BEFORE THE
ILLINOIS COMMERCE COMMISSION

BENCH SESSION
(PUBLIC UTILITY)

Springfield, Illinois
Wednesday, September 18, 2013

Met, pursuant to notice, at 10:30 a.m., in
the Audiovisual Conference Room, Second Floor,
Leland Building, 527 East Capitol Avenue,
Springfield, Illinois.

PRESENT:

MR. DOUGLAS P. SCOTT, Chairman
(Via phone)

MR. JOHN T. COLGAN, Commissioner

MS. ANN McCABE, Commissioner

MR. MIGUEL DEL VALLE, Acting Commissioner
(Via video)

MR. SHERINA E. MAYE, Acting Commissioner

MIDWEST LITIGATION SERVICES, by
Angela C. Turner, Reporter
CSR #084-004122
COMMISSIONER COLGAN: Pursuant to the provisions of the Open Meetings Act, I now convene a regularly scheduled Bench Session of the Illinois Commerce Commission. With us in Chicago is Acting Commissioner del Valle. With me in Springfield are Commissioner McCabe and Acting Commissioner Maye. I am Commissioner Colgan and we have a quorum.

We should also have Chairman Scott on the phone.

Chairman Scott, are you there?

CHAIRMAN SCOTT: I am here. Good morning.

COMMISSIONER COLGAN: Good morning.

Under the Commission rules, we will have to vote to allow Chairman Scott to participate on the phone.

I move to allow Chairman Scott's participation by phone.

Is there a second?

COMMISSIONER McCabe: Second.

COMMISSIONER COLGAN: It's been moved and seconded.

All in favor of the motion say aye.

(Chorus of ayes.)
COMMISSIONER COLGAN: Any opposed?

(No response.)

COMMISSIONER COLGAN: The vote is four to zero, and Chairman Scott may participate in today's meeting by phone.

Before moving into the agenda, according to Section 1700.10 of Title II 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.

(The Transportation portion of the proceedings was held at this time and is contained in a separate transcript.)

COMMISSIONER COLGAN: Moving on to the Public Utility Agenda, Item E-1 is our reconciliation of Ameren and ComEd's revenues collected under their power procurement riders with actual costs associated with power procurement expenditures.

Our Commission Staff recommends entry of
an Order commencing the reconciliation proceeding.

Is there any discussion?

(No response.)

COMMISSIONER COLGAN: Is there a motion to enter the Order?

COMMISSIONER McCABE: So moved.

COMMISSIONER COLGAN: Is there a second?

ACTING COMMISSIONER MAYE: Second.

COMMISSIONER COLGAN: It's been moved and seconded.

Is there any further discussion?

(No response.)

COMMISSIONER COLGAN: All in favor say aye.

(Chorus of ayes.)

COMMISSIONER COLGAN: Any opposed?

(No response.)

COMMISSIONER COLGAN: The vote is five to zero, and the Order is entered.

We will use this five to zero vote for the remainder of today's Public Utility Agenda unless otherwise noted.

Item E-2, which is our reconciliation of revenues collected under ComEd's Rider EDA with actual costs associated with energy efficiency and
demand response programs.

Commission Staff recommends entry of an Order commencing the reconciliation proceeding.

Is there any discussion?

(No response.)

COMMISSIONER COLGAN: Any objections?

(No response.)

COMMISSIONER COLGAN: Hearing none, the Order is entered.

Item E-3 is our reconciliation of revenues collected under Ameren's Rider EDR with the actual costs associated with energy efficiency and demand response plans and Ameren's Rider GER with the actual costs associated with natural gas energy efficiency plans.

The Commission Staff recommends an entry of Order commencing the reconciliation proceeding.

Is there any discussion?

(No response.)

COMMISSIONER COLGAN: Any objections?

(No response.)

COMMISSIONER COLGAN: Hearing none, the Order is entered.

Item E-4 is EMR Number 13-042. This is
ComEd's filing to cancel its Rider CLR Capacity Based Load Response and System Reliability, because it is no longer operational.

