation Facilities under Section 16-128A of the Public Utilities Act. ALJ Baker recommends entry of an Order granting the certificate.

Is there any discussion?

(No response.)

CHAIRMAN SCOTT: Any objections?

(No response.)

CHAIRMAN SCOTT: Hearing none, the Order is entered.

Items E-18 and 19 can be taken together. These items are Applications for Licensure of Agents, Brokers and Consultants under Section 16-115C of the Public Utilities Act. In both cases, ALJ Kimbrel recommends entry of an Order granting the certificate.

Is there any discussion?

(No response.)

CHAIRMAN SCOTT: Any objections?
CHAIRMAN SCOTT: Hearing none, the Orders are entered.

Items E-20 through E-31 can be taken together. These items are Petitions for the Confidential and/or Proprietary Treatment of Petitioners' various compliance reports. The ALJ in each case recommends entry of an Order granting the requested relief.

Is there any discussion?

(No response.)

CHAIRMAN SCOTT: Any objections?

(No response.)

CHAIRMAN SCOTT: Hearing none, the Orders are entered.

Item E-32 is Docket Number 14-0154. This is Ameren Illinois and Adams Electric Cooperative's Joint Petition for Approval of Commercial Customer Release. ALJ Yoder recommends entry of 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.

Items E-33 through E-36 can be taken together. These items are citations for failure to file compliance recertification reports as required by 83 Illinois Administrative Code Section 454.110. ALJ Dolan, in each case, recommends entry of an Order suspending the Respondent's license for 90 days.

Is there any discussion?

(No response.)

CHAIRMAN SCOTT: Any objections?

(No response.)

CHAIRMAN SCOTT: Hearing none, the Orders are entered.

Item E-37 is Docket Number 14-0052. This is our citation against Technology Resource Solutions Incorporated for failure to file its compliance recertification report required by 83 Illinois Administrative Code 454.110 and failure to maintain corporate status. ALJ Dolan recommends entry of an Order cancelling the Respondent's license.

Is there any discussion?

(No response.)

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

Item E-38 is Docket Number 14-0260. This is ComEd's Petition to Approve on less than 45 days' notice and without suspension, a revision to its Rider PE, Purchased Electricity, which Staff recommends we grant.

Is there any discussion?

(No response.)

CHAIRMAN SCOTT: Any objections?

(No response.)

CHAIRMAN SCOTT: Hearing none, Special Permission is granted.

Turning now to Natural Gas. Item G-1 is Docket Number 13-0316. This is Integrys Energy Services' Petition for Confidential and Proprietary Treatment of portions of TEGE LLC's report of continued compliance for not less than two years. ALJ Baker recommends entry of an Order granting the requested relief.

Is there any discussion?

(No response.)

CHAIRMAN SCOTT: Any objections?
1 (No response.)
2 CHAIRMAN SCOTT: Hearing none, the Order is entered.
3
4 Item G-2 is Docket Number 13-0681. This is Nicor and North Shore Gas Company's Joint Petition for consent to and approval of a firm transportation agreement pursuant to Sections 7-102, 9-102 and 9.201 of the Public Utilities Act. ALJ Benn recommends entry of an Order approving the agreement.
5
6 Is there any discussion?
7 (No response.)
8
9 CHAIRMAN SCOTT: Any objections?
10 (No response.)
11
12 CHAIRMAN SCOTT: Hearing none, the Order is entered.
13
14 Items G-3 and G-4 can be taken together.
15
16 These items are Petitions for the Confidential and/or Proprietary Treatment of Petitioners' various compliance reports. In both cases, ALJ Von Qualen recommends entry of an Order granting the requested relief.
17
18 Is there any discussion?
19 (No response.)
20
21 CHAIRMAN SCOTT: Any objections?
(No response.)

CHAIRMAN SCOTT: Hearing none, the Orders are entered.

On to Telecommunications. Item T-1 is Docket Number 13-0298. This is Angela Foster on behalf of Covenant Mortgage Services' complaint against AT&T as to billing and/or charges in Carol Stream. ALJ Jorgenson recommends entry of an Order dismissing the complaint for want of prosecution.

Is there any discussion?

(No response.)

