BEFORE THE
ILLINOIS COMMERCE COMMISSION

PUBLIC UTILITY SPECIAL OPEN MEETING

Chicago, Illinois
August 30, 2010
Met, pursuant to notice, at 10:30 a.m.

BEFORE:

MR. MANUEL FLORES, Acting Chairman

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

MS. LULA. M. FORD, Commissioner

MR. SHERMAN J. ELLIOTT, Commissioner
(via videoconference)

MR. JOHN T. COLGAN, Acting Commissioner
(via videoconference)

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ACTING CHAIRMAN FLORES: Is everyone ready in Springfield?

COMMISSIONER ELLIOTT: We are.

ACTING CHAIRMAN FLORES: Pursuant to the provisions of the Illinois Open Meetings Act, I now convene this Special Open Meeting of the Illinois Commerce Commission. With me in Chicago are Commissioners Ford and O'Connell-Diaz, and with us in Springfield are Commissioners Elliott and Colgan. I am Acting Chairman Flores.

We have a quorum.

Before moving into the agenda, according to Section 1700.10 of the Illinois Administrative Code, this is the time we allow for 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 Commission's Open Meeting. According to the Chief Clerk's Office, we have no requests to speak at today's Special Open Meeting.

We have five items on the agenda for
today's meeting. The first two items can be taken together. These items concern investigations by the Commission regarding compliance with the Energy Efficiency Standard Requirement of Section 8-103 of the Public Utilities Act for both ComEd and Ameren.

Pursuant to the Commission's Orders in Docket Nos. 07-0539 and 07-0540, Staff is requesting that the Commission enter and issue Orders so that proceedings maybe initiated ensuring the utility's compliance with their statutory energy efficiency requirements for year two of the Energy Efficiency Programs.

Is there any discussion?

(No response.)

Is there a motion to enter the Initiating Orders?

COMMISSIONER O'CONNELL-DIAZ: So moved.

ACTING CHAIRMAN FLORES: I will second that.

Its been moved and seconded.

All in favor say "aye."

(Chorus of ayes.)

Any opposed?
(No response.)

The vote is 5-0 and the Initiating Orders are entered.

Up next is the Commission's Report to the General Assembly regarding the proposed Tenaska Taylorville Energy Center. The Commission held a Joint Policy Committee Meeting on this subject on August 12th and must send its analysis of Tenaska's Facility Cost Report to the General Assembly by this Thursday September 2nd. We have developed a comprehensive report through input from our Staff, from our consultant, Boston Pacific, and its subcontractor, MPR Associates and from individual Commissioners and their offices.

While we are voting to send the report to the General Assembly today, the actual Report will not be provided to the General Assembly until September 1st. So copies will not be made available for the general public until at least at that time.

Is there any discussion on the Tenaska Report?

COMMISSIONER O'CONNELL-DIAZ: Chairman, I just
have one question and I think it will go to Staff.

Is Mr. Feeley or --

MR. FEELEY: Yes.

COMMISSIONER O'CONNELL-DIAZ: You may be the person that I need to grill. With regard to this report, I noticed that there are confidential items that have been looked at and could you describe for me the process that that information was, in fact, marked confidential or determined to be confidential.

MR. FEELEY: As part of BP and MPR's report, the only thing confidential from them is these workpapers that, I think, are tabbed 9. In the report there were three footnotes that cited some confidential workpapers of BP's and we have reworked the wording on that so that we're not relying upon anything that is not public. So there were some final edits done over the weekend --

COMMISSIONER O'CONNELL-DIAZ: Are these documents relying upon information that Tenaska has marked confidential at any point in time?

MR. FEELEY: For the BP workpapers, that would be my guess. And Tenaska and BP came to an agreement
on what would be confidential. There was certain
information that just had to be confidential and that
has been redacted out of BP's redacted report that
will be an attachment to the --

COMMISSIONER O'CONNELL-DIAZ: So the progeny of
the confidential information could, in some
instances, be information that Tenaska has marked and
they've come to some agreement with BP with regard to
keeping that confidential?

Would that be fair?

MR. FEELEY: Yeah, but the Report is written in
such a way that anything that's being relied upon is
public. There isn't a public and private
confidential version of the Commission Report, it's
all public. And they were able to narrow it down to
a small set of workpapers.

