BEFORE THE
ILLINOIS COMMERCE COMMISSION

REGULAR OPEN MEETING
(PUBLIC UTILITY)

Chicago, Illinois
Tuesday May 24, 2011

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

PRESENT:

DOUGLAS P. SCOTT, Chairman
LULA M. FORD, Commissioner
ERIN M. O'CONNELL-DIAZ, Commissioner
SHERMAN J. ELLIOTT, Commissioner
JOHN T. COLGAN, Acting Commissioner

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CHAIRMAN SCOTT: Pursuant to the Illinois Open Meetings Act, I now convene a regular open meeting of the Illinois Commerce Commission. With me in Chicago are Commissioner Ford, Commissioner O'Connell-Diaz, Commissioner Elliott and Acting Commissioner Colgan. I'm Chairman Scott. We have a quorum.

Before moving into the agenda, according to Part 1700.10 of Title 2 of the Administrative Code, this is the time that all members 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 eight valid requests to speak at today's regular open meeting.

Before we get started, I'd just like to give a reminder that each person speaking today has a time limit of 3 minutes with which to make their presentation.

With that, we will take the valid requests we received in alphabetical order beginning with Filene Crawford.
Miss Crawford, are you here?

Going once? Going twice?

Thomas Haerle. Is Thomas Haerle here?

If you'd like to go up to the microphone there and press it to turn it on -- or get some help with that. And you'll have 3 minutes to speak, sir.

MR. THOMAS HAERLE: Good morning,

Commissioners.

Can you hear me okay?

THE COMMISSIONERS: Yes.

MR. THOMAS HAERLE: Good morning and thank you very much for giving me the opportunity to speak to you this morning.

My name is Brother Thomas Haerle. I've been a religious brother with the Claretian Missionaries for more than 25 years. I'm currently serving at Holy Cross Immaculate Heart of Mary Church in Back of the Yards on the South Side of Chicago.

In my past year serving this community I've become personally aware of the struggle for survival of many of the low income workers living in
our parish. Many people are without work. But even
for those who are working, the current electric rates
are simply unaffordable.

I know dozens of families within
blocks of our church who struggle to put food on
their table. As over 300 families in any given week
come to Casa Catalina, which is -- provides
assistance for those in the neighborhood who need
food, it is easy to understand that increases in
their electric bills put more of a burden on these
already struggling families.

I'm here to speak to you today,
members of the ICC, because you are in a position to
prevent another needless burden to the families in my
community. You have the duty, the obligation, under
the Public Utilities Act of 2001 to ensure utility
service is affordable and available to all --
electric to all. Electric service is not affordable
to the lowest paid workers in our city right now.
And any rate increase for ComEd will only get -- only
put a greater burden on the families in the area I
serve.
I ask you, members of the ICC, to do your duty today and reject the entire rate increase for ComEd.

The Company's profits may suffer, but many people in Chicago are already suffering to supply ComEd's hefty profits. And your obligation is to all the people of Illinois -- even to the poorest among us -- not only to the shareholders of ComEd.

I hope you see the importance of rejecting the rate increase for ComEd. I want to appeal to your human side and urge you to recognize that many people in our city are suffering and you have the power to stop yet more suffering of the worst off among us. I ask you to fulfill your duty to your fellow citizens of Illinois, your fellow human beings and reject any rate increase for ComEd.

Thank you.

CHAIRMAN SCOTT: Thank you.

Next up is Gregory Harrison.

Mr. Harrison, are you here?

MR. GREGORY HARRISON: I'm here.

Good morning everyone.
THE COMMISSIONERS: Good morning.

MR. GREGORY HARRISON: My name is Gregory Harrison and I am a lifelong Chicagoan. I'm here today to speak on behalf of the Cook County Workers Benefit Council, a delegate body that represents the needs and interests of service workers and other low paid workers in Cook County. We demand that you, the ICC, deny any rate increase to ComEd. State law clearly defines this is your duty. The Illinois General Assembly's Public Utilities Act of 2001 states that the ICC is the state agency to regulate utilities and that, I quote, the goals and objectives of such regulation shall be to ensure the rates for utility services are affordable and therefore preserve the availability of such services to all citizens.

Electricity is not affordable and available to all of us in our city right now. CBS News reported that over 67,000 households in the Chicago area had no electricity as of October 2009. Even when we manage to keep the lights on, sky-high utility rates for ComEd hit low income working
families the hardest. As much -- as more and more of
us are trying to support our families on jobs that
pay minimum wages or not much more when we have work
at all. We are forced to cut back on food, short our
landlords on rent and sometimes go without the
necessary medications.

Each rate hike means we have -- we all
have less money to spend in our communities and local
businesses have fewer customers. Chicago area has --
Chicago area businesses are already suffering from
the effects of high unemployment and more of us
working for low wages cannot afford to have $326
million taken out of our pockets.

This rate increase request is clearly
a profit grab. ComEd increased profits by 24 percent
in 2009 after you, the ICC, approved a $275 million
rate increase for ComEd. You know, John W. Rowe, CEO
of ComEd's parent company, Exelon, well, you know, he
received compensation of nearly $6 million. And that
was in 2010.

For you, the ICC to grant this rate
increase would be a clear dereliction of duty. The
Cook County Workers Benefit Council calls on you to fulfill the mandate of the Public Utilities Act of 2001 to ensure utility service is affordable and available to all.

We demand -- and this is our -- our demands are: We demand that the ICC direct ComEd to suspend shutoffs and reconnect service without charge to households whose income is 300 percent or less than the Federal Poverty Line, whose service was terminated due to nonpayment of arrears.