CHAIRMAN SCOTT: Any objections?

(No response.)

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

Item T-2 is Docket Number 13-0481. This is Arun K. Bhattacharya's complaint against RCN Telecom Services as to service in Chicago. ALJ Riley recommends entry of an Order granting the Complainant's request for credits in the amount of $289.60 for telephone service, and denying the request for recovery of $118.00 in pay phone charges.

Is there any discussion?

(No response.)
CHAIRMAN SCOTT: Is there any objections?

(No response.)

CHAIRMAN SCOTT: Hearing none, the Order is entered and the complaint is granted in part and denied in part.

Items T-3 and T-4 can be taken together. These items are our motions concerning amendments of 83 Illinois Administrative Code Section 732 and Section 745. The ALJ in both cases recommends entry of an Order authorizing the submission of the Second Notice of the proposed amendments to JCAR.

Is there any discussion?

(No response.)

CHAIRMAN SCOTT: Any objections?

(No response.)

CHAIRMAN SCOTT: Hearing none, the Orders are entered.

Item T-5 is Docket Number 14-0116. This is CenturyLink GRC and Teleport Communications America's Joint Petition for Approval of a negotiated interim arrangement. ALJ Benn recommends entry of an Order approving the agreement.

Is there any discussion?

(No response.)
CHAIRMAN SCOTT: Any objections?

(No response.)

CHAIRMAN SCOTT: Hearing none, the Order is entered.

Items T-6 through T-8 can be taken together. These items are Petitions for the Confidential and/or Proprietary Treatment of Petitioners' various annual reports. The ALJ in each case recommends entry of an Order granting the requested relief.

Is there any discussion?

(No response.)

CHAIRMAN SCOTT: Any objections?

(No response.)

CHAIRMAN SCOTT: Hearing none, the Orders are entered.

On to Water and Sewer. Item W-1 is Docket Number 14-0057. This is Kelly Michael Wallace's complaint against Aqua Illinois as to billing and/or charges in Danville. It appears the parties have settled their differences and filed a Stipulation and Joint Motion to Dismiss, which ALJ Yoder recommends we grant.

Is there any discussion?

(No response.)
CHAIRMAN SCOTT: Any objections?

(No response.)

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

We have several Miscellaneous items on the agenda today. Item M-1 is Docket Number 10-0635. This is our determination under Section 5 of the Illinois Gas Pipeline Safety Act of the plan US Steel is to have in place for the inspection and maintenance of its pipeline facilities in and near its Granite City Works. US Steel and Industrial Association have filed motions seeking to have the Commission issue a Supreme Court Rule 304(a) finding and to stay any further proceedings pending appeal, which ALJ Wallace recommends we deny.

Is there any discussion?

(No response.)

CHAIRMAN SCOTT: Any objections to denial?

(No response.)

CHAIRMAN SCOTT: Hearing none, the motions are denied.

Item M-2 is Docket Number 13-0433. This is Explorer Pipeline Company's petition pursuant to Sections 8-503 and 8-509 of the Public Utilities Act
for authority to construct and operate an extension to existing facilities, and when necessary, to take private properties provided by the law of eminent domain. ALJ Von Qualen recommends entry of an Order granting the Certificate of Authority and Eminent Domain Authority.

Is there any discussion?

(No response.)

CHAIRMAN SCOTT: Any objections?

(No response.)

CHAIRMAN SCOTT: Hearing none, the Order is entered.

Item M-3 is Docket 13-0459. This is our citation proceeding to determine whether Bushnell, Illinois, a municipal corporation, has failed to comply with the Public Awareness Program evaluation requirements and whether civil penalties should be imposed. Parties have reached a Settlement Agreement and have filed a Stipulation requiring Bushnell to pay a penalty of $10,000, which ALJ Von Qualen recommends we grant.

Is there any discussion?

(No response.)

CHAIRMAN SCOTT: Any objections?
(No response.)

CHAIRMAN SCOTT: Hearing none, the Order is entered and the Stipulation is adopted.

Item M-4 is our resolution acknowledging and expressing appreciation for Tom Kennedy's public service on the occasion of his retirement from the Illinois Commerce Commission.