Staff recommends that the filing not be suspended.

Is there any discussion?

(No response.)

COMMISSIONER COLGAN: Any objections?

(No response.)

COMMISSIONER COLGAN: Hearing none, the filing is not suspended.

Item E-5 is Docket 11-0593. This is our investigation into ComEd's compliance with the energy efficiency standards in Section 8-103 of the Public Utilities Act. ComEd has filed a request for oral argument in this case. ALJ Sainsot recommends denial of ComEd's request.

Is there any discussion regarding the request for oral argument?

CHAIRMAN SCOTT: Yes, this is Chairman. If I might, I would like us to grant the request for oral argument. I think there are a number of issues here that have both legal and factual -- that I think would be furthered by oral argument.
And so I would request that we would hold the Post-Exceptions Order for today and grant the Motion for Oral Argument. And I would so move.

COMMISSIONER COLGAN: All right. We have a motion to grant oral argument.

Is there a second?

ACTING COMMISSIONER MAYE: Second.

COMMISSIONER COLGAN: It's been moved and seconded.

Is there any further discussion?

(No response.)

COMMISSIONER COLGAN: All in favor say aye.

COMMISSIONER McCABE: Aye.

COMMISSIONER COLGAN: Any opposed?

Let's do that vote again.

All in favor say aye.

(Chorus of ayes.)

COMMISSIONER COLGAN: Any opposed?

(No response.)

COMMISSIONER COLGAN: The vote is five to zero, and oral argument is granted. The parties will receive a separate notice indicating the time, location and issues for oral argument.

And to your second point, Chairman Scott,
ALJ Sainsot recommends entry of Post-Exceptions Order. This item will be held for disposition at a future Commission session.

Item E-6, Docket Number 12-0456. This is our proceeding initiating to develop and adopt rules concerning municipal aggregation. This matter will be held for disposition at a future Commission session.

Item E-7 is Docket Number 13-0387. This is ComEd's filing for revenue-neutral changes in its rate design. Because the Commission's investigation into this matter is not concluded, Staff recommends that the filing be resuspended to and including the date of December 26, 2013.

Is there any discussion?

(No response.)

COMMISSIONER COLGAN: Any objections?

(No response.)

COMMISSIONER COLGAN: Hearing none, the filing is resuspended.

Item E-8 is Docket Number 13-0471. This is ComEd's petition pursuant to Section 7-101 of the Public Utilities Act for consent to enter into a credit agreement to which affiliated interests are
parties. ALJ Jorgenson recommends entry of an Order
granting the petition.

Is there any discussion?

(No response.)

COMMISSIONER COLGAN: Any objections?

(No response.)

COMMISSIONER COLGAN: Hearing none, the Order
is entered.

Turning now to Natural Gas, Item G-1 is
the Interstate Gas Supply's Application for
Certificate of Service Authority as an alternative
gas supplier in Illinois. ALJ Jorgenson recommends
entry of an Order granting the requested
certificate.

Is there any discussion?

(No response.)

COMMISSIONER COLGAN: Any objections?

(No response.)

COMMISSIONER COLGAN: Hearing none, the Order
is entered.

On to the Telecommunications Agenda. Item
T-1 is Docket Number 13-0419. This is Century
Enterprises' application for an amendment to an
expansion of Certificate of Service authority to
operate as a reseller of facilities-based carrier of communications services in Illinois. ALJ Benn recommends entry of an Order granting requested relief.

Is there any discussion?

(No response.)

COMMISSIONER COLGAN: Any objections?

(No response.)

COMMISSIONER COLGAN: Hearing none, the Order is entered.

Item T-2 is Docket Number 13-0457. This is Gigabit Squared Chicago's Application for a Certificate of Local Exchange and Interchange Authority to operate as a reseller of telecommunication services in Illinois.

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

Is there any discussion?

(No response.)

COMMISSIONER COLGAN: Any objections?

(No response.)

