BEFORE THE
ILLINOIS COMMERCE COMMISSION

BENCH SESSION
PUBLIC UTILITY

Wednesday, July 30, 2014
Springfield, Illinois

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

PRESENT:
Douglas P. Scott, Chairman
John T. Colgan, Commissioner
Ann McCabe, Commissioner
Sherina E. Maye, Commissioner (in Chicago)
Miguel del Valle, Commissioner

MIDWEST LITIGATION SERVICES, by
Robin A. Enstrom, RPR, CSR
CSR No. 084-002046
CHAIRMAN SCOTT: 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'll begin with the approval of minutes from our June 26th Special Open Meeting, July 9th Bench Session, and July 9th Gas and Electric Policy Session. I understand amendments for all three have been forwarded. Is there a motion to amend the three sets of minutes?

COMMISSIONER COLGAN: So moved.

CHAIRMAN SCOTT: Is there a second?

COMMISSIONER MCCABE: Second.

CHAIRMAN SCOTT: Moved by Commissioner Colgan. Second by Commissioner McCabe.
Any discussion?

(No response.)

CHAIRMAN SCOTT: All in favor say "Aye."

("Ayes" heard.)

CHAIRMAN SCOTT: Any opposed?

(No response.)

CHAIRMAN SCOTT: The vote is 5-0, and the amendments are adopted.

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

COMMISSIONER MCCABE: So moved.

CHAIRMAN SCOTT: Is there a second?

COMMISSIONER DEL VALLE: Second

CHAIRMAN SCOTT: Moved by Commissioner McCabe. Second by Commissioner del Valle.

All in favor say "Aye."

("Ayes" heard.)

CHAIRMAN SCOTT: Any opposed?

(No response.)

CHAIRMAN SCOTT: Vote is 5-0, and the minutes from our June 26th Special Open Meeting, July 9th Bench Session, and July 9th Gas and
Electric Policy Session as amended are approved.

Also on today's agenda is our approval of the release of three sets of closed transcripts and meeting minutes.

Is there a motion to release the transcripts and closed meeting minutes?

COMMISSIONER DEL VALLE: So moved.

CHAIRMAN SCOTT: Is there a second?

COMMISSIONER MCCABE: Second.

CHAIRMAN SCOTT: Moved by Commissioner del Valle. Second by Commissioner McCabe.

All in favor say "Aye."

("Ayes" heard.)

CHAIRMAN SCOTT: Any opposed?

(No response.)

CHAIRMAN SCOTT: Vote is 5-0, and the Chief Clerk is directed to release the transcripts and closed meeting minutes.

Turning now to the electric portion of today's agenda, Item E-1 is Mt. Carmel's filing to modify Rider D, Parallel Generation Certification, as required by 83 Illinois Administrative Code Part 430.
Staff recommends that we approve the revision by not suspending the filing.

Is there any discussion?

(No response.)

CHAIRMAN SCOTT: Is there a motion to not suspend the filing?

COMMISSIONER COLGAN: So moved.

CHAIRMAN SCOTT: Is there a second?

COMMISSIONER DEL VALLE: Second.

CHAIRMAN SCOTT: Moved by Commissioner Colgan. Second by Commissioner del Valle.

Any discussion?

(No response.)

CHAIRMAN SCOTT: All in favor say "Aye."

("Ayes" heard.)

CHAIRMAN SCOTT: Any opposed?

(No response.)

CHAIRMAN SCOTT: Vote is 5-0, and the filling is not suspended.

We will use this 5-0 vote for the remainder of today's public utility agenda unless otherwise noted.
Items E-2 through E-4 can be taken together. These items are Complaints against ComEd, AEP, and Iron Energy as to billing and/or charges. In each case it appears the parties have settled their differences and filed a Stipulation and/or Joint Motion to Dismiss which the ALJ in each case recommends we grant.

Is there any discussion?

(No response.)

CHAIRMAN SCOTT: Any objections?

(No response.)

CHAIRMAN SCOTT: Hearing none, the Motions to Dismiss are granted.

Item E-5 is Docket No. 12-0484. This is ComEd's Petition for Approval of Tariffs Implementing its Proposed Peak Time Rebate Program.

ALJ Haynes recommends entry of a Second Interim Order resolving the remaining outstanding issues with regard to Rider PTR and approving the pilot program for testing direct load control devices.

