BEFORE THE

ILLINOIS COMMERCE COMMISSION

REGULAR OPEN MEETING

(PUBLIC UTILITY)

Tuesday, June 16, 2015

Chicago, Illinois

Met, pursuant to notice, at 10:30 A.M.,
at 160 North La Salle Street, Chicago, Illinois.

PRESENT:

BRIEN J. SHEAHAN, Chairman

ANN McCabe, Commissioner

SHERINA E. MAYE, Commissioner

MIGUEL DEL VALLE, Commissioner

MR. JOHN R. ROSALES, Commissioner

SULLIVAN REPORTING COMPANY, by
CHRISTINE KOWALSKI
CSR NO. 084-004422
CHAIRMAN SHEAHAN: Good morning. Are we ready to proceed in Springfield with our regular Bench Session.

CHIEF CLRRK: Yes, we are.

CHAIRMAN SHEAHAN: Pursuant to the Open Meetings Act, I call the June 16, 2015 Bench Session of the Illinois Commerce Commission to order.

Commissioners McCabe, del Valle, and Rosales are -- strike that.

Commissioners McCabe, del Valle, and Maye are present with me in Chicago. We have a quorum.

We have no requests to speak and will, therefore, move into our regular Public Utility Agenda. We do not have any items for consideration today on our Transportation Agenda.

The record will reflect that Commissioner Rosales has just joined us.

There are a number of edits to the Minutes of our May 20, 2015 Bench Session.

Are there any objections to approving the Bench Session Minutes of May 20, 2015 as edited?
(No response.)

Hearing none, the Minutes are approved.

Item E-1 involves ComEd's Modification of its Administrative Claims Procedure.

Are there any objections to granting Staff's recommendation that the Commission not investigate the filing?

(No response.)

Hearing none, Staff's recommendation that the Commission not investigate the filing is granted.

Item E-2 concerns MidAmerican's update to its electric and gas tariffs.

Are there any objections to not suspending the filings?

(No response.)

Hearing none, the filings are not suspended.

Item E-3 involves a Petition to Determine the Applicability of Section 16-125(e) liability to events caused by the August 23rd, 2007
Are there any objections to granting ComEd's Motion to Dismiss?

(No response.)

Hearing none, the Motion is granted and the case is dismissed.

Item E-4 involves Ameren's reconciliation of revenues collected under Riders EDR and GER.

Are there any objections to approving the Proposed Orders?

(No response.)

Hearing none, the Orders are approved.

Items E-5 through E-7 involve dismissal of various consumer complaints against ComEd.

Are there any objections to considering these items together and granting the parties' Motions to Dismiss?

(No response.)

Hearing none, the Motions are granted and the Complaints are dismissed.
Items E-8 through 12 are Petitions for the confidential treatment of various reports.

Are there any objections to considering these items together and approving the Proposed Orders?

(No response.)

Hearing none, the Orders are approved.

Item E-13 is an Order approving a Settlement and Stipulation regarding Nordic Energy's alleged violations of the Public Utilities Act.

Are there any objections to approving the proposed Order?

(No response.)

Hearing none, the Order is approved.

Item E-14 concerns Ameren's Petition for a Certificate of Public Convenience and Necessity to Construct, Operate, and Maintain a New High Voltage Electric Service Line in Macon County, Illinois.

Are there any objections to approving the Proposed Order?

(No response.)
Hearing none, the Order is approved.

Items E-15 through 19 are various Applications requesting Certificates of Service Authority to Operate as Agents, Brokers, or Consultants pursuant to the Public Utilities Act.

Are there any objections to considering these items together and approving the Proposed Orders?

(No response.)

Hearing none, the Orders are approved.

Items E-20 and 21 are Applications for Electric Installer Authority under the Public Utilities Act.

Are there any objections to considering these items together and approving the Proposed Orders?

(No response.)

Hearing none, the Orders are approved.

Item E-22 concerns Clean Line Energy's Grain Belt Transmission Line. The Commission has two issues before it this morning. The first is a request for Oral Argument, and the second is Motions
to Dismiss regarding Grain Belt's Application for a Certificate of Public Convenience and Necessity.

Is there a Motion to Deny the request for Oral Argument?

COMMISSIONER MAYE: So moved.

CHAIRMAN SHEAHAN: Is there a second?

COMMISSIONER McCabe: Seconded.

CHAIRMAN SHEAHAN: It's been moved and seconded.

Is there any discussion?

(No response.)

All those in favor of denying the request for Oral Argument, say aye.

