BEFORE THE

ILLINOIS COMMERCE COMMISSION

BENCH SESSION

(TRANSPORTATION)

Springfield, Illinois

Wednesday, August 14, 2013

Met, pursuant to notice, at 10:30 a.m., Illinois Commerce Commission, 527 East Capitol Avenue, First Floor, Springfield, Illinois.

PRESENT:

MR. DOUGLAS P. SCOTT, Chairman
MS. ANN McCABE, Commissioner
MS. SHERINA MAYE, Acting Commissioner
(Via videoconference)
MR. MIGUEL DEL VALLE, Acting Commissioner
(Via videoconference)

MIDWEST LITIGATION SERVICES
By: Rhonda Rhodes Bentley, Reporter
License No. 084-002706
CHAIRMAN SCOTT: Pursuant to the provisions of the Open Meetings Act, I now convene a regularly scheduled Bench session of the Illinois Commerce Commission. With me in Springfield is Commissioner McCabe. With us in Chicago are Acting Commissioner Del Valle and Acting Commissioner Maye. I am Chairman Scott. 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 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 first to the Transportation agenda, Items RR-1 through RR-3 can be taken together. These items are stipulated agreements seeking authorization for safety improvement projects at highway-rail grade crossings in Illinois. In each case our transportation counsel recommends entry of a
Supplemental Order granting each parties' requested relief.

Is there any discussion?

(No response.)

Is there a motion to enter the Supplemental Order?

COMMISSIONER McCabe: So moved.

CHAIRMAN Scott: Is there a second?

ACTING COMMISSIONER Del Valle: Second.

CHAIRMAN Scott: It's been moved and seconded. All in favor say aye.

(A chorus of ayes.)

Any opposed?

(No response.)

The vote is four to nothing, and the Supplemental Orders are entered. We will use this four to nothing vote for the remainder of the Transportation agenda unless otherwise noted.

Items RR-4 and RR-5 can be taken together. These items are Petitions for authorization and funding to construct safety improvement projects at highway rail-grade crossings in Ford and Will
Counties. In both cases ALJ Kirkland-Montaque recommends entry of a Supplemental Order granting the requested relief.

Is there any discussion?
(No response.)

Any objections?
(No response.)

Hearing none, the Supplemental Orders are entered.

On to Motor Carriers, Item MC-1 is a stipulated settlement agreement concerning alleged violations of the Illinois Commercial Transportation Law by Town & Country Towing. Our transportation counsel recommends entry of an Order accepting the settlement agreement.

Is there any discussion?
(No response.)

Any objections?
(No response.)

Hearing none, the Order is entered.

Item MC-2 is Terrance Smith's application for an Operator's Employment Permit
pursuant to Section 5/18a-403 of the Illinois
Commercial Relocation of Trespassing Vehicles Law.
ALJ Kirkland-Montaque recommends entry of an Order
dismissing the proceeding without prejudice.

Is there any discussion?
(No response.)
Any objections?
(No response.)
Hearing none, the Order is entered,
and the proceeding is dismissed.

On to Collateral Recovery, Item CR-1
is Theodore DuFour's application for a Class "E"
Recovery Permit pursuant to Section 45 of the
Collateral Recovery Act. ALJ Kirkland-Montaque
recommends entry of an Order granting the permit.

My office with the assistance of the
offices of Commissioner McCabe and Acting Commissioner
Maye had proposed some edits to the Order.
As you may have seen in past weeks,
we've been carefully examining each applicant's
background to determine if they're fit to hold a
repossession permit. The applicant in this case has
an extensive criminal history, which involves very serious offenses as well as offenses which relate directly to his work as a repossession. The Commission understands that many of the offenses were committed a long time ago and appreciates that the applicant wants to work as a repossession to support his family. However, when making a decision as to whether to grant a Recovery Permit, it's impossible for us to ignore a list of offenses that includes aggravated battery, illegal possession of a weapon, resisting a police officer, possession of a stolen vehicle, grand larceny, and insurance fraud, which involved the destroying of property in order to file a fraudulent insurance claim. In addition, the applicant was convicted of three additional offenses since his release from prison, all of which directly relate to the job of repossession. While the applicant provided explanations for each of these offenses, they did not provide sufficient assurance to the Commission that the applicant will not continue this behavior. As a result, these revisions would recommend changing the ultimate conclusion and recommending that the
application be denied.

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

COMMISSIONER McCabe: Second.

CHAIRMAN Scott: It's been moved and seconded. Any discussion on the edits?

(No response.)

All in favor say aye.

(A chorus of ayes.)

Any opposed?

(No response.)

The vote is four to nothing, and the revisions are adopted.

Any other discussion on this matter?

(No response.)

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

ACTING COMMISSIONER Maye: So moved.

CHAIRMAN Scott: Is there a second?

COMMISSIONER McCabe: Second.

CHAIRMAN Scott: It's been moved and seconded. All in favor say aye.
(A chorus of ayes.)

Any opposed?

(No response.)

The vote is four to nothing, and the Order as amended is entered.

Item CR-2 is Marcus D. Harris' application for a Class "EE" Recovery Permit pursuant to Section 45 of the Collateral Recovery Act. ALJ Kirkland-Montaque recommends entry of an Order granting the permit.

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the Order is entered.

We have one administrative matter on the agenda today, Item AM-1 is a resolution designating a new member to the Merit Advisory Board for purposes of interviewing and recommending new Commerce Commission police officers.

Is there any discussion?

(No response.)
Is there any objection to adopting the resolution?

(No response.)

Hearing none, the resolution is adopted.

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

MR. MATRISCH: No, Mr. Chairman. Thank you very much.

CHAIRMAN SCOTT: Thank you, sir.

Hearing none, that concludes today's Transportation agenda.

(Which were all the proceedings had for the Transportation agenda.)