Is there any discussion?

Commissioner McCabe.
COMMISSIONER MCCABE: This Second Interim Order enables a direct control pilot on peak time savings starting in the summer of 2015 for residential customers with AMI. Results will be measured, and ComEd will submit an evaluation report at the end of 2015.

Care is being taken to ensure the results' validity by including a calculation to determine customer baseline load profiles and accounting for self-selection bias. Two distinct sets of customers will participate in the pilot: single families with central air conditioning and multi-families with plug-in air conditioning.

While I'm struck by the time it has taken to develop this pilot, I hope it lays the groundwork for other demand response programs and other pilots, including microgrids.

Thank you.

CHAIRMAN SCOTT: Further comments?

(No response.)

CHAIRMAN SCOTT: Are there any objections?

(No response.)

CHAIRMAN SCOTT: Hearing none, the
Second Interim Order is entered.

Item E-6 is Docket No. 13-0506. This is our investigation into the applicability of Sections 16-122 and 16-108.6 of the Public Utilities Act.

ALJ Teague-Kingsley recommends entry of an Order on Rehearing.

My office, in conjunction with Commissioner Maye's office and with some assistance from Commissioner McCabe, had some edits to the Order on Rehearing. These edits merely clarify that, while there is nothing in Section 16-122 that specifically requires or prohibits utilities from charging a reasonable fee for providing anonymous data to third parties, the Commission does not think it reasonable to impose these fees on ratepayers. Thus, if the utilities experience costs to comply with data requests, it would be in their best interest to establish a fee to defray those expenditures.

In addition, Commissioner Maye's office suggested the deletion of a paragraph in Section 3(a)(11) of the Final Order regarding the
release of customer-specific usage data to third parties.

With that, I would move for the adoption of these edits.

Is there a second?

COMMISSIONER MCCABE: Second.

CHAIRMAN SCOTT: Second by Commissioner McCabe.

Any discussion on the edits only?

(No response.)

CHAIRMAN SCOTT: All in favor say "Aye."

("Ayes" heard.)

CHAIRMAN SCOTT: Any opposed?

(No response.)

CHAIRMAN SCOTT: Vote is 5-0, and the edits are adopted.

Is there now a motion to enter the Order as amended?

COMMISSIONER COLGAN: So moved.

CHAIRMAN SCOTT: Is there a second?

COMMISSIONER MCCABE: Second.

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

Any discussion?

(No response.)

CHAIRMAN SCOTT: All in favor say "Aye."

("Ayes" heard.)

CHAIRMAN SCOTT: Any opposed?

(No response.)

CHAIRMAN SCOTT: The vote is 5-0, and the Order on Rehearing as amended is entered.

Item E-7 is Docket No. 14-0223. This is our amendment of 83 Illinois Administrative Code Part 415, the Uniform System of Accounts for Electric Utilities.

ALJ Teague-Kingsley recommends entry of an Order authorizing the submission of the Second Notice of Proposed Amendments to JCAR.

Is there any discussion?

(No response.)

CHAIRMAN SCOTT: Any objections?

(No response.)

CHAIRMAN SCOTT: Hearing none, the Order is entered.

Items E-8 and E-9 can be taken
together. These items are Applications for Certification as an Installer of Distributed Generation Facilities pursuant to Section 16-128(a) of the Public Utilities Act.

In each case ALJ Baker recommends entry of an Order granting the requested Certificate.

Is there any discussion?

(No response.)

CHAIRMAN SCOTT: Any objections?

(No response.)

CHAIRMAN SCOTT: Hearing none, the Orders are entered.

Items E-10 through E-12 can be taken together. These items are Applications for Licensure of Agents, Brokers, and Consultants pursuant to Section 16-115(c) of the Public Utilities Act.

In each case ALJ Kimbrel recommends entry of an Order granting the requested Certificate.

Is there any discussion?

(No response.)

CHAIRMAN SCOTT: Any objections?
(No response.)

CHAIRMAN SCOTT: Hearing none, the Orders are entered.

Items E-13 through E-18 can be taken together. These items are Applications for Certification to Install, Maintain, or Repair Electric Vehicle Charging Station Facilities pursuant to Section 16-128(a) of the Public Utilities Act.

In each case ALJ Benn 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.