(Chorus of ayes.)

Opposed, say nay.

(No response.)

Motion carries and the request for Oral Argument is denied.

The second issue before us are Motions to Dismiss made by Concerned Citizens & Property Owners; the Illinois Agricultural Association; and the Landowners Alliance of Central Illinois.
I will move that we deny the Motions to Dismiss.

Is there a second?

COMMISSIONER MAYE: Seconded.

CHAIRMAN SHEAHAN: Is there any discussion? Commissioner McCabe?

COMMISSIONER McCabe: I want to ask the -- Judge Von Qualen a few questions.

CHAIRMAN SHEAHAN: Judge, are you with us?

CHIEF CLRRK: Yes. She is here.

COMMISSIONER McCabe: First, are you aware of any Section 8-406.1 proceeding where the Applicant did not assert that it was a public utility in its Application at the time of Application?

JUDGE VON QUALEN: No, I'm not.

COMMISSIONER McCabe: And GBX has not asserted that it is a public utility?

JUDGE VON QUALEN: That's true. It has not. It asserted that it will be a public utility if the Commission grants the certificate that it is requesting.

COMMISSIONER McCabe: Okay. So that may answer
If the Motions to Dismiss are denied, can the Commission address the question of whether Grain Belt is a public utility at any other point in the proceeding?

JUDGE VON QUALEN: I didn't -- I think the -- what the Motions to Dismiss say is that the -- whether or not Grain Belt is a utility is a threshold question.

In other words, the question right now before the Commission is whether or not an entity has to be a public utility in order to file the Application.

Grain Belt did not say that it was a public utility. It said that it would be a public utility if the certificate was granted.

COMMISSIONER McCABE: Okay. Thank you.

CHAIRMAN SHEAHAN: Is there any other discussion?

(No response.)

All those in favor of denying the Motions to Dismiss, say aye.
(Chorus of ayes.)

Opposed, say no.

COMMISSIONER McCabe: No.

COMMISSIONER Del Valle: No.

CHAIRMAN Sheahan: The vote is three to two, and the Motions to Dismiss are denied.

Moving on to Items G-1 through 4. They're Orders denying Complaints and Motions to Dismiss filed against North Shore/Peoples Gas regarding billing/charges.

Are there any objections to considering these items together and approving the Proposed Orders?

(No response.)

Hearing none, the Orders are approved.

Item G-5 concerns requests from the Attorney General, City of Chicago, and CUB for the Commission to take Administrative Notice of the Final Liberty Audit Report and to make it part of the record and a Motion to Require Additional Hearings concerning AMRP in Docket No. 14-0496.

We'll consider each of these requests
separately.

Is there a Motion to deny the request to take Administrative Notice of the Final Liberty Audit Report and to make it part of the record in Docket No. 14-0496?

COMMISSIONER MAYE: So moved.

CHAIRMAN SHEAHAN: Is there a second?

COMMISSIONER ROSALES: Seconded.

CHAIRMAN SHEAHAN: Is there any discussion?

(No response.)

All those in favor of denying the request to make the report part of the record -- to take Notice of it and make it part of the record, say aye.

(Chorus of ayes.)

Opposed, say no.

COMMISSIONER DEL VALLE: No.

CHAIRMAN SHEAHAN: The Motion is four to one, and the request for Administrative Notice and having it become part of the record is denied.

Is there a Motion to deny GCI's Motion to Require Additional Hearings regarding AMRP?
COMMISSIONER ROSALES: So moved.

CHAIRMAN SHEAHAN: Is there a second?

COMMISSIONER MAYE: Seconded.

CHAIRMAN SHEAHAN: Is there any discussion?

(No response.)

All those in favor of denying the Motion to Require Additional Hearings, say aye.

(Chorus of ayes.)

Opposed, say no.

COMMISSIONER DEL VALLE: No.

CHAIRMAN SHEAHAN: Motion is four to one, and the Motion Requiring Additional Testimony is denied.

Item G-6 concerns Peoples Gas's Petition for authority to issue up to $125 million in long-term debt.

Are there any objections to approving the Proposed Order?

(No response.)

Hearing none, the Order is approved.

Item G-7 concerns Agera Energy's Application for a Certificate of Service Authority.

Are there any objections to approving
the Proposed Order?

(No response.)

Hearing none, the Order is approved.

Items T-1 and 2 are Orders regarding the withdrawal or cancellation of Certificates of Service Authority.

Are there any objections to considering these items together and approving the Proposed Orders?

(No response.)

Hearing none, the Orders are approved.