Trying to find Tom. Is he here? There he is. He's hiding behind Feipel there.

Apparently, people thought so much of you that they wrote like 30 pages in the Resolution. I don't know what that means, so I am going to read just part of it, Tom.

WHEREAS, Thomas E. Kennedy Ph.D. left academia and joined the Illinois Commerce Commission in 1983 as an economic analyst in the Policy Analysis and Review Section; and

WHEREAS, Tom has given more than 30 years in unstinting service to the Commission and to the People of Illinois; and

WHEREAS, in the 1980s, Tom was in the vanguard helping to bring the benefits of competitive markets to retail consumers through the restructuring of the natural gas industry and the unbundling of
utility rates; and

WHEREAS, in the 1990s and 2000s, Tom continued to provide his economic acumen to policymakers during the restructuring of the electricity industry; and

WHEREAS, before and since 2010, Tom has analyzed a vast array of legislative proposals, bills, tariff filings, petitions, testimony briefs, and Orders, and advised the Commission and others on a wide array of topics from auction theory, captive insurance companies, derivative markets, incentive regulation, peak-loaded pricing, realtime pricing, qualified solid waste energy facilities and utility mergers; and

WHEREAS, Tom has been a true friend to many of his colleagues lending an ear or shoulder as needed, demonstrating sincere interest in providing his support;

NOW THEREFORE BE IT RESOLVED that the Illinois Commerce Commission commends Tom for his thoughtful contributions to the work of the Commission and his tireless effort on behalf of the People of the State of Illinois; and

LET IT FURTHER BE RESOLVED that the Illinois
Commerce Commission wishes Tom Kennedy, henceforth, all the best in his next phase of life.

Congratulations, Tom, and thank you very much.

(Applause.)

CHAIRMAN SCOTT: I know you're shy and never want to talk, so I thought you might want to say a few words today.

MR. KENNEDY: I have truly appreciated working for the Illinois Commerce Commission. This Commission, I learned through some of my work at NARUC, that it is pretty unique in having a group that is, basically, economists working on various policy matters. We have had -- sometimes I have led a group, sometimes it's part of a larger group of economists, and sometimes I was a follower in that group.

But I think that I have been fortunate to be around and to hire some of those economists. And they are truly, in my mind, tremendous assets to the Commission. And if I did anything right, most of the time, I made some very excellent choices in hiring some of them. Some of them have been around for quite a while. I mean, Rich, I think, is the one
that's been -- Rich Zuraski has been the one that's been around the longest. And at this point, he pretty well runs himself.

I've also been fortunate in having some great bosses. I came to this Commission after contacting a friend of mine who I knew when he was in academia, and later moved on to be in the Commission, and one of the greatest gentlemen in the world. I haven't talked to him in a couple of years, but Charles Stalin was a huge force in my life. And he left to go on to FERC and was part of the push that separated sales from transportation and changed the gas pipeline industry, besides making some big contributions in electricity in the '80s. And it was truly an honor to be able to walk into the FERC and be able to walk into his office and just go and talk to him.

In any event, I have also had some outstanding bosses over the years. I've worked with Kale Case. One of my great achievements was that Kale and I were able to single-handedly get a law passed. We presented a paper to the Commission in the '80s saying you guys -- that the Commission shouldn't support or oppose some federal legislation
aimed at deregulating the trucking market. We were
smashed on that, but we were able to -- as a result
of that, the law was changed to make it clear that
people that were being paid from the utility budget
couldn't do any work in the transportation area. So
that was kind of a badge of honor for me.

In any event, Kale and Harry Stoller, whose
been a great friend. We sometimes didn't come to
blows, but -- (laughter). And my last boss is going
to be Jim Zolneirek who had a dealing with an old dog
who had plenty of tricks, but he's been able to
accommodate me, I think. And he's really a good guy
and I have enjoyed working for him.

Besides that, there's the other members of
the Commission and Staff. I have grown to really
appreciate what they do and them as people. When we
first came here, we had -- when I first came, there
was a group of economists that we were at loggerheads
with the Public Utility Division -- which I am not
even sure that's what it was called back then. But
it was we were battling with them. At this point, I
think that the relationship is much more synergetic,
and I think the Commission has got a much stronger
Staff now than it did 30 years ago.
Anyway, some great people. Some of them have been working hard the last week with some pushings for kind of a semi-secret project called "Tom Fest," and I would like to thank them. I am going to really miss this place. It's not without some apprehension that I am retiring.