Items E-19 through E-21 can be taken together. These items are our reconciliation of revenues collected under Ameren's Riders for Rate Zones I, II, and III with prudent costs associated with coal tar cleanup expenditures.

In each case ALJ Albers 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
Orders are entered.
Item E-22 is Docket No. 14-0465.
This is Ameren and Egyptian Electric Cooperative
Association's Joint Petition for Approval of a
Service Area Agreement.
ALJ Albers 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.
Turning now to natural gas, Item G-1
is our revision of 83 Illinois Administrative
Code Part 500, Standards of Service for Gas
Utilities.
Commission Staff recommends entry of
an Order initiation a rulemaking proceeding and
authorizing the submission to the Secretary of
State of rulemaking notices that would repeal the
existing version of Part 500.

Is there any discussion?
(No response.)

CHAIRMAN SCOTT: Any objections?
(No response.)

CHAIRMAN SCOTT: Hearing none, the
Order is entered.

Item G-2 is Docket No. 11-0757. This
is our reconciliation of revenues collected under
Ameren's gas adjustment charges with actual costs
prudently incurred.

ALJ Albers 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 G-3 is Docket No. 13-0549. This
is Nicor's Application, pursuant to Section 8-104
of the Public Utilities Act, for Consent and
Approval of its Energy Efficiency Plan.

ALJ Benn recommends entry of an Amendatory Order amending Finding 19 of the Commission's May 20th Order.

Is there any discussion?

(No response.)

CHAIRMAN SCOTT: Any objections?

(No response.)

CHAIRMAN SCOTT: Hearing none, the Amendatory Order is entered.

Item G-4 is Docket No. 14-0292. This is Nicor's Application for Approval of its Rider QIP, pursuant to Section 9-220.3 of the Public Utilities Act.

ALJ Dolan recommends entry of an Order approving the tariff.

Is there any discussion?

(No response.)

CHAIRMAN SCOTT: Any objections?

(No response.)

CHAIRMAN SCOTT: Hearing none, the Order is entered.

Item G-5 is Docket No. 14-0371. This is Liberty Utilities (Midstates Natural Gas)
Corporation's proposed general increase in gas rates. The Commission's investigation in this matter has not been concluded, and it is necessary, therefore, to enter an Order extending the period of suspension for a further six months.

Is there any discussion?

(No response.)

CHAIRMAN SCOTT: Any objections to extending the period of suspension?

(No response.)

CHAIRMAN SCOTT: Hearing none, the Order is entered.

On to telecommunications, Items T-1 through T-3 can be taken together. These items concern the Commission's amendment of 83 Illinois Administrative Code Parts 705, 737, and 763.

With regard to Part 705, ALJ Haynes recommends entry of an Order adopting the amendments. With regard to Parts 737 and 763, the ALJ in each case recommends entry of a Second Notice Order authorizing the submission of the Second Notice of 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-4 is Docket No. 14-0176. This is Frontier North's Petition for the Confidential and/or Proprietary Treatment of its 2010 Part 790.350 Report for not less than five years.

ALJ Haynes 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.

Item T-5 is Docket No. 14-0382. This is Network Billing System's Application for a Certificate of Authority to Provide Facilities-Based and Resold Local Exchange Telecommunication Service in the State of Illinois.

ALJ Riley recommends entry of an
Order granting the requested Certificate.

Is there any discussion?

(No response.)

CHAIRMAN SCOTT: Any objections?

(No response.)

CHAIRMAN SCOTT: Hearing none, the Order is entered.

Item T-6 is Docket No. 14-0432. This is American Broadband and Telecommunications Company's Petition for a Partial Waiver of its Agreed Joint Stipulation as a Condition of its ETC Designation.

ALJ Riley recommends entry of an Interim Order granting Petitioner a Temporary Waiver, until January 16, 2015, of the Commitments to Paragraphs 5(a) and (b) of the Agreed Joint Stipulation.

Is there any discussion?

(No response.)

CHAIRMAN SCOTT: Any objections?

(No response.)

CHAIRMAN SCOTT: Hearing none, the Interim Order is entered.

On to water and sewer, Item W-1 is
Docket No. 12-0570. This is the Commission's investigation pursuant to Section 8-102 of the Public Utilities Act of Nunda Utility Company.

