BEFORE THE

ILLINOIS COMMERCE COMMISSION

BENCH SESSION

(SPECIAL OPEN MEETING)

Wednesday, September 3, 2014

Chicago, Illinois

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

PRESENT:

DOUGLAS P. SCOTT, Chairman

JOHN T. COLGAN, Commissioner

ANN MCCABE, Commissioner

SHERINA E. MAYE, Commissioner

MIGUEL DEL VALLE, Commissioner

SULLIVAN REPORTING COMPANY, by
PATRICIA WESLEY
CSR NO. 084-002170
CHAIRMAN SCOTT: Good afternoon, Commissioner.

How are you?

COMMISSIONER COLGAN: I'm fine now, Chairman.

CHAIRMAN SCOTT: Is everything ready in Springfield?

COMMISSIONER COLGAN: Yes, I think we are all ready here.

CHAIRMAN SCOTT: Okay. Pursuant to the provisions of the Opening Meetings Act, I now convene a Special Open Meeting of the Illinois Commerce Commission. With us in Springfield is Commissioner Colgan. With us in Chicago is Commissioner McCabe, Commissioner del Valle and 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 meeting.

The first matters of business on today's agenda concern the approval of minutes from our August 5th Regular Open Meeting, August 13th Bench Session, and August 19th Regular Open Meeting as well as the transcript from our August 18th 111(d) Policy Session. I understand amendments have been forwarded.

Is there a motion to amend all sets of minutes and the policy session transcript?

COMMISSIONER McCabe: So move.

CHAIRMAN Scott: Is there a second?

COMMISSIONER Maye: Second.

CHAIRMAN Scott: It's been moved by Commissioner McCabe and seconded by Commissioner Maye.

All in favor, say aye.

(Chorus of ayes.)

Any opposed?

(No response.)

The vote is 5 to nothing and the amendments are adopted.
Is there a motion to approve the minutes and transcript as amended?

COMMISSIONER MAYE: So moved.

CHAIRMAN SCOTT: Is there a second?

COMMISSIONER del VALLE: Second.

CHAIRMAN SCOTT: It's been moved by Commissioner Maye and seconded by Commissioner del Valle.

All in favor, say aye.

(Chorus of ayes.)

Any opposed?

(No response.)

The vote is 5 to nothing and the August 5th Regular Open Meeting, August 13th Bench Session, and August 19th Regular Open Meeting minutes as well as the transcript from our August 18th 111(d) Policy Session, as amended, are approved.

Moving on to Item 5 is Ameren's filing proposing tariff revisions reflecting treatment of advanced metering refusals and requests for electric service non-standard metering. Staff recommends that we approve the revisions by not suspending the
filing.

Is there a motion not to suspend the filing?

COMMISSIONER McCabe: Move.

CHAIRMAN Scott: Is there a second?

COMMISSIONER del Valle: Second.

CHAIRMAN Scott: It's been moved by Commissioner McCabe and seconded by Commissioner del Valle.

All in favor, say aye.

(Chorus of ayes.)

Any opposed?

(No response.)

The vote is 5 to nothing and the filing is not suspended.

We will use this 5 to nothing vote for the remainder of today's Special Open Meeting agenda unless otherwise noted.

Item 6 is ComEd's filing proposing a revision to its Rider AC, Residential Air Conditioner Load Cycling Program. Staff recommends that we approve the revision by not suspending the filing.
Is there any discussion?
(No response.)

Any objections?
(No response.)

Hearing none, the filing is not suspended.

Item 7 is Docket No. 14-0506. This is ComEd's Petition for Special Permission to file and put into effect on less than 45 days notice revisions to its Rider PORCB, Purchase of Receivables and Consolidated Billing. Staff recommends that ComEd's Petition for Special Permission be granted.

Is there any discussion?
(No response.)

Any objections?
(No response.)

Hearing none, ComEd's Petition for Special Permission is granted.

Item 8 is Docket No. 11-0375. This is Ameren's complaint against Egyptian Electric Cooperative Association under the Electric Supplier
Act alleging that Respondent had improperly initiated electric service to a customer in Perry County that Complainant is entitled to serve. It appears the parties have settled their differences and filed a joint stipulation for dismissal. ALJ Albers recommends that we dismiss the docket with prejudice through an appropriate docket entry.