Items T-3 and 4 are --

JUDGE KIMBREL: Excuse me, Mr. Chairman. Are you going to hold the Order approving the Application in Docket 14-0496?

CHAIRMAN SHEAHAN: Now, which item is that on the Agenda?

COMMISSIONER MAYE: G-5.

JUDGE KIMBREL: G-5, Mr. Chairman.

CHAIRMAN SHEAHAN: I'm sorry, Judge. Can you explain that again.
(Whereupon, a discussion was had off the record.)

CHAIRMAN SHEAHAN: Oh, okay. My apologies.

Thanks for the clarification.

Is there a Motion to hold the Order?

COMMISSIONER McCABE: So moved.

CHAIRMAN SHEAHAN: Is that what we need, Judge, a Motion to hold the Order? We're not going to deal with it today.

JUDGE KIMBREL: Right.

CHAIRMAN SHEAHAN: Yeah. Okay.

Is there a second?

COMMISSIONER ROSALES: Seconded.

CHAIRMAN SHEAHAN: All those in favor, say aye.

(Chorus of ayes.)

Opposed, say no.

(No response.)

Okay. The Order is held.

Moving back to Items T-1 and 2, Orders regarding the withdrawal or cancellation of Certificates of Authority.

Are there any objections to
considering these items together and approving the
Proposed Orders?

(No response.)

Hearing none, the Orders are approved.

Items T-3 and 4 are Petitions for the
confidential treatment of various reports.

Are there any objections to
considering these items together and entering the
Proposed Orders?

(No response.)

Hearing none, the Orders are entered.

Item T-5 is a Modification of a 9-1-1
Emergency Telephone Numbering System for Dolton,
Illinois.

Are there any objections to approving
the Proposed Order?

(No response.)

Hearing none, the Proposed Order is
approved.

Item T-6 is Business Telecom's
Petition to Change Corporate Form.

Are there any objections to approving
the Proposed Order?

(No response.)

Hearing none, the Order is approved.

Item T-7 is Frontier and Adams TelSystems' Joint Petition for Approval of an Agreement Amending the Terms of an Interconnection Agreement.

Are there any objections to approving the Proposed Order?

(No response.)

Hearing none, the Order is approved.

Item W-1 concerns Aqua Illinois' update to its water and sewer tariffs.

Are there any objections to not suspending the filing?

(No response.)

Hearing none, the filing is not suspended.

Item W-2 concerns Aqua Illinois' Petition for approval of the issuance of $23 million in long-term debt.

Are there any objections to approving
the Proposed Order?

(No response.)

Hearing none, the Order is approved.

Items M-1 through 3 are Orders initiating proceedings to determine liability for alleged violations under the Illinois Underground Utility Facilities Damage Prevention Act.

I believe we have some questions.

Commissioner del Valle.

COMMISSIONER DEL VALLE: Thank you, Mr. Chairman. I have some process questions because we have three of these Orders and this is the first time I've seen these on the Agenda.

And so my question is, given the dates on some of these reported violations -- one of them goes back to 2008 and another was 2011. And I'm talking about the three orders here -- I'm sorry -- not just the first one here.

What is our process for dealing with these -- these problems? Because I was kind of taken aback by the number of years that have passed since -- since these violations took place.
CHAIRMAN SHEAHAN: I believe we have Staff in Springfield to answer that.

Bill, are you available?

MR. BILL RILEY: Yes, Mr. Chairman. This is Bill Riley, Manager of One-Call Enforcement.

To answer the Commissioner's question, a lot of our focus -- I have two investigators that work for me. We handle about 300 reported incidents a year, and a lot of our focus has been on the initial investigation of those reported incidents and giving a Staff review, making our findings, and then going through the Advisory Committee appeal process if that is necessary.

So the -- getting to the third stage of the enforcement proceeding, which is a hearing before the Commission, has been kind of put on the back burner. What has brought these specific cases to the forefront is continued violations.

We've received another four reported incidents from Lammers and Gleeson Asphalt. Gleeson has not been cooperative with Staff's investigations, so our thought is by bringing these old cases before
the Commission, hopefully we can -- we can bring
these more to the attention of Gleeson and get some
cooperaion from them.

The same goes with CJ Now. Again,
that -- again, that -- the initial case is pretty
old, but we had another violation recently. That's a
2013 case that we want to, I guess, bring these to
the attention of CJ and try to bring them to
compliance with the Act.

COMMISSIONER DEL VALLE: So you say enforcement
has kind of been put on the back burner in the past.
Are we still going to continue to prioritize the
multiple offenses?