ALJ Riley recommends entry of an Order granting Staff's motion to close the proceeding.

I would note that Staff is still working with the company informally to resolve any remaining noncompliance issues, and it seems that this is likely the most economical way to solve any outstanding issues.

Discussion?

Commissioner McCabe.

COMMISSIONER MCCABE: I want to thank the parties involved in this docket for the progress that has been made.

In 2012 the Commission initiated this case after a rate increase request from the company. Customer complaints included inadequate customer service and poor water quality. Staff spent months investigating the company and filed an amended report on July 15th of this year.

Based on that report, I am satisfied with progress Staff and Nunda have made:
Hydrants are being flushed quarterly, water quality has improved, broken meters replaced, and water meters tracked. Customers still have difficulty reaching Nunda by phone. So many violations have been cured while progress continues on others.

I encourage Staff to continue monitoring the company and, as stated on page 11 of the Staff's report, to revisit its compliance with the Commission regulatory requirements related to a rate request, IEPA violations, or customer complaints.

I thank the Commission's safety and reliability Staff, CSD, and the owner, Mr. Stahl, for making progress on these issues. We want to ensure that customers receive adequate service no matter the size of the utility and hope we see more progress in the future.

Thank you.

CHAIRMAN SCOTT: Thank you Commissioner.

Further discussion?

(No response.)

CHAIRMAN SCOTT: Are there any
objections?

(No response.)

CHAIRMAN SCOTT: Hearing none, the motion is granted, and the Order closing the proceeding is entered.

Item W-2 is Docket No. 13-0246. This is Aqua Illinois' Petition for a Certificate of Public Convenience and Necessity to Construct, Operate, and Maintain a Water Distribution System and a Wastewater Collection System in areas of Kankakee and Will Counties.

ALJ Riley 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.

Item W-3 is Docket No. 14-0278. This is Robert Spells' Complaint against IAWC as to billing and/or charges in Belleville.

ALJ Albers recommends entry of an Order dismissing the complaint with prejudice as
requested by the Complainant.

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 W-4 is Docket No. 14-0396. This is Aqua Illinois' Petition for Issuance of a Certificate of Public Convenience and Necessity to Operate a Water Distribution System and Wastewater Collection System in Cook County and the Issuance of an Order Approving the Rate Base, Rates, and Accounting Entries. The Petition was filed pursuant to an Asset Purchase Agreement entered into between Aqua and the Village of Glenview on May 6, 2014.

ALJ Riley recommends entry of an Interim Order finding that the terms of three proposed Appraisal Agreements that will be used to determine the fair value of the system to be acquired are reasonable and that the Agreements should be approved.

Is there any discussion?
(No response.)

CHAIRMAN SCOTT: Any objections?

(No response.)

CHAIRMAN SCOTT: Hearing none, the

Interim Order is entered.

We have two miscellaneous items on
the agenda today. Item M-1 is Docket No.
14-0135. This is CUB and ELPC's Petition to
Initiate a Rulemaking with Notice and Comment for
Approval of Certain Amendments to Illinois
Administrative Code Parts 466 and 467 Concerning
Interconnection Standards for Distributed
Generation. CUB and ELPC have filed a Motion for
Clarification requesting that the Commission
enter an Order clarifying its intent to initiate
this proceeding as a rulemaking with notice and
comment rather than as a contested case with
evidentiary hearings.

I would like to make a motion to do
three things: One, I would move to grant CUB and
ELPC's Motion in part and confirm that, when
their Petition was granted, the Commission did
intend to initiate a rulemaking.

However, I would also move that, two,
we deny the Motion in part as to their request to
waive evidentiary hearings at this time.

Although we did intend for this to be a
rulemaking proceeding, Section 200.210 of the
Rules of Practice allow the Commission to
initiate a rulemaking proceeding either by
publishing a Notice of Proposed Rulemaking in the
Illinois Register or by commencing hearings. A
Notice of Proposed Rulemaking has not yet been
published in the Illinois Register, and thus it
is too early to waive evidentiary hearings at
this time.

Instead, number three, I would move
that the Commission direct the ALJ to allow the
hearing process to commence either through
comments or evidentiary hearings to determine the
best method to develop a complete and accurate
record and to determine whether the rules at
issue should be amended.

Is there a second to that motion?