But anyway, thank you all very much for granting me the opportunity to work with all of you. And hopefully, I made a difference here and there. I tried. Thank you very much.

(Applause.)

CHAIRMAN SCOTT: Commissioner Colgan.

COMMISSIONER COLGAN: Well, Dr. Kennedy, Tom, certainly my tenure and contribution here at the Commerce Commission pales by comparison to yours. You have been a steadfast, loyal trooper here at the Commission. And I am sure your tenure here has made a huge difference in any number of dynamic ways.

Of special note, in my time here, I wanted to just publicly thank you for the help you gave to me and other members of our delegation that went to Tanzania and just in getting ready for that. And a lot of the papers and research you did that helped me get prepared for that event, both here, when they
1 came here and when we travelled there.
2 Something on a personal note that I have
3 only become aware of here in the past year is that
4 you're a Sacred Heart-Griffin football fan. So we
5 share that in common. And we had a good year last
6 year. That was fun seeing you at those games.
7 With that, I am just going to thank you for
8 your service and your work that you have done here.
9 And I am sure you're going to be missed.
10 CHAIRMAN SCOTT: Commissioner McCabe.
11 COMMISSIONER McCabe: I first met Tom in the
12 '80s when I first toured the Commerce Commission.
13 And I have a lot of memories of the members of the
14 Policy Analysis and Research Group. Back then, there
15 were thought leaders, as well as strong
16 personalities. And I reached out to some of them to
17 let them know about Tom's retirement and asked for
18 any memories. And one of them said, "Where do I
19 start?"
20 So Tom, while I know you're known for your
21 strong opinions, you're also known for your big
22 heart. And now that you're retiring, I will say
23 don't change.
24 CHAIRMAN SCOTT: Commissioner Maye.
COMMISSIONER MAYE: I just have a short and sweet statement. Number one, you will be sorely missed. I have not had the great privilege of working with you an entire lot in the year that I've been here. But I know that you have been a really, really, really large support system for the entire Commission. I definitely appreciate that. Not only will your spirit be missed, but absolutely your institutional knowledge will be sorely missed. Thank you.

CHAIRMAN SCOTT: Commissioner del Valle.

COMMISSIONER del VALLE: Yes. Thank you, Mr. Chairman.

I also want to thank Tom Kennedy for his service to the Commission. When I first started here on the Commission, one of the things that impressed me was the stellar credentials of individuals who have worked for the Commission for many, many years. And I, at first, thought, well, what is it that makes people with fantastic credentials stick around for such a long time. And I am gradually finding out that it's because I think they believe in the work they're doing with the Commission and the work they do for the People in the State of Illinois. And for
that, I want to say we're, as Commissioners, very, very grateful.

Thank you, and the best to you in your retirement.

CHAIRMAN SCOTT: Tom, the only thing I'll add is that we joke a lot about strong opinions and things like that. But I think it's really important in an organization like this where we spend a lot of time going through things that have -- kind of formulaic and we're looking at evidence, it's really helpful, I think, for organizations to take a step back from time to time and think about some of the bigger picture issues, the bigger socioeconomic issues that are involved with all of these decisions that we have to make. I think you really helped provide that for us for the last 30 years.

And so I just want to tell you that I appreciate it and agree with everything else everybody else has said. Again, thanks for your service. It's a long time to give to the People of Illinois, and we really appreciate.

With that, I will move the adoption of the Resolution.

Is there a second?
COMMISSIONER COLGAN: Second.

CHAIRMAN SCOTT: Second by Commissioner Colgan.

Further discussion?

(No response.)

CHAIRMAN SCOTT: All in favor say aye.

(Chorus of ayes.)

CHAIRMAN SCOTT: Any opposed?

(No response.)

CHAIRMAN SCOTT: The vote is five to nothing, and the Resolution is adopted.

Thanks again, Tom. We appreciate it.

(Appause.)