We demand that the ICC direct ComEd to work out reasonable payment plans for customers unable to pay their bills in full at time of receipt.

We demand that the ICC direct ComEd to cease all future shutoffs for those whose incomes are 300 percent or lower than the Federal Poverty Level.

And, again, we demand the State of Illinois through the ICC fulfill the mandate of the Public Utilities Act of 2001, that utilities will be affordable and available to all and reject ComEd's $326 million rate increase request.

ICC, kindly do your duty.
Thank you.

CHAIRMAN SCOTT: Thank you, Mr. Harrison.

Up next is David Ingram.

Mr. Ingram.

MR. DAVID INGRAM: I have a petition for you.

I would like to thank the ladies and gentlemen of the ICC for giving me this opportunity to speak to you this morning. My name is David Ingram, and I'm writing as a concerned citizen and esteemed member of Loyola University's faculty to protect the proposed rate hike that has been requested by ComEd.

My job over the last 30 years has been to teach ethics to college students and to instill in them a sense for social justice. I've written eight books on this subject, including the ever popular, Complete Idiot's Guide to Understanding Ethics, now in its second edition. I often illustrate my books with egregious examples of social injustice drawn from my experience as a citizen of this fair state, whose favorite son, Abraham Lincoln, was arguably one of the greatest fighters for social justice this
country has ever seen. So I'm hoping that you will
do the right thing and avoid dishonorable mention in
my book.

There are many ethical reasons to
oppose this rate hike. ComEd has enjoyed substantial
increases in profits in recent years. After the ICC
approved a $274 million rate increase in 2008, over
$100 million less than what ComEd is requesting now
despite three years of recession, the number of
Chicago households, by some estimate as many as
67,000, saw their service disconnected and the number
of households without service increased dramatically.

Coming as it does in the midst of one
of the worst recessions this country has ever
experienced, ComEd's extravagant request for yet
another rate increase will impose additional
hardships on the most vulnerable Illinois residents,
the unemployed and the underemployed.

Daily one reads about persons who have
died from lack of adequate heating or air
conditioning simply because their gas and electricity
has been disconnected due to delinquency in their
bill payments. With a rate increase this scenario will be multiplied as poor people make the most difficult choice of their lives, to feed and clothe their families or provide them with basic electricity.

Members of the ICC, you are entrusted with ensuring that all consumers have secure access to basic public utilities. That is why they are public utilities and not private utilities whose functioning is regulated by government for the sake of its citizens and not simply for the sake of profits.

ComEd has enjoyed enormous profitability in recent years and is not at risk financially. By contrast, hundreds of thousands of Illinois residents are faced with impending life crisis should this rate increase be approved.

Ethically our first duty should be to those who are worst off among us. Do no harm and distribute social burdens in a way that does not worsen the living conditions of the worst off, are moral injunctions that are universally recognized in
principle even though today they are violated with
impunity as lobbyists for the rich and powerful seek
to expand their client's privileges at the expense of
the common good.

I, therefore, implore you to follow
your conscience in this matter by voting against
ComEd's request for yet another rate increase.
Thank you.

CHAIRMAN SCOTT: Thank you, Mr. Ingram.
Next is Carl Narington.
Mr. Narington, is that you, sir?

MR. CARL NARINGTON: Good morning.
COMMISSIONERS: Good morning.
MR. CARL NARINGTON: My name is Carl Narington.
I'm a resident of the West Side of Chicago, lifelong,
62 years now.
This increase -- rate increase is very
detrimental to all of us. You know, because I fell
down on -- my health failed me a little. And so I
kind of got behind. So they put me on a program and
it was, like, I was to pay so much per month. Well,
once after I fell behind and I couldn't pay it on
that specific date, they cut me off the program and then shot my bill up high; but I couldn't afford that. So they put me right back where I started from.

So with this increase, where do we go from there? It's going to send me up even higher. So I beg that you see our plight as that we do not need this increase. Do not need it.

Thank you.

CHAIRMAN SCOTT: Thank you Mr. Narington. Next we have Dwilda Reed.

Ms. Reed.

I apologize if you mispronounce any your names.

MS. DWILDA REED: Good morning.

COMMISSIONERS: Good morning.

MS. DWILDA REED: Hello. My name is Dwilda Reed. This here is a rate increase -- rate increase going -- CEDA helps me to pay my electric bill. If your rate go up, I will not be able to pay my electric bill. I am having trouble with paying my bill. There are many people in my community that
having problem paying their electric bill. ICC, you said the utility shall be affordable, but they're not.

So, please, do not make the rate go up.

CHAIRMAN SCOTT: Thank you.

Next we have Ada Steenken.

Miss Steenken.

MS. ADA STEENKEN: Good morning, Commissioners.

COMMISSIONERS: Good morning.

MS. ADA STEENKEN: My name is Ada Steenken. I am a lifelong resident of Illinois. I retired from Loyola University of Chicago as an executive secretary three years ago. I'm here today to speak to you as a resident of Illinois about your duty to uphold your mandate to the people of Illinois.

I understand the job of the Illinois Commerce Commission is to strike a fair balance between the interests of utility companies and consumers. So let's talk about fair. According to yesterday's edition of Crain's Chicago Business, John Rowe, the CEO of ComEd's parent company Exelon,
earned over $9 million in compensation last year. Meanwhile, over 60,000 low income families here in the Chicago area live in third-world conditions because ComEd disconnected their electric service when they couldn't afford their bills. That is not fair in my book.