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the proceeding is dismissed with prejudice.

Item 9 is Docket No. 12-0190. This is Egyptian Electric Cooperative Association's complaint against Ameren Illinois for exclusive service rights under the Electric Supplier Act. It appears the parties have settled their differences and filed a joint stipulation for dismissal.

ALJ Albers recommends that we dismiss the docket with prejudice through an appropriate docket entry.
Is there any discussion?
(No response.)

Any objections?
(No response.)

Hearing none, the proceeding is dismissed with prejudice.

Item 10 is Docket No. 14-0054. This is our citation proceeding against Utilities Analyses for their failure to file a Compliance Recertification Report required by 83 Ill. Adm. Code 545.110. Respondent has now filed its compliance reports for 2012 and 2013 and accordingly, ALJ Dolan recommends that the matter be dismissed with prejudice.

Is there any discussion?
(No response.)

Any objections?
(No response.)

Hearing none, the proceeding is dismissed with prejudice.

Item 11 is Docket No. 14-0425. This is Spark Energy's petition for the confidential and
or proprietary treatment of its 451 Continuing Compliance Report. ALJ Kimbrel recommends entry of an Order granting the requested relief for a period of two years.

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the Order is entered.

Items 12 through 15 can be taken together. These items are Applications for Licensure of Agents, Brokers and Consultants under Section 16-115C of the Public Utilities Act. In each case ALJ Kimbrel recommends entry of an Order granting the requested relief.

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the Orders are entered.

Item 16 is Docket No. 14-0254. This is D&M Electrical's application for Certification to
Install, Maintain or Repair Electric Vehicle Charging Station Facilities under Section 16-128A of the Public Utilities Act. Based on the applicant's failure to respond to the ALJ's requests for additional information, it appears that the applicant does not wish to pursue the certification. ALJ Benn recommends entry of an Order dismissing the docket for want of prosecution, without prejudice.

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the proceeding is dismissed.

Items 17 through 19 can be taken together. These items are applications for Certification to Install, Maintain or Repair Electric Vehicle Charging Station Facilities under Section 16-128A of the Public Utilities Act.

In each case ALJ Benn recommends entry of an Order granting the requested certificate.

Is there any discussion?
Any objections?

(No response.)

Hearing none, the Orders are enter ed.

Item 20 is Ameren's filing proposing tariff revisions reflecting treatment of advanced metering refusals and requests for gas service non-standard metering. Staff recommends that we approve the revisions by not suspending the filing.

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the filing is not suspended.

Item 21 is Docket No. 13-0584. This is Shirley A. Armour's complaint against Peoples Gas as to billing/charges in Chicago. ALJ Haynes recommends entry of an Order denying the complaint but directing Peoples to remove late charges and interest from the balance due and to restore
Ms. Armour's credit.

Is there any discussion?
(No response.)

Any objections.
(No response.)

Hearing none, the Order is entered.

Item 22 is Docket No. 14-0219. This is Ameren's petition to implement a refund to Rider S and T customers located in the Rate Zone II Service Territory after discovering an error with respect to meter measuring withdrawals at one of its storage fields. A number was transposed in the original Order which granted Ameren approval to implement the refund process and as a result ALJ Yoder recommends entry of an Amendatory Order making that correction.

Is there any discussion?
(No response.)

Any objections?
(No response.)

Hearing none, the Amendatory Order is entered.

Item 23 is Docket No. 13-0659. This
is our citation proceeding against CSP Telecom for
its failure to maintain its corporate status.

ALJ Benn recommends entry of an Order canceling and
revoking respondent's certificates of service
authority.

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the Order is entered.

Item 24 is Docket No. 14-0454. This
is Access Point's application for Certificate of
Wireless Authority to Operate as a Reseller of
Telecommunications Services in the AT&T and Verizon
footprints in the State of Illinois. ALJ Riley
recommends entry of an Order granting the requested
certificate.

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the Order is entered.
Item 25 is Docket No. 14-0464. This is Block Line Systems' application for a Certificate of Local Exchange Service Authority and Certificate of Service Authority to Resell Local and Interexchange Telecommunications Services within the State of Illinois and for a Certificate of Interexchange Service Authority to Provide Resold Facilities-Based Interexchange Services within the State of Illinois. ALJ Riley recommends entry of an Order granting the requested relief.