CHAIRMAN SCOTT: We have three items of Other Business to consider today. Item 1 is the Illinois Power Agency's April 2014 Plan for procurement of energy products for Ameren and ComEd. Pursuant to Section 16-111.5(e) of the Public Utilities Act, the Commission must vote to approve the Standard Product Benchmark Report of the procurement advisor.

Is there a motion to approve the report?

COMMISSIONER COLGAN: So moved.

COMMISSIONER MAYE: So moved.
CHAIRMAN SCOTT: Moved by Commissioner Colgan. Second by Commissioner Maye.
All in favor say aye.
(Chorus of ayes.)
CHAIRMAN SCOTT: Any opposed?
(No response.)
CHAIRMAN SCOTT: The vote is five to nothing, and the Benchmark Report is approved.
The second item concerns ComEd and Ameren's Smart Grid Advanced Metering Annual Implementation Progress Reports. Staff recommends that we do not open an investigation at this time.
Are there any questions on the reports?
(No response.)
CHAIRMAN SCOTT: Any further discussion?
(No response.)
CHAIRMAN SCOTT: As no concerns have been expressed, we will not open an investigation, and no further action on this item is necessary.
The final item of Other Business is a FERC matter concerning potential litigation, so we will go into Closed Session to address it.
Is there a motion to go into Closed Session?
COMMISSIONER COLGAN: Before we go into
Closed Session. On this procurement plan benchmark, I just want to thank, especially Richard Zuraski, for the kind of work that the Staff does here and the work that's done through the Illinois Power Agency, the consultants that are involved. It's a huge project. It's daunting in its scope and depth. And I know that it's something that takes a lot of time and focused attention. So my thanks.

CHAIRMAN SCOTT: Absolutely. And also, they don't have a lot of time to do it. They have to do a lot in very truncated period of time, so we appreciate that.

Thank you, Commissioner Colgan.

Is there a motion to go into Closed Session to discuss pending litigation?

COMMISSIONER MAYE: So moved.

CHAIRMAN SCOTT: Moved by Commissioner Maye.

Is there a second?

COMMISSIONER McCABE: Second.

CHAIRMAN SCOTT: Second by Commissioner McCabe.

All in favor say aye.

(Chorus of ayes.)

CHAIRMAN SCOTT: Any opposed?
(No response.)

CHAIRMAN SCOTT: The vote is five to nothing, and the Commission will now go into Closed Session.

Please let me know when the room is ready in Chicago.

(Whereupon at this point, pages 34 - 47 of the proceedings are contained in a separate closed transcript.)
CONTINUATION OF PROCEEDINGS

COMMISSIONER del VALLE: We're set.

CHAIRMAN SCOTT: In Closed Session, the Commission discussed FERC Docket Number EL14-36-000 concerning an update and consideration of response to a petition of FirstEnergy Solutions Corporation for a Declaratory Order from FERC regarding market seller caps and PJM's Reliability Pricing Model capacity auction.

Commissioner McCabe.

COMMISSIONER McCABE: I move that we offer some amendment to the OPSI draft filing. And if those are not accepted, that we sign on to the OPSI filing.

CHAIRMAN SCOTT: Okay. There's a motion. Is there a second?

COMMISSIONER COLGAN: Second.

CHAIRMAN SCOTT: Second by Commissioner Colgan.

Further discussion on the motion?

(No response.)

CHAIRMAN SCOTT: All in favor of the motion say aye.

(Chorus of ayes.)
CHAIRMAN SCOTT:  Any opposed?

(No response.)

CHAIRMAN SCOTT:  The vote is five to nothing, and the motion is granted.

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

JUDGE WALLACE:  No, that's it.

CHAIRMAN SCOTT:  Thank you.

Hearing none, this meeting stands adjourned.

Thank you, everyone.

BENCH SESSION CONCLUDED.
CERTIFICATE OF REPORTER

I, Angela C. Turner, a Certified Shorthand Reporter within and for the State of Illinois, do hereby certify that the Bench Session aforementioned was held on the time and in the place previously described.

IN WITNESS WHEREOF, I have hereunto set my hand and seal.

______________________________
Angela C. Turner
IL CSR #084-004122