COMMISSIONER O'CONNELL-DIAZ: I just get
concerned when there's information that needs to be
relied upon and it's in a confidential situation. I
just needed to understand how that was derived.
Thank you.

MR. FEELEY: Sure.
ACTING CHAIRMAN FLORES: Very well.

Before I make a motion to proceed in sending the Report to the General Assembly, are there any other questions or comments?

(No response.)

Very well.

I wanted to thank everyone who has participated in this effort and wanted to thank, again, Commissioner Ford for moving forward in convening the Policy Committee Meeting that we held earlier this month in August.

I believe it is worth mentioning, again, and underscoring that our Report is an analysis focusing on a comparison of the costs associated with the electricity generated by the initial clean coal facility to the costs associated with electricity generated by other types of generation facilities; an analysis of rate impacts on residential and small business customers over the life of the sourcing agreement; and an analysis of likelihood that the initial clean coal facility will commence commercial operation by and be delivering
power to the facilities busbar by 2016. I was quoting directly from the Section 1-75(d)4(i)(i) of the IPA Act which has given us the direction and instructions by which to develop this Report.

Now, it is also important to note that we were not just limited to those factors, that we also had the jurisdiction to consider other matters and at that one of particular importance to this Commission was, again, looking at the importance of inclusion and making sure that we had a diverse workforce as well as a diverse contractor force in whatever project moves forward.

In addition to that, our Report provides an analysis. It is not intended to be -- it should not be considered as either an endorsement or as a statement of nonsupport or an opposition. We were tasked with providing an analysis on what Tenaska presented to the ICC for review based on our legislative mandate. So I want to make sure that that is also clear. We are not here for providing a thumbs up or thumbs down. We have undertaken a very thorough analysis.
I also want to, at this time, thank all of our staff for their hard work. I want to thank Richard Zuraski, John Feeley, Gene Beyer, and all of the many others who did a great job. And we are very fortunate that the ICC has so many talented people to be able to provide the level of expertise that we all believe here was included in the Report.

So with that being said, I'm making a motion to send the report to the General Assembly.

Is there a second?

COMMISSIONER FORD: Second.

ACTING CHAIRMAN FLORES: It's been moved and seconded.

All in favor say "aye."

(Chorus of ayes.)

Any opposed?

(No response.)

The vote is 5-0 and the Report will be sent to the General Assembly.

As I indicated earlier, this Report is -- we are acting on this Report so that we make our deadline as requested by the General Assembly.
This report is not going to be made available until September 1st indifference to the General Assembly as they have not received a copy of this report at this point.

Moving on, our final two items for today's Special Open Meeting are both FERC items and the Commission may go into closed session to consider these matters.

I will make a motion to go into closed session.

Is there a second?

COMMISSIONER FORD: Second.

ACTING CHAIRMAN FLORES: It's been moved and seconded.

All in favor say "aye."

(Chorus of ayes.)

Any opposed?

(No response.)

The vote is 5-0 and now we will go into closed session.
Whereupon, the following proceedings were had in a closed session.)

(Whereupon, the following proceedings were in an open session.)

ACTING CHAIRMAN FLORES: Let me know when we're ready to go in Springfield.

COMMISSIONER ELLIOTT: We are ready.

ACTING CHAIRMAN FLORES: In closed session the Commission discussed a pair of FERC matters. The first of these items concerns a Motion for Clarification to be filed in Docket No. ER10-1361.

Is there a motion to file the Motion for Clarification?

COMMISSIONER O'CONNELL-DIAZ: So moved.

COMMISSIONER ELLIOTT: Second.

ACTING CHAIRMAN FLORES: Its been moved and seconded.

All in favor say "aye."

(Chorus of ayes.)

Any opposed?
The vote is 5-0 and the Motion for Clarification will be filed with the FERC.

The second item concerns filing comments in Docket No. EL10-80.

I will make a motion to file these comments.

Is there a second?

COMMISSIONER O'CONNELL-DIAZ: Second.

ACTING CHAIRMAN FLORES: It's been moved and seconded.

All in favor say "aye."

(Chorus of ayes.)

Any opposed?

(No response.)

The vote is 5-0 and the comments will be filed with FERC.

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

JUDGE WALLACE: No, there are not.

ACTING CHAIRMAN FLORES: Hearing none, this meeting stands adjourned.
(And those were all the proceedings had.)