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the Order is entered.

Item 26 is Docket No. 13-0713. This is IL-CLEC LLC's application for the cancellation of certain certificates of service authority. ALJ Riley recommends entry of an Order cancelling petitioner's Certificate of Interexchange Service Authority, Certificate of Service authority, and Certificate of Exchange Service Authority and
directing petitioner to file its 2014 annual report within 60 days of the date of the Order.

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the Order is entered.

Items 27 and 28 can be taken together.

These items are petitions for the confidential and/or proprietary treatment of petitioners' varied annual reports. In both cases the ALJ recommends entry of an Order granting the requested relief for a period of two years.

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the Order is entered.

Item 29 is Docket No. 14-0446. This is UTAC's petition for a determination of the amount and form of supplemental assistance to be provided by local exchange telecommunications carriers,
pursuant to 83 Ill. Adm. Code Section 757.200(b). ALJ Riley recommends entry of an Order granting the petition for determination of the amount of supplemental assistance.

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the Order is entered.

Item 30 is Docket No. 14-0419. This is Aqua Illinois' proposed general increase in water rates for the Kankakee service territory. The Commission's investigation in this matter has not been concluded and it is necessary, therefore, to extend the period of suspension for a further period of six (6) months.

Is there any discussion?

(No response.)

Any objections to entry of a resuspension Order?

(No response.)

Hearing none, the Order is entered.
Item 31 is Docket No. 13-0696. This is our rulemaking proceeding to amend the Commission's rules on appearances by out-of-state attorneys in Commission proceedings, to make the Commission's rules consistent with a 2013 amendment to rules of the Supreme Court of Illinois. ALJ Wallace recommends entry of a Second Notice Order.

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the Order is entered.

Item 32 is Docket No. 14-0496. This is Wisconsin Energy Corporation, Integrys Energy Group, Inc., Peoples Energy, LLC, The Peoples Gas, Light and Coke Company, North Shore Gas Company, ATC Management, Inc., and American Transmission Company LLC's application pursuant to Section 7-204 of the Public Utilities Act for authority to engage in a Reorganization, to enter into agreements with affiliated interests pursuant to Section 7-101, and for such other approvals as may be required under
the Public Utilities Act to effectuate the Reorganization.

I have asked that this item be placed on the agenda today, because the combination of this docket with the Peoples' and North Shore pending rate case presents interesting issues of timing and substance.

The rate case will necessarily include analysis of the financial condition and capital structure of Peoples and North Shore, and their parent corporation, Integrys. However, the same time, Integrys, Peoples and North Shore are parties to 14-0496, the reorganization case involving Wisconsin Energy Corporation.

If the reorganization goes through, then the evidence in the rate case concerning Peoples' and North Shore's financial condition will be incorrect going forward, as it would be very difficult to believe that a reorganization of this sort would not be influenced, one way or another, by the financial condition and capital structure of Wisconsin Energy Corporation.
In a perfect world, we would probably just hold the rate case until the reorganization case is completed; however, the statutory deadlines will not allow us to do that, and we also cannot presume that the reorganization will be approved here and in the other states that must rule on it.

But I'm also not comfortable with proceeding while knowing that a substantial piece of the rate case is based on what will be a legal fiction if the reorganization is approved.

My suggestion, therefore, is that the rate case must proceed, but that this issue of changed capital circumstances is dealt with in some other manner, either in the reorganization on in some other proceeding before the Commission.

While this may sound unusual, to me it seems to not be different from other reorganizations, where we have imposed conditions concerning rate freezes, refunds or the timing of future rate cases; nor from subsequent proceedings to rate cases, where we have dealt with changed circumstances.
It would be my hope that the parties to the reorganization and/or rate cases take these issues into account and provide evidence in some proceeding that will allow the Commission to take the impact of the reorganization into account as we decide what is best for the ratepayers of Peoples and North Shore in these matters. Of course, it goes without saying that we make no representation about what this impact will be, or about the decisions concerning the reorganization. We simply don't know what that impact would be, and that is the point.

Commissioners, comments on this.

Commission del Valle.

COMMISSIONER del VALLE: Mr. Chairman, I appreciate your making the statement you just made. For the record, the Wisconsin Energy folks have been telling us this acquisition is one that would benefit customers and shareholders, and their own materials, and I'm reading from their own materials, indicate that there's financially compelling reasons for both companies and shareholders. Increased
scale with higher concentration of regulated
holdings expected to deliver a strong, stable,
combined financial profile. That's what their
materials indicate.