According to the May 16 edition of Crain's last year Exelon made over $2.5 billion in profit, nearly 14 percent of the revenue they received from ratepayers. For most working and retired people in Chicago, paying increasing utility bills take a greater and greater percentage of our income. And each month after paying for utilities on top of paying for food, rent, transportation and maybe even medical care for thousands of us, there's nothing left of the money we worked to earn. This is not fair.

You, the appointed members of the Illinois Commerce Commission, have the power to decide what is fair when it comes to utility rates in Illinois. I call on you to make a determination of fairness that is in the interest of the majority of
those affected, the ratepayers, and that does not cause increased suffering for those who are already suffering the most, only to line the pockets of those who are already doing quite well at our expense.

ComEd does not need a rate increase.

ComEd does not deserve a rate increase. Moreover, given the billions in profits enjoyed by Exelon, there is no justification for a rate increase. There is one clear course of action for you, members of the ICC, that is in accord with your mandate and the Public Utilities Act of 2001, reject the entire ComEd rate increase.

Thank you.

CHAIRMAN SCOTT: Thank you, Miss Steenken.

Sarah Stevens.

MS. SARAH STEVENS: Good morning, Commissioners.

COMMISSIONERS: Good morning.

MS. SARAH STEVENS: My name is a Sarah Stevens, and I'm a Loyola student.

I am strongly against this rate increase of $326 million because personally I have
seen how these unaffordable rates have affected the
community where I go to school in and where I live
in. Just south of the city near Hyde Park I have
been to neighborhoods where living conditions are
unacceptable. I met a mother of six children who
lives in a small apartment and because medical,
electrical and rent bills are so high she was unable
to pay for her gas bill. And so right before this
winter started they disconnected her gas bill. And
so they had to go throughout the entire winter
without any heat. And in an effort to keep
themselves warm, they bought space heaters to fill up
their home. But, of course, not only did this
increase their electric bill but this also posed a
huge fire hazard for their congested household with
six kids.

I mean, do you think that is okay for
people living in one of the most developed countries
in the entire world to be living like this? It's
not. But, you know, this happens every day to so
many people because unaffordable rate increases are
continuously being approved.
And another woman I know, she was actually unable to pay her electric bill because to keep her air conditioning going and throughout the hot summer months she ended up developing a medical condition which required her to live in a well-ventilated area and due to these unaffordable rates her home become overheated and she eventually suffocated and died.

So, you know, according to you, ICC, you are accountable by law to ensure affordable and available rates to all the people. And that is your duty and it is our right. As a resident of this state, rights should not be measured by ability to pay.

By approving this rate increase, you, the ICC, are guaranteeing profits for a minority at the expense of the vast majority and even jeopardizing people's livelihoods. In addition to this formal petition for a rate increase to the ICC right now, ComEd is requesting $2.6 billion for a Smart Grid that they want us, the consumers, to pay for at a time when we can't even pay our current
bills. So this is a moment where you can stand and take a stand against this and stop this and put the people above the profits.

So I'm requesting that you, ICC Board Members, deny this rate increase. And it is not right for the residents of our state to go without basic needs just so that companies like ComEd can continuously get more profits.

So thank you.

CHAIRMAN SCOTT: Thank you, Miss Stevens.

Any last chance for Filene Crawford?

And that concludes the public participation portion of today's regular open meeting, and I'd like to thank each member of the public for their time --

MS. APRIL KNIGHTEN: Excuse me. I have something to say.

CHAIRMAN SCOTT: I'm sorry. The --

MS. APRIL KNIGHTEN: I submitted my application on time.

CHORUS OF VOICES: Let her speak. Let her speak.
CHAIRMAN SCOTT: The applications that we got prior to 24 hours before the --

A VOICE: She ain't here. Two people ain't here. Let her speak.

CHORUS OF VOICES: Let her speak.

MS. APRIL KNIGHTEN: You gave ComEd 11 months, you can give me 3 minutes.

CHAIRMAN SCOTT: Sorry. The Commission -- the Commission has rules and all eight people --

MS. APRIL KNIGHTEN: I followed those rules.

CHAIRMAN SCOTT: -- that put their applications in on time --

MS. APRIL KNIGHTEN: Which I did.

CHORUS OF VOICES: Let her speak.

CHAIRMAN SCOTT: That concludes the public participation portion of today's regular open meeting and I appreciate this -- I know the other Commissioners do -- the members of the public who put their time and effort associated with their participation today, and I appreciate -- as I know the others do -- for sharing your thoughts with us.

We now move into the agenda for
today's meeting. The first item today is Docket No. 10-0467. This is ComEd's proposed general increase in electric rates. We have some different revisions --

MS. APRIL KNIGHTEN: Excuse me. Here's my application on time. I will be speaking. Thank you.

Good morning, everyone. My name is April Knighten. On behalf of myself, my family, my neighbors and fellow UIC students, I do not approve this rate increase for ComEd.

I have seen the damaging effects of poverty. And I have seen how a difference of 5 or $10 has pushed one to the brink of survival. Is this what we have come to in the great U.S. of A., where our people are subject to live in third world conditions?

Need I remind you that in 21st Century Chicago a young family perished, the children reduced to having to study by candle light because their electricity was cut off? How many more of us must die before you realize the rate -- this impact that
the rate increase will have upon us? Do your duty, ICC.

This $326 million is $326 million that will be ripped from the grasp of community members that will no longer be spent supporting local groceries, local florists, local printers and providing jobs for people like me. We cannot afford to lose these businesses. They are the backbone of our community. When these businesses close, they remove jobs, destabilizing our communities for fewer generations. Do your duty, ICC.