COMMISSIONER COLGAN: Second.
CHAIRMAN SCOTT: Second by
Commissioner Colgan.

Is there any discussion on the
motion?

(No response.)

CHAIRMAN SCOTT: All in favor say "Aye."

"Ayes" heard.)

CHAIRMAN SCOTT: Any opposed?

(No response.)

CHAIRMAN SCOTT: The vote is 5-0, and the Motion is granted in part and denied in part, and the ALJ is directed to allow the hearing process to commence.

Item M-2 is Docket No. 14-0450. This is US Sonet LLC's Application for State-Issued Authorization to Provide Video Service pursuant to Section 401 of the Cable and Video Competition Law of 2007.

ALJ Riley recommends, pursuant to Section 5/21-401(d) through (h) of the Act, issuance of a Notice for Authorization to Provide Video Service in the Village of Odin and the Village of Sandoval.

Is there any discussion?

(No response.)

CHAIRMAN SCOTT: Any objections to
issuing the Notice of Authorization?

(No response.)

CHAIRMAN SCOTT: Hearing none, the ALJ is directed to issue the Authorization.

On to petitions for rehearing, Item PR-1 is Docket Nos. 12-0298, 13-0285, and 14-0212 consolidated. This is ComEd's Petition for Statutory Approval of a Smart Grid AMI Deployment Plan pursuant to Section 16-108.6 of the Public Utilities Act, our investigation into ComEd's progress in implementing the AMI Deployment Plan, and ComEd's Petition for Authorization to accelerate its meter deployment under its AMI plan.

The AG has filed a Motion for Rehearing to clarify their position as it is portrayed in the Final Order.

ALJ Dolan recommends that we deny the Application for Rehearing.

Is there any discussion?

(No response.)

CHAIRMAN SCOTT: Are there any objections to denying the Application for Rehearing?
CHAIRMAN SCOTT: Hearing none, the Application is denied.

We have two items of other business on today's agenda. The first item concerns the Commission's Annual Report on Communications Markets in Illinois.

Are there any comments on the report?

(No response.)

CHAIRMAN SCOTT: Is there a motion to approve and submit the report to the General Assembly?

COMMISSIONER DEL VALLE: So moved.

CHAIRMAN SCOTT: Is there a second?

COMMISSIONER MCCABE: Second.

CHAIRMAN SCOTT: Moved by Commissioner del Valle. Second by Commissioner McCabe.

Any discussion?

(No response.)

"Aye."

("Ayes" heard.)

CHAIRMAN SCOTT: Any opposed?
(No response.)

CHAIRMAN SCOTT: Vote is 5-0, and the report is approved and should be submitted to the General Assembly.

The last item on today's agenda concerns the Commission's Annual Report to the Illinois General Assembly detailing the results of the Energy Efficiency Program Offerings of Small Multi-Jurisdictional Utilities pursuant to Section 8-408(d) of the Illinois Public Utilities Act.

Are there any comments?

(No response.)

CHAIRMAN SCOTT: Is there a motion to approve and submit the report to the General Assembly?

COMMISSIONER COLGAN: So moved.

CHAIRMAN SCOTT: Is there a second?

COMMISSIONER MCCABE: Second.

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

Any discussion?

(No response.)
CHAIRMAN SCOTT: All in favor say "Aye."

("Ayes" heard.)

CHAIRMAN SCOTT: Any opposed?

(No response.)

CHAIRMAN SCOTT: Vote is 5-0, and the report is approved and should be submitted to the General Assembly.

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

JUDGE WALLACE: No. That's all.

CHAIRMAN SCOTT: Thank you, sir.

Hearing none, this meeting stands adjourned.
CERTIFICATE OF REPORTER

STATE OF ILLINOIS  )
) ss.
COUNTY OF SANGAMON  )

I, ROBIN A. ENSTROM, a Registered Professional Reporter and Certified Shorthand Reporter within and for the State of Illinois, do hereby certify that the foregoing proceedings were taken by me to the best of my ability and thereafter reduced to typewriting under my direction; that I am neither counsel for, related to, nor employed by any of the parties to the action in which these proceedings were taken; and further that I am not a relative or employee of any attorney or counsel employed by the parties thereto, nor financially or otherwise interested in the outcome of the action.

_______________________________
ROBIN A. ENSTROM  
Illinois CSR No. 084-002046