MR. BILL RILEY: Yeah. We'll probably -- we'll
be bringing those first. We have another -- another
company that we'll be sending a Staff report to you
shortly. I think there's three or four violations.

And, again, I wouldn't necessarily
characterize it that enforcement has been put on the
back burner. Like I said, we're -- we're reviewing
all of -- all of the cases we receive with a Staff
review and through the Advisory Committee process if
that's necessary.

Again, the cases that are being brought before you have been reviewed twice, once by Staff and also by the Advisory Committee. So there has been a force of action taken. But by and large, we've been ignored, so that's why we're -- we're going to the -- to the third stage of the process with these.

COMMISSIONER DEL VALLE: So you think that by taking action, then some of these folks will think twice about the ignoring the initial position that we take -- or the initial investigation and the results?

MR. BILL RILEY: Yeah, I hope so, as well as being in line with compliance in the future.

COMMISSIONER DEL VALLE: All right. Thank you.

COMMISSIONER MAYE: Bill, is there any type of statute of limitations, so to speak, under the Act or there's no --

MR. BILL RILEY: There is with regard to the initial investigations. All -- the initial investigation has to start within two years of a suspected violation.
COMMISSIONER MAYE: Oh. So as long as the investigation occurred within that time period, then it's okay to -- then we're good to go? Is that what you're saying?

MR. BILL RILEY: Yes. That's correct.

COMMISSIONER MAYE: Okay. All right. Thank you.

COMMISSIONER McCabe: And, Mr. Riley, I noticed in all three cases, they had ignored the penalties that had been assessed so far.

In this proceeding, in addition to bringing them into compliance, might it also entail greater penalties or fines?

MR. BILL RILEY: If possible. That would -- that would be up to the -- to the ALJ to decide and the Commission ultimately to decide that.

COMMISSIONER McCabe: Okay. Thanks.

CHAIRMAN SHEAHAN: Any other questions?

(No response.)

Are there any objections to considering these items together and approving the Proposed Orders?
Hearing none, the Orders are approved.

We have an item on our agenda regarding potential litigation, which is FERC Docket No. ER10-1791.

Is there a Motion to enter Closed Session?

COMMISSIONER McCabe: So moved.

CHAIRMAN SHEAHAN: Is there a second?

COMMISSIONER ROSALES: Seconded.

CHAIRMAN SHEAHAN: All those in favor, say aye.

(Chorus of ayes.)

Opposed, say nay.

(No response.)

The Motion carries and we will enter into closed session.
CHAIRMAN SHEAHAN: We are back in Open Session.

Our last item on the Agenda is the Annual Report on Cable and Video Service Deployment by Providers Granted State-Issued Cable and Video Service Authorization.

Is there a Motion to approve the Report?

COMMISSIONER McCABE: So moved.

CHAIRMAN SHEAHAN: Is there a second?

COMMISSIONER ROSALES: Seconded.

CHAIRMAN SHEAHAN: Any discussion?

(No response.)

All those in favor, say aye.

(Chorus of ayes.)

Opposed, say nay.

(No response.)

The ayes have it and the Report is approved.

Judge Kimbrel, do we have any other matters to come before the Commission today?

JUDGE KIMBREL: No, there's nothing further, Mr. Chairman.
MR. BILL VANDERLAAN: Excuse me, Mr. Chairman.

You need to vote on the FERC Docket.

CHAIRMAN SHEAHAN: Oh, thank you. Thank you.

MR. BILL VANDERLAAN: Thank you.

CHAIRMAN SHEAHAN: I had forgotten.

So we'll move back to FERC Docket ER10-1791.

Is there a Motion to approve comments regarding that Docket and to forward those comments to FERC?

COMMISSIONER McCABE: So moved.

CHAIRMAN SHEAHAN: Is there a second?

COMMISSIONER MAYE: Seconded.

CHAIRMAN SHEAHAN: Any discussion?

(No response.)

All those in favor, say aye.

(Chorus of ayes.)

Opposed, say nay.

(No response.)

The Motion passes and you're authorized, Bill, to forward those comments to FERC.

MR. BILL VANDERLAAN: Thank you, sir.
CHAIRMAN SHEAHAN: Thank you for pointing that out.

Judge Kimbrel, do we have any other items before us?

JUDGE KIMBREL: Nothing further, Mr. Chairman.

CHAIRMAN SHEAHAN: Commissioners, any other business to discuss?

(No response.)

Hearing none, the meeting is adjourned. Thank you.