I plan to teach in Chicago schools. I don't want to have to choose between repaying my student loans and paying my light bill. I don't want to give homework to kids who don't have light to do it. I don't want to give work to kids who have parents working two jobs just to keep their utilities connected. I want -- we want an illuminated populus.

How is that possible when our government allows -- no -- encourages such reckless profit mongering at the hands of corporations like ComEd? Do your duty, ICC. Keep utilities affordable
for all of us.

Thank you.

CHAIRMAN SCOTT: The first item on today's agenda for today's meeting is Docket No. 10-0467. This is ComEd's proposed general increase in electric rates. We have different revisions from various Commissioners to consider to the Proposed Order. And I will start things off with what I believe are some agreed clarifying revisions to the Order that I know have been circulated to everyone.

And I'm proposing a set of revisions over which I believe there is full agreement to various edits that consist of editorial changes or clarifications within the Order but do not change any of the Commission's conclusions or require alterations in the Company's schedules. Many of these were initially offered by Commissioner Elliott and have been imbedded through different offices including Commissioner O'Connell-Diaz and Commissioner Colgan's Office in particular, and, obviously, thank them for their work on these particular issues.
Is there any discussion on these particular clarifying revisions?

(No response.)

CHAIRMAN SCOTT: Is there a -- I would move to adopt these clarifying revisions.

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 and these clarifying changes are adopted.

Next we'll turn to Commissioner Ford.

Commissioner.

COMMISSIONER FORD: Thank you, Chairman.

We here at the Commission are always cognizant only about allowing costs to consumers that are just and reasonable. Just and reasonable costs also encompasses the theory that rates to consumers will be allocated based upon causation.
The edit that I would like to introduce is regarding the straight fixed variable rate designed for the residential class and its increases in the percentages of fixed charges to all customers within that class. My edit attempts to ensure that low-use customers of that residential class are only bearing the burden for fixed charges they are responsible for and that they are not an independent class that is desperately impacted.

This edit requires ComEd to produce evidence in its next rate case that demonstrates whether the impacts on the low subuse -- on the low-use subgroups in that residential -- in the residential customer class are such that it would be appropriate to have a new class cost of service and rate design for that identifiable group.

With that being said, I'd like to -- I'd kindly like to ask my colleagues for their support on this revision.

CHAIRMAN SCOTT: Thank you, Commissioner Ford.

Is there any discussion?

(No response.)
CHAIRMAN SCOTT: I'd like to thank Commissioner Ford and her staff for the work on these revisions. I know you worked with other offices and appreciate your help with those. And the provisions will have my full support.

Is there -- would you like to move those?

COMMISSIONER FORD: Yes. I'd like to move them.

CHAIRMAN SCOTT: Is there a second?

COMMISSIONER O'CONNELL-DIAZ: Second.

ACTING 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 and Commissioner Ford's proposed revisions regarding ComEd's single fixed variable rate design proposal are adopted.

Turning next to some pension
My proposed revisions are to the discretionary pension contributions of 2005 and 2009. The purpose of the revisions is to maintain constancy in the accounting treatment of these two discretionary pension contributions. As you are -- we all are aware in Docket 05-0597 for the 2005 discretionary contribution to pensions, the Commission allowed ComEd to recover a debt service return on the discretionary contribution through the operating statement as an expense.

In contrast, the Proposed Order in the current case allows the 2009 discretionary pension contribution to be considered a rate base item. My proposal results in changing the treatment of the 2009 contribution from a rate base asset to an expense item, which reflects the ratepayer benefit estimated by ComEd to make the treatment consistent with the treatment allowed by the Commission for the 2005 pension contribution.
In addition, the 2005 discretionary contribution payment to that payment, my proposed revision provides for the cost of the debt for service declining as a portion of the underlying debt as it has matured -- as it is maturing and with it the amount of ComEd's regulatory debt. This revision comports with ComEd's own acknowledgment that the contribution will not last in perpetuity and that it will decrease over time.

The intent of these changes is to maintain constancy in the Commission Orders to the extent that it's practicable. In no way in these proposed changes would the Commission be saying that the discretionary contributions on the part of the utility to its retirement plans are inappropriate.

In the current rate case ComEd has chosen to prefund its pension plan and to seek to recover not only the pension expense that is normally reflected in the test year but also the cost of the prefunding of its pension plan. While the additional contribution will mitigate pension expenses in future periods, the Commission should ensure that the
prefunding does not produce unreasonable costs that will be passed down to ratepayers.

I'd like to thank all of the Commissioners for working with me on this. In fact, what I did was take separate proposals that had been offered by you, Mr. Chairman, and, Commissioner Elliott. I combined them and tweaked them a little bit resulting in this compromised position.

So I thank all of you for your help and assistance in putting this together.

So with that, Chairman and Commissioners, I request your support for my proposal.

CHAIRMAN SCOTT: Is there any discussion on these proposed revisions?

(No response.)

CHAIRMAN SCOTT: Commissioner Colgan, would you like to make a motion to approve them?

ACTING COMMISSIONER COLGAN: I move to adopt these changes.

CHAIRMAN SCOTT: Is there a second?

COMMISSIONER ELLIOTT: Second.
CHAIRMAN SCOTT: It's been moved and seconded
to adopt the revisions stated by Commissioner Colgan.

All in favor say "aye."

(Chorus of ayes.)

CHAIRMAN SCOTT: Any opposed?

(No response.)