So I think it's fair to assume that
there will be a change in the financial status and
that it will be important for that change to be
addressed and to be factored in as we deal with
rates, and so I agree with you wholeheartedly that
this has to be addressed either by way of
negotiations that lead to the merger proposal being
approved or the Commission taking the matter up in
some way.

I'm not also going to be making
assumptions here as to what the results will be of
this process, but I think it's only fair to the
ratepayers that there be a re-examination in the
process that insures that the rates are fair and
reasonable.

CHAIRMAN SCOTT: Further discussion?

COMMISSIONER COLGAN: Chairman --

CHAIRMAN SCOTT: Commissioner Colgan.
COMMISSIONER COLGAN: -- I agree with this, and I agree with what Commissioner del Valle said, and what you said, and I don't have much to add to it, other than I want to thank you for bringing this to our attention, and I do believe that it's something that we need to keep a close eye on as these issues move forward.

CHAIRMAN SCOTT: Thank you, Commissioner Colgan.

Commissioner Maye.

COMMISSIONER MAYE: In light of their comments, Mr. Chairman, as well as Commissioner del Valle, I do believe that it would probably behoove the parties to provide any documentation and to submit evidence in this particular information docket that would give us insight to the financial status and outlook of Wisconsin Energy, and, again, I also agree that with such a change being made, we need to make sure that our consumers, obviously, are being prepared, so I think that it would behoove the parties to probably submit documentation in this docket in regard to the financial status of Wisconsin Energy.
CHAIRMAN SCOTT: Thank you all for your comments.

Moving on in the agenda, Item 33 is Docket No. 07-0566. This is ComEd's proposed general increase in electric rates. The Commission previously entered an Order on Remand in this proceeding which did the following:

(1) directed ComEd to pay to customers a refund of $36.7 million (rounded), with interest calculated as indicated in the Order; (2) to be paid over eight consecutive monthly billing periods, with only one month of summer usage in those eight months; but (3) stayed the refund obligation pending appeal.

The Order on Remand was affirmed by the Appellate Court. ComEd has now filed a Motion to Reopen the record to address its Emergency Verified Motion requesting that the ALJ:

(1) Enter into Evidence Supplemental Testimony Supporting an Accelerated Refund; (2) Enter a Proposed Amendatory Order Approving an Accelerated Refund; and (3) Set an Expedited Schedule.

It appears that this motion has the
support of the AG and CUB and that Staff does not oppose the motion.

At this time I would move to grant ComEd's request to reopen the record so that the ALJ can consider their Emergency Motion.

Is there a second?

COMMISSIONER McCabe: Second.

CHAIRMAN SCOTT: It's been seconded by Commissioner McCabe.

Is there any discussion on this item?

(No response.)

All in favor, say aye.

(Chorus of ayes.)

Any opposed?

(No response.)

The vote is 5 to nothing and the Motion to Reopen the record is granted.

Item 34 is our Motion in Support of September 8-14, 2014 as Illinois Lifeline Awareness Week. Commissioner Colgan, would you introduce this issue and say a few words?

COMMISSIONER COLGAN: Certainly. Thank you,
Chairman. Many of us take for granted that we can pick up our phone and call our friends and our family, and stay connected with the rest of the world and that telephone service has become such a routine part of our lives that we hardly think about it any more, but imagine what it would be like if you were suddenly laid off from your job and couldn't afford to pay for your phone bill. Imagine if you worked one or two jobs and barely made enough to pay the rent and have to sacrifice telephone service.

So, unfortunately, too many people in the United States and in Illinois face this problem every day and do not have even basic telephone service.

In Illinois 4.2 percent of housing units do not have any kind of telephone service and are disconnected from friends, family, and emergency services. These consumers cannot even dial 9-1-1.

There's some good news though. Many of these consumers qualify for an assistance program called Lifeline that discount a portion of their
telephone service. Lifeline provides savings to qualified customers on basic monthly telephone services.

The FCC, the UTAC, NARUC, NASUCA, The Illinois Governor's Office and other state and federal agencies, cities, counties, and organizations have committed to increasing awareness about the viability of Lifeline Programs and are committed to encouraging eligible citizens to sign up for the program.

