BEFORE THE
ILLINOIS COMMERCE COMMISSION

TRANSPORTATION BENCH SESSION

Chicago, Illinois
May 4, 2011

Met, pursuant to notice, at 10:30 a.m.

BEFORE:

MR. DOUGLAS P. SCOTT, Chairman

MS. LULA M. FORD, Commissioner

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

MR. SHERMAN J. ELLIOTT, Commissioner

MR. JOHN T. COLGAN, Acting Commissioner

SULLIVAN REPORTING COMPANY, by
Auhdikiam Carney, CSR
License No. 084-004658
CHAIRMAN SCOTT: Is everything ready in Springfield?

JUDGE WALLACE: Yes, it is.

CHAIRMAN SCOTT: Pursuant to the provisions of the Illinois Open Meetings Act, I now convene a regularly scheduled bench session of the Illinois Commerce Commission.

With me in Chicago are Commissioners Ford, O'Connell-Diaz, Elliott, Acting Commissioner Colgan. I'm Chairman Scott.

We have a quorum.

Before moving into the agenda, according to Section 1700.10 of the Illinois Administrative Code, this is the time to allow the members of the public to address the Commission. Members of the public wishing to address the Commission must notify the Chief Clerk's Office at least 24 hours prior to the Bench Session.

According to the Chief Clerk's Office, we have one request to speak at today's bench session. I believe we have Mr. Raymond Gerard with us today representing the Ivanhoe Country Club.
Is Mr. Gerard here?

MR. GERARD: Yes.

CHAIRMAN SCOTT: Mr. Gerard, if you want to go
to one of the microphones and turn them on, you will
have 3 minutes to make your comments.

MR. GERARD: Thank you, sir.

I'm an attorney representing the
Ivanhoe Country Club. I'm here today speaking in
regard to some rate hike requests --

MR. MATRISCH: I'm sorry -- we can't hear him
in Springfield.

CHAIRMAN SCOTT: Push the button there. Thank
you, sir.

MR. GERARD: I'm here today -- my name is
Raymond Gerard. I'm speaking on behalf of the
Ivanhoe Country Club in relation to certain rate hike
requests that have been made by Aqua Illinois, Inc.
The water and sewer system served by that entity
services the Ivanhoe Country Club subdivision.
The country club that I represent
operates the golf course that is part of the
subdivision. Many of its members are residents in
that subdivision. A number of residents did not get notice of the pending rate hike request except with their May bills, which they're just receiving now. The initial 45-day period ends May 21st. So they wouldn't have had any opportunity to be here today, on all practical purposes, so I'm here to speak for their interests as well. The Country Club also was the prior owner, as a matter of fact, of the water and sewer system and it has knowledge about both of those systems.

The purpose for my coming here this morning is to simply suggest and request and recommend that the rate hikes be suspended and that the appropriate investigative period follow thereafter. We do not have sufficient information on the improvements that have been made.

The rate hike requests deal with a number of -- seeks to recover costs on a number of capital improvements. We need further information on those improvements; potential cost savings; the reasonableness of any costs. Also there are other revenue sources from other properties in the area
that are potentially going to be connected to this system in the not too distant future so we need to know whether or not those possibilities have been considered in deferring the cost of the life span of the capital improvements.

So that is, in essence, my comments. We would like to have the rate hikes suspended. The country club then would defer and intends to intervene in the proceedings thereafter.

And I thank you for your time this morning.

CHAIRMAN SCOTT: Thank you very much, Mr. Gerard.

We'll start with the Transportation Agenda. Up first is the approval of minutes from our April 12th Regular Open Meeting.

Is there a motion to approve the minutes?

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.)

Any opposed?

(No response.)

The vote is five to nothing and the

minutes from April 12th are approved.

Moving on to the Railroad section.

Items RR-1 thorough RR-3 can be taken
together. These items concern petitions for the
authorization of construction improvements and
modifications at railway crossings across Illinois.

In each case the ALJ recommends that
the Commission enter an Order granting the Petition
authorizing the improvements.