CHAIRMAN SCOTT: The vote is 5 to nothing and
Commissioner Colgan's proposed revisions to the 2005
and 2009 pension contribution sections of the Order
are adopted.

Next we'll turn to Commissioner

COMMISSIONER ELLIOTT: Thank you, Mr. Chairman.

Yes, I circulated -- my office
circulated several amendments to the Order. I won't
go into great detail, but they cover rate base
expenses, rate of return and rate design areas. And
along with those amendments I circulated rationale in
support of those, and I would offer those amendments
and move that they be accepted.
CHAIRMAN SCOTT: Is there any discussion on these proposed changes?

Would you like to make a motion to include those?

COMMISSIONER ELLIOTT: So moved.

CHAIRMAN SCOTT: And I would second that.

It's been moved and seconded.

All in favor say "aye."

(Chorus of ayes.)

CHAIRMAN SCOTT: Any opposed?

ACTING COMMISSIONER COLGAN: No.

COMMISSIONER O'CONNELL-DIAZ: No.

COMMISSIONER FORD: Nay.

CHAIRMAN SCOTT: I believe the vote is 2 to 3, but just take a roll call to confirm.

Commissioner Colgan?

ACTING COMMISSIONER COLGAN: No.

CHAIRMAN SCOTT: Commissioner Elliott?

COMMISSIONER ELLIOTT: Aye.

CHAIRMAN SCOTT: Commissioner Ford?

COMMISSIONER FORD: No.

CHAIRMAN SCOTT: Commissioner O'Connell-Diaz?
COMMISSIONER O'CONNELL-DIAZ: No.

CHAIRMAN SCOTT: And Chairman Scott, I vote aye.

So the vote is -- let the record reflect the vote is 2 to 3, and Commissioner Elliott's proposed revisions are not adopted.

Additionally, I have some further substantive revisions to propose, which were circulated, again. And this concern rate case expense and charitable contributions section of the Order and would result in the disallowance of a number of costs of the rate case including the attorneys' fees that were proposed here as well as for charitable contributions.

I find this approach -- I believe the revisions would call for the disallowance of recovery for ratepayers for all of ComEd's charitable contributions which are sought in this as well as the attorneys' fees that are claimed for recovery here as well. And, again, I circulated the language on the proposed revisions and would respectfully request your support.
Is there any discussion?

(No response.)

CHAIRMAN SCOTT: I would move to adopt these revisions.

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?

COMMISSIONER O'CONNELL-DIAZ: No.

COMMISSIONER FORD: No.

ACTING COMMISSIONER COLGAN: No.

CHAIRMAN SCOTT: Again, I believe the vote is 2 to 3. We'll take a roll call to confirm.

Commissioner Colgan?

ACTING COMMISSIONER COLGAN: No.

CHAIRMAN SCOTT: Commissioner Elliott?

COMMISSIONER ELLIOTT: Aye.

CHAIRMAN SCOTT: Commissioner Ford?

COMMISSIONER FORD: No.

CHAIRMAN SCOTT: Commissioner O'Connell-Diaz?
COMMISSIONER O'CONNELL-DIAZ: No.

CHAIRMAN SCOTT: And I, Chairman Scott, vote aye.

Let the record reflect the vote is 2 to 3 and the Chairman's proposed revisions on the rate case expense and charitable contributions are not adopted.

I believe that's all we have for revisions.

Is there any further discussion on the order as revised?

JUDGE DOLAN: Chairman, we just wanted to give you the update. There's 276 comments on e-Docket currently. And --

JUDGE SAINSOT: Consumer Services has received a petition with 796 signatures from the AARP and those all are opposed to the rate increase.

CHAIRMAN SCOTT: Thank you.

Is there any further discussion?

(No response.)

CHAIRMAN SCOTT: Is there a motion to adopt the Order, as revised, today?
COMMISSIONER FORD: So moved.

CHAIRMAN SCOTT: Is there a second?

ACTING 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 and the Order, as revised, is adopted.

And on behalf of the Commission, I'd like to thank the ALJs and the parties for their work on this. I know it's been a very long 11 months and we understand why it takes 11 months to do this. But your hard work does not go unnoticed and it's deeply appreciated by the Commission. So thank you very much.

COMMISSIONER ELLIOTT: Mr. Chairman, I'd also like to thank the Commissioner assistants -- Matt, John -- that roped all this together as well as the Staff assistants that came forth to assistant us all. And I think you did a great job. I appreciate your
CHAIRMAN SCOTT: Any further comments?

ACTING COMMISSIONER COLGAN: And I'd like to thank all the participants in this docket. I think it was a really full docket. It was very robust debate, very strong positions brought forward from many directions. I know that all of us here put our best efforts to it and tried to do the very best that we could for the outcome that we've come to. And so I thank everybody.

COMMISSIONER O'CONNELL-DIAZ: I would just like to reiterate what my colleges have suggested and thank the parties and thank the folks for coming down here today.

This is a tough job to do. We do try to balance all of the interests. We spent 11 months squeezing water out of the sponge as it was presented to us in the original form from the Company. I think what you will see from us, in fact, following our legal duty to balance the interests of the consumers as well as the shareholders and follow our legal obligation as the law sets forth. It is a balancing
act. We can't just say "no." We need to go through each piece of evidence that is presented by the Company in their rate request. It's our obligation. It is our charge when we come into the office as Commissioners.

I would suggest to you if you looked at the Order when you see it, you'll see six and a half single-spaced pages of outline. Each one of those issues has been fought over by many parties that have participated in this case. There's been testimony, briefing, oral argument. We have looked at all of the issues in a very scrutinious manner. And so, you know, that is our job. That is what the law tells us that we must do and we do understand that it is difficult economic situations out there for all of us. But, you know, the Commission is the entity that must balance the interests, and I believe that our Order does strike that balance.

