BEFORE THE
ILLINOIS COMMERCE COMMISSION

BENCH SESSION

(TRANSPORTATION)

Chicago, Illinois
Thursday, June 2, 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

SULLIVAN REPORTING COMPANY, by
Alisa A. Sawka, CSR, RPR
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 us in Chicago are Commissioners Ford, O'Connell-Diaz, Elliott and Acting Commissioner Colgan. I'm 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 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 no requests to speak at today's session.

We will start with our Transportation Agenda and specifically the railroad section. Items RR-1 through RR-20 can be taken together. These items each concern Stipulated Agreements regarding public safety improvements at highway rail grade
crossings across Illinois. In each case Staff recommends that the Commission enter an Order approving the Stipulated Agreement.

Is there a motion to enter the Orders?

ACTING COMMISSIONER COLGAN: So moved.

CHAIRMAN SCOTT: Is there a second?

COMMISSIONER O'CONNELL-DIAZ: 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 Orders are entered.

We will use this 5 to nothing vote for the remainder of the Transportation Agenda unless otherwise noted.

Items RR-21 through RR-27 can be taken together. These items are Petitions for Orders Authorizing Construction, Improvements and Modifications At Railway Crossings across Illinois. In each case the ALJ recommends that the Commission
enter an Order granting the Petition and allowing the project to move forward.

Is there any discussion?

(No response.)

CHAIRMAN SCOTT: Any objections?

(No response.)

CHAIRMAN SCOTT: Hearing none, the Orders are entered.

Items RR-28 and RR-29 can be taken together. These items each concern Stipulated Agreements regarding public safety improvements of highway rail grade crossings across Illinois. 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.)

CHAIRMAN SCOTT: Any objections?

(No response.)

CHAIRMAN SCOTT: Hearing none, the Supplemental Orders are entered.

The Motor Carriers, Item MC-1 involves
a Stipulated Settlement Agreement concerning alleged violations of the Illinois Commercial Transportation Law by David Nezbit. Our Transportation Counsel recommends entry of an Order accepting the Stipulated Settlement Agreement.

Is there any discussion?

(No response.)

CHAIRMAN SCOTT: Any objections?

(No response.)

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

Item MC-2 is Aaron Moffitt's Application for a Dispatcher's Employment Permit under the Illinois Commercial Relocation of Trespassing Vehicles Law. ALJ Duggan recommends entry of an Order dismissing this Application without prejudice due to the Applicant's failure to appear at hearings.

Is there any discussion?

(No response.)

CHAIRMAN SCOTT: Any objections?

(No response.)
CHAIRMAN SCOTT: Hearing none, the Order is entered and the application is dismissed.

Item MC-3 is Charles Neal's Application for an Operator Employment Permit under the Illinois Commercial Relocation of Trespassing Vehicles Law. ALJ Kirkland-Montaque recommends entry of an Order approving the Application.

Is there any discussion?

I'd ask the ALJ if they can be present because I wanted to ask a couple questions about this.

Is ALJ Kirkland-Montaque available?

MR. MATRISCH: Chairman Scott, this is Steve Matrisch. Judge Kirkland-Montaque is out on a medical leave. So I can, perhaps, answer some questions. If not, then the matter can be held until the next Bench Session.

CHAIRMAN SCOTT: The question that I had was regarding the criminal case that was involved here, and if you or the ALJ had any details of that particular case.

Was it pled? Was it a Plea Agreement?
Was it a trial?

MR. MATRISCH: Chairman, I do not know the answer to that question. I apologize.

CHAIRMAN SCOTT: In that case, I'd like to hold it till the next session.

MR. MATRISCH: Sure. Thanks.

CHAIRMAN SCOTT: Item MC-4 is Sean Harms Tiernan's Application for a Renewal of his Operator Employment Permit under the Illinois Commercial Relocation of Trespassing Vehicles Law. ALJ Duggan recommends that the Commission enter an Order granting the Application.

Is there any discussion?

(No response.)

CHAIRMAN SCOTT: Any objections?

(No response.)

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

Item MC-5 is Moore's Furniture & Plan Movers Application for an extension of its Household Goods Property and Motor Carrier Authority. ALJ Duggan recommends that the Commission enter an
Order approving the Application.

Is there any discussion?

(No response.)

CHAIRMAN SCOTT: Any objections?

(No response.)

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

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.

(Whereupon, the Public Utility Agenda is contained in a separate transcript.)