Is their a motion to enter the Orders?

COMMISSIONER ELLIOTT: So moved.

CHAIRMAN SCOTT: Is there a second?

COMMISSIONER O'CONNELL-DIAZ: Second.

CHAIRMAN SCOTT: All in favor say "aye."

(Chorus of ayes.)

Any opposed say "nay."

(No response.)
The vote is five to nothing and the Orders are entered. We will use this five nothing vote for the remainder of the transportation agenda unless otherwise noted.

Item RR-4 is Docket No. T10-0179.

This item concerns a Petition by the Illinois Department of Transportation requesting approval to exercise eminent domain over a property in Kane County. ALJ Duggan recommends that the Commission enter an Order granting the Petition and approving the exercise of eminent domain.

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the Order is entered.

Item RR-5 is Docket Nos. T11-0008 and T11-0009 consolidated. This item concerns Petitions by the Department of Transportation and City of Chicago requesting authorization for improvements and modifications at crossings of Illinois Route 19 in Chicago. ALJ Kirkland-Montaque recommends that the
Commission enter an Order granting the Petitions.

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the Order is entered.

Item RR-6 is Docket No. T11-0010.

Like Item RR-4, this concerns a Petition by the Illinois Department of Transportation requesting approval to exercise eminent domain over property in Kane County. ALJ Duggan recommends that the Commission enter an Order granting the Petition and approving the exercise of eminent domain.

Is there any discussion?

(No response.)

Any objection?

(No response.)

Hearing none, the Order is entered.

Items RR-7 through RR-11 can be taken together. These items each concern stipulated agreements regarding public safety improvements and highway-rail grade crossings across Illinois. In
each case Staff recommends that the Commission enter an Order approving the stipulated agreement.

Is there any discussion?
(No response.)

Any objection?
(No response.)

Hearing none, the Orders are entered.

Items RR-12 and RR-13 can be taken together. These items each concern stipulated agreements regarding public safety improvements at highway-rail grade crossings. In each case Staff recommends that the Commission enter a Supplemental Order approving an extension of time associated with the project's completion.

Is there any discussion?
(No response.)

Any objections?
(No response.)

Hearing none, the Supplemental Orders are entered.

Item RR-14 is Docket No. T11-0032.

This item concerns a stipulated settlement agreement
regarding public safety improvements at a
highway-rail grade crossing in Wayne County. Staff
recommends that the Commission enter an Amended Order
correcting the AAR/DOT identification number listed
in the original Order entered on March 23rd.

Is there any discussion?
(No response.)

Any objection?
(No response.)

Hearing none, the Amended Order is
entered.

On to Motor Carriers.

Items MC-1 through MC-8 will be taken
together. These items concern stipulated settlement
agreements concerning alleged violations of the
Illinois Commercial Transportation Law. In each case
the transportation counsel recommends entering an
Order accepting the stipulated settlement agreement.

Is there any discussion?
(No response.)

Any objections?
(No response.)
Hearing none, the Orders are entered and the settlement agreements are approved.

Items MC-9 and MC-10 can be taken together. These items are Applications for Certificates of Public Convenience and Necessity under the Illinois Commercial Transportation Law concerning household goods property motor carrier authority. In each case ALJ Duggan recommends that the Commission enter an Order approving the application.

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the Orders are entered and the applications are approved.

Item MC-11 is Kevin's Auto Repair & Transport's application for renewal of it's commercial relocation towing license. Our transportation counsel recommends entry of an Order granting the application for renewal.

Is there any discussion?
(No response.)

Any objections?
(No response.)

Hearing none, the Order is entered and the renewal is granted.

We also have two administrative matters posted for today's agenda. We have since been informed that each of these items does not require any Commission action so no action will be taken.

Mr. Matrisch, is there any further business to come before the Commission today?

MR. MATRISCH: Nothing further, Chairman.

Thank you.

CHAIRMAN SCOTT: Thank you.

Hearing none, that concludes today's transportation agenda.

(And those were all the proceedings had.)