And I thank my fellow Commissioners for working hard on it and also for all the parties that presented the various arguments for us to review and to look at and to come to the conclusions that we
did. So I'm glad that we all got to this place and worked together.

Thank you.

COMMISSIONER FORD: I'm not going to do pile on. Ditto.

CHAIRMAN SCOTT: Moving on, our second item today is the consideration of ComEd's alternative regulation proposal filed pursuant to Section 9-244 of the Public Utilities Act. ALJ Haynes recommends entry of an Order denying ComEd's Petition.

Commissioner Elliott, I believe you had some revisions here?

COMMISSIONER ELLIOTT: Yes. Thank you, Mr. Chairman.

These edits did not change the ultimate conclusion to deny the petition, but I think we had to strengthen our conclusions that were filed in the Order. There were considerable amendments offered by Commissioner O'Connell-Diaz' Office, which were greatly helpful and I think helped to clarify the Order even further.

And I would turn to Commissioner
O'Connell-Diaz if she has any comments with regard to the language.

COMMISSIONER O'CONNELL-DIAZ: Thank you, Commissioner Elliott.

I'd like to thank Judge Haynes for presenting us with a very, very complete Order that we really didn't have a lot of work to do on. This particular request, I think as we went through -- as we are charged to do under the Public Utilities Act, as we went through this request, we found it wanting in many aspects. That is not to say that the Commission would not look at a proposal like this in another fashion; but in this proceeding based on the evidence in this record, we could not grant the relief that's requested.

The language that I have suggested there was some intimation that some part of the company would not go through with projects without the achievement of the relief that's requested in this proceeding. And, in fact, I would suggest and the language suggests that that would be violative of the Public Utilities Act if there was a threat to the
reliability of our system.

So I think that thought needs to be put to the side and we need to ensure that our customers, our ratepayers, get that reliable service absent this type of program that they had sought for us to approve.

So that is basically what my language provides for and I would thank Judge Haynes again and for all the parties in participation of this case.

Thank you.

CHAIRMAN SCOTT: Commissioner Elliott, would you like to --

COMMISSIONER ELLIOTT: No further discussion.

Mr. Chairman, I move the amendments to the Order.

CHAIRMAN SCOTT: Is there a second?

COMMISSIONER FORD: Second.

CHAIRMAN SCOTT: It's been moved and second.

All in favor say "aye."

(Chorus of ayes.)

CHAIRMAN SCOTT: Any opposed?

(No response.)
CHAIRMAN SCOTT: The vote is 5 to nothing and the revisions offered by Commissioner Elliott and Commissioner O'Connell-Diaz are adopted.

Now is there a motion to enter the Order, as revised?

COMMISSIONER ELLIOTT: So moved.

CHAIRMAN SCOTT: Is there a second?

COMMISSIONER FORD: Second.

CHAIRMAN SCOTT: Any opposed?

(No response.)

CHAIRMAN SCOTT: The vote is 5 to nothing and the Order, as revised, is adopted and ComEd's Alternative Regulation Petition is denied.

Our third item today is Docket No. 10-0568. This is Ameren's Petition for approval of its electric and gas energy efficiency plans and this item has been on rehearing for the past few months. ALJ Yoder recommends that the Commission enter an Order on Rehearing adopting Staff's position with respect to the spending limits, making clarifying changes with respect to net-to-gross ratios and the statewide technical reference manual.
and directing a compliance filing from DCEO.

Is there any discussion?

(No response.)

CHAIRMAN SCOTT: I just wanted to say on this particular level I'm sensitive to what ELPC and the AG are seeking to accomplish through a broader reading of the gas utility spending limits. I don't believe that position is a correct reading of Section 8-104 of the Public Utilities Act here. Having served in the legislature, I know that these legislative colloquies, such as between Representative Reitz and Flider in this case are not happenstance and there was clearly constructive intent associated with this particular exchange.

As a result I'll be voting for the entry of this Order as decided by ALJ Yoder as well as the other two Orders up for consideration today which decide in favor of Staff's construction of Section 8-104 spending limit.

I would move to enter the Order on rehearing.

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 on Rehearing is entered.

Our fourth item today is Docket No. 10-0562. This is Nicor's application for approval of its Energy Efficiency Program under 8-104 of the Public Utilities Acc. ALJ Kimbrel recommends entry of an Order approving the Company's efficiency plan and deciding various contested issues within the proceeding.

Is there any discussion?

(No response.)

CHAIRMAN SCOTT: Is there a motion to enter the Order?

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 and the Order is entered.

The fifth item today is Docket No. 10-0564. This is Peoples and North Shore Gas's Programs under 8-104 of the Public Utilities Act.

ALJ Hilliard recommends entry of an Order approving the Company's efficiency plan and deciding on various contested issues within the proceeding.

Is there any discussion?

(No response.)

CHAIRMAN SCOTT: Is there a motion to enter the Order?

COMMISSIONER ELLIOTT: So moved.

CHAIRMAN SCOTT: Is there a second?

ACTING 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 and
the Order is entered.

Items 6 and 7 can be taken together.

These items are Jacqueline Coleman and Gail Wrotten,
complaints as to billing and/or charges against
ComEd. In each case the parties apparently resolved
their differences and brought a Joint Motion to
Dismiss, which ALJ Gilbert recommends that we grant.

Is there any discussion?