I'm sponsoring this resolution stating that the Illinois Commerce Commission supports the week of September 8th through the 14th of 2014 as Lifeline Awareness Week. It encourages all eligible customers to consider the Lifeline Program to insure that all residents have access to basic telephone service in order to stay in contact with the emergency services, community resources, friends and family.

I'm asking the Commission for your support of this resolution and I also want to bring to your attention that Governor Quinn has issued a
proclamation declaring that September 8th through the 14th of 2014 is Lifeline Awareness Week in Illinois.

So, Mr. Chairman and Commissioners, I move that the Commission adopt a resolution in support of September 8th through the 14th as Lifeline Awareness Week in Illinois, and I offer that as a motion.

CHAIRMAN SCOTT: Thank you, Commissioner.

Is there a second?

COMMISSIONER MAYE: Second.

CHAIRMAN SCOTT: Seconded by Commissioner Maye.

Any further discussion?

COMMISSIONER del VALLE: Chairman.

CHAIRMAN SCOTT: Commissioner del Valle.

COMMISSIONER del VALLE: Commissioner, thank you for bringing this resolution.

I also encourage our staff, as I would the folks in the Governor's Office, to aggressively promote this Lifeline Awareness Week by going beyond just issuing a press release and just making as
many contacts as possible with media folks across the state so that we can get more coverage of this, because I think it's great to announce these awareness weeks, but if they don't go beyond the folks who have to work and don't go beyond just issuing a press release, then we don't get the outcome that we're looking for, and that is increased participation in these very important programs.

CHAIRMAN SCOTT: Any discussion?

(No response.)

It has been moved and seconded. All in favor of the resolution, say aye.

(Chorus of ayes.)

Any opposed?

(No response.)

The vote is 5 to nothing and the resolution is adopted.

Commissioner Colgan, thanks very much for bringing this resolution to us.

Item 35 is FERC Docket No. ER14-2619:

ICC Comments regarding the August 7, 2014 Compliance
Filing made by Illinois Power Marketing. This is a matter which concerns pending litigation, so we will go into closed session to address it.

Is there a motion to go into closed session?

COMMISSIONER COLGAN: Move.

CHAIRMAN SCOTT: Is there a second?

COMMISSIONER McCABE: Second.

CHAIRMAN SCOTT: It's been moved by Commissioner Colgan and seconded by Commissioner McCabe. All in favor, say aye.

(Chorus of ayes.)

Any opposed?

(No response.)

The vote is 5 to nothing and the Commission will now go into closed session. Please let me know when the room is ready in Springfield.

(At this point, pages 30-38 of the proceedings are contained in a separate closed transcript.)
We will now go into the Open Session for an authorizing vote. Is there a motion to go into Open Session?

COMMISSIONER del VALLE: So move.

CHAIRMAN SCOTT: Is there a second?

COMMISSIONER MAYE: Second.

CHAIRMAN SCOTT: Moved by Commissioner del Valle and seconded by Commissioner Maye.

All in favor, say aye.

(Chorus of ayes.)

Any opposed?

(No response.)

The vote is 5 to nothing. The Commission will now go into Open Session. Let me know when the room is ready in Springfield.

COMMISSIONER COLGAN: I take it nobody's coming back.

CHAIRMAN SCOTT: Is it something you said or what?

COMMISSIONER COLGAN: Yes. Right. We are ready to go here.

CHAIRMAN SCOTT: In closed session, the

Is there a motion to file the comments with FERC?

COMMISSIONER COLGAN: So move.

CHAIRMAN SCOTT: Is there a second.

COMMISSIONER McCabe: Second.

CHAIRMAN SCOTT: It's been moved by Commissioner Colgan and seconded by Commissioner McCabe.

Discussion?

(No response.)

All in favor, say aye.

(Chorus of ayes.)

Any opposed?

(No response.)

The vote is 5 to nothing and the filing will be made with FERC.

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

JUDGE WALLACE: Nothing further today.

Mr. Chairman, I will be sending out a draft calendar
so we can get started for 2015.

CHAIRMAN SCOTT: Very good. Thank you, sir.

Hearing nothing more to come before the Commission today,, this meeting stands adjourned. Thank you, Everyone.

(Whereupon, the above matter was adjourned.)