(No response.)

CHAIRMAN SCOTT: Is there a motion to grant the
Joint Motions to Dismiss?

COMMISSIONER FORD: So moved.

CHAIRMAN SCOTT: Is there a second?

ACTING COMMISSIONER COLGAN: Second.

CHAIRMAN SCOTT: It's been moved and seconded.

All in favor say "aye."

(Chorus of ayes.)

CHAIRMAN SCOTT: Any opposed?
CHAIRMAN SCOTT: The vote is 5 to nothing and the Joint Motions to Dismiss are granted.
We will use this 5 to nothing vote for the remainder of the regular open meeting agenda unless otherwise noted.

Item 8 is Docket No. 11-0145. This is Blue Star's complaint against ComEd and Ameren alleging a failure to file a statutorily required tariff for the purchase of uncollectible accounts from alternative retail electric suppliers. The remaining parties in this case have apparently resolved their issues and have filed a Joint Request for Termination in this docket, which ALJ Gilbert recommends that we grant.

Is there any discussion?

(No response.)

CHAIRMAN SCOTT: Any objections?

(No response.)

CHAIRMAN SCOTT: Hearing none, the docket is dismissed.

Items 9 through 17 can be taken
together. These items each involve citation proceedings against telecommunications providers for failure to file their 2009 Annual Reports with the Commission. In each case ALJ Baker recommends that the Commission enter an Order canceling and revoking the Respondent's Certificate to provide telecommunication service due to a failure to file a statutorily required report.

Is there any discussion?

(No response.)

CHAIRMAN SCOTT: Any objections?

(No response.)

CHAIRMAN SCOTT: Hearing none, the Orders are entered and the Certificates are canceled and revoked.

Items 18 and 19 can be taken together. These are petitions -- Stephenson County to modify its 9-1-1 system by changing its backup public safety answering point to the Ogle County Sheriffs Office PSAP and the Ogle County 9-1-1 system and by McHenry County to modify its 9-1-1 system by changing its backup PSAP to the Lake in the Hills PSAP. In each
case ALJ Benn recommends that the Commission enter an
Order approving the petition and allowing the change.

Is there any discussion?

(No response.)

CHAIRMAN SCOTT: Any objections?

(No response.)

CHAIRMAN SCOTT: Hearing none, the Orders are
entered.

Item 20 is Docket No. 11-0316. This
is the Illinois Telecommunications Access
Corporation's Petition for approval of its proposed
access line charges under Title 83 Part 755.500 of
the Administrative Code. ALJ Hilliard recommends
that the Commission enter an Order granting the
petition.

Is there any discussion?

(No response.)

CHAIRMAN SCOTT: Any objection?

(No response.)

CHAIRMAN SCOTT: Hearing none, the Order is
entered.

Item 21 is Docket No. 10-0281. This
item concerns proposed amendments to Title 83 Part 300 of the Administrative Code regarding guidelines for right of way acquisitions. ALJ Sainsot recommends that the Commission enter an Order adopting the proposed amendments with an effective date of June 1st, 2011.

Is there any discussion?

(No response.)

CHAIRMAN SCOTT: Any objections?

(No response.)

CHAIRMAN SCOTT: Hearing none, the Order is entered and the proposed amendments to Title 83 Part 300 are adopted.

I'm going to skip Item 22 for just a moment and come back to that one at the end.

Item 23 is Commission reconsideration of the results of the recent ComEd and Ameren Renewable Energy Credit Procurement Events.

Is there any discussion regarding the REC Procurement?

I move to approve -- I'm sorry.
Commissioner Elliott.

COMMISSIONER ELLIOTT: Yeah, Mr. Chairman. I just -- I know that we're limited in what we can say with regard to these matters. And I think I'd be safely in the limits that we -- strict limits that we've been imposed through legislation on the Commission. But I, for one, am pleased to see the Illinois preferences rolling off and the costs of these renewable energy credits significantly going down as the competitive aspects of a market for these things are fully asserted. And I am just pleased as punch to see that happening.

So I just wanted to make that comment --

COMMISSIONER FORD: And I agree with that comment, Commissioner Elliott.

COMMISSIONER O'CONNELL-DIAZ: I third that.

ACTING COMMISSIONER COLGAN: Fourth.

CHAIRMAN SCOTT: Is there any discussion regarding the REC Procurement?

(No response.)

CHAIRMAN SCOTT: I would vote to approve the
REC Procurement results.

Is there a second?

COMMISSIONER ELLIOTT: 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 REC Procurement results are approved.

Item 22, going back to it, is a

resolution expressing our support and thanks for

Deborah Lewis-Johnson for her many years of great

service working here at the Commission.

Deborah, would you like to come

forward? I know you've got family members here, too.

Are they over at the party already?

MS. DEBORAH LEWIS-JOHNSON: Okay. I won't be

shy. I shouldn't be shy. I worked in the Consumer

Service Division.

CHAIRMAN SCOTT: That's right. Let me read
this to you. We have a resolution in the form of a plaque and then another paper copy here for you.

By the Commission: Resolution,

whereas Deborah Lewis-Johnson on June 4th, 1979, began her career at the Illinois Commerce Commission Consumer Services Division and continued to serve for 32 years. And whereas throughout Deborah Lewis-Johnson's years with the Commission she has been an invaluable member of the CSD, providing leadership, experience, an example of professionalism for others to emulate. Deborah has remained on course throughout her years of service, undeterred and true to her objective to represent the Commission.

And whereas Deborah has served the utility customers of Illinois well, and as in the course of doing so earned the respect and friendship of her colleagues at the ICC, utility representatives and consumer advocates, based on her skill, diligence and good-natured professional courtesy.

And whereas it was well known in the Consumer Services Division that Deborah's positive
attitude, welcoming smile and patience have been examples to all.

Now, therefore, be it resolved that the Illinois Commerce Commission hereby acknowledges Deborah Lewis-Johnson's 32 years of public service during employment with the Illinois Commerce Commission and expresses its deep appreciation for her public service and dedication on the occasion of your retirement.

Congratulations and thank you.

COMMISSIONER O'CONNELL-DIAZ: I just have one question. You must have started here when you were 2.

MS. DEBORAH LEWIS-JOHNSON: Thank you so kindly.

I just want to say this real briefly because I know this has been a long -- kind of a long hearing. But it's so befitting because when I started in '79 Commonwealth Edison was before us requesting a rate increase and it was really a lot different.

But I just -- I've had friends, family
members ask me, How did you do that for 32 years, listen to customers complain? Are you crazy? And I would say, No, I pray every morning. And it's God. When I walk into work, I'm like, God, give me patience, give me wisdom, knowledge and understanding of how to deal with our citizens in the state of Illinois as well as the utility company reps as well as coworkers. Lord, just help me, and he has done that for 32 years. So I got to give God the glory and praise and honor.

And I want to thank the dear Chairman,

welcome.

CHAIRMAN SCOTT: Thank you.

MS. DEBORAH LEWIS-JOHNSON: And my lovely friend, Erin O'Connell-Diaz. You're about the only one here now that started around -- yeah, decades.

COMMISSIONER O'CONNELL-DIAZ: Okay. I was 1.

CHAIRMAN SCOTT: She still has to vote on the resolution.

MS. DEBORAH LEWIS-JOHNSON: And I just want to say this quickly about Commissioner Erin O'Connell and my old friend, Ed Hurley -- Chairman Ed Hurley.
They were both a blessing to me throughout the years. I remember going into their room -- their office and sitting down, talking sometimes and they'd see me on the elevator and they'd ask me, How are you doing up there with the consumers? How's it going? And that meant so much to me because I was probably about up to here on that day. And I really appreciate -- and sitting in your office, I love those horn lamps. And I know those are precious so I won't ask you for those. You all have been just a real great -- great role model, I'll say it like that.

And to the Chairman and Commissioners, I want to thank you all. God has blessed me down to the years to work with professional, very hardworking, caring people. And I appreciate that. That made my job a lot easier, just not a lot of drama. So I appreciate -- God for this.

32 years working for the citizens of Illinois have been really, really interesting. I will miss my coworkers and I will also miss -- there are utility Staff here that I have been working with for decades. Commonwealth Edison -- I see Ramona.
Then there's Tom Moretti. They've just been around. And, you know, our persona is to be -- you know, we have to balance rates and all of that. But over the years when you're speaking and working with utility staff, you do tend to ask each other, Well, how are your children? Did they graduate? What are they doing? So you do begin to, you know, develop some type of rapport. And they have been -- but then they know that after I ask, like, How are your children? I'm going to be enforcing the ICC laws. So they know that, and we just do what we have to do.

But I appreciate them down through the years as well as just friends. I see people from -- I saw AG Office, a young lady for decades we've been crossing each other's paths. And there are others. So all of my friends here, I appreciate -- oh, attorney -- the Auditor General right across from us. I see Brenda and Denise. Thank you such for stopping by. Just all of you all -- I know I'm missing someone but we're going to party after this so I'm going to shorten this up. I just appreciate God for everybody here.
Thank you for your time and I just appreciate you -- oh, Consumer Service, I love you all. Stay encouraged. Okay. I don't know what happened to the 32 years, but stay encouraged. Do the work -- the hard work -- the balance. Consumers let them know what their rights and responsibilities are as well as the company, keep them in check, too.

My director, appreciate you, and my Springfield coworkers as well. They are holding down the fort. They're taking the calls so this can happen. So I appreciate them. And thanks again Chairman and Commissioners for allowing this to happen during our work- -- our busy workday. And you all have been a blessing. Keep working hard, establish that balance, and God bless you all.

CHAIRMAN SCOTT: Thank you.

Pretty easy to see how she did so well in Consumer Services.

I'm going to move to adopt the resolution that I just read a moment ago.

Is there a second?

COMMISSIONER O'CONNELL-DIAZ: Second.
ACTING COMMISSIONER COLGAN: Second.

CHAIRMAN SCOTT: It's been moved and seconded.

All in favor say "aye."

(Chorus of ayes.)

CHAIRMAN SCOTT: The vote is 5 to nothing. The resolution is adopted.

And, again, Deborah, thanks so much.

There's a reception in Deborah's honor in Room N-808 after the conclusion, which will be in just a couple of seconds.

MS. DEBORAH LEWIS-JOHNSON: Oh, oh. One last thing. I want to acknowledge my husband, supportive. He has heard a lot of the stories -- he has heard a lot of the stories. So I thank you for your -- and my two wonderful daughters Chloe, with my new grandbaby girl and Brandy with my new grandbaby girl -- they have been where through infancy, toddler, these two girls. They're very familiar with the Commission.

And I'm going to tell you this -- and I'm really leaving -- if it wasn't for you two, I don't think I would have been here 32 years. So
thank you.

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

JUDGE WALLACE: No, I don't think we can top that anyway.

CHAIRMAN SCOTT: You're right. Thank you, sir. Hearing none, this meeting stands adjourned.

(Meeting adjourned.)