COMMISSIONER COLGAN: Hearing none, the Order is entered.

On to Water and Sewer. Item W-1 is Docket
Number 13-0155. This is Aqua Illinois' petition for approval of three asset purchase agreements with Woodlawn Utilities Corporation, the Woodlawn Utilities Corporation - Sheridan Grove, and the Nordic Park Sewerage and Disposal Company. Issuance of three certificates for public convenience and necessity to operate water and/or wastewater services, and issuance of an Order approving rates, accounting entries and tariff language. ALJ Jorgenson recommends entry of an Order granting the petition.

Is there any discussion?

(No response.)

COMMISSIONER COLGAN: Any objections?

(No response.)

COMMISSIONER COLGAN: Hearing none, the Order is entered.

Item W-2 is Docket Number 13-0388. This is Aqua Illinois' proposed qualifying infrastructure plant surcharge rider. Because the Commission's investigation into this matter is not concluded, Staff recommends that the filing be resuspended to and including September 26, 2013.

Is there any discussion?
COMMISSIONER COLGAN: Any objections?
(No response.)

COMMISSIONER COLGAN: Hearing none, the filing is resuspended.

Petitions for Rehearing. We have two Petitions for Rehearing today. Item PR-1 is Docket Number 12-0569. This concerns Nicor's proposed establishment of Rider 17, purchase of receivables with consolidated billing. Retail Energy Supply Association and Interstate Gas Supply of Illinois have submitted a Petition for Rehearing, which ALJ Jorgenson recommends we deny.

Is there any discussion?
(No response.)

COMMISSIONER COLGAN: Any objections?
(No response.)

COMMISSIONER COLGAN: Hearing none, the request for rehearing is denied.

Item PR-2 is Docket Number 12-0598. This is Ameren Transmission Company of Illinois' petition for a Certificate of Convenience and Necessity pursuant to Section 8-406.1 of the Public Utilities Act. And an Order pursuant to Section 8-503 of the
Public Utilities Act to construct, operate and maintain a new high voltage transmission line and related facilities in counties across Illinois.

Appellant interveners Andrew and Stacy Robinette have filed an Application for Rehearing, which ALJ Albers and Yoder recommend that we grant.

We have ALJs Albers and Yoder at the table with us. And I believe that Commissioners have some questions for them.

COMMISSIONER McCabe: If we grant a rehearing, could the scope be limited to just the portion at question?

JUDGE ALBERS: Yes.

ACTING COMMISSIONER Maye: I think some of the -- a few of the things that were pointed out in the Order was that they had not tried to enter their testimony into evidence, they had not intervened, they had not filed any briefs up until this point.

A major concern for me is that by granting this rehearing request, as was recommended by you both, that it would result in a Pandora's box type of situation. That every other person who had a "I don't want this in my back yard" type of complaint would then filed for rehearing. And how that would
affect in the long term not only the case but the requests that come before us.

So I just wanted to know your rationale for recommending that we do grant that request.

JUDGE YODER: Just so that we're clear, they did intervene and filed pre-filed testimony with a route modification pursuant to the schedule that we ordered. And I guess you would say --

ACTING COMMISSIONER MAYE: A timely?

JUDGE YODER: Yes. They did timely intervene and filed a proposed route modification, which is a fairly minor route modification compared to others.

The route that affected them, if you look at it as a square, the proposed and adopted route would kind of come down the left side of the square and go along the bottom. They proposed taking it more from the top left to the lower right corner. That's about a half mile, I think, total of that segment that was approved. Yes, they never showed up at the hearing. They did not move their testimony into evidence.

ACTING COMMISSIONER MAYE: Right.

JUDGE YODER: They did not file any briefs or reply briefs or briefs on exceptions. And we
discussed that whether, obviously, unfamiliarity
with our process is not an excuse for not getting it
done, but because of the impact that the line would
have and the relatively minor scope of their request
on rehearing, we decided to recommend that the
Commission grant rehearing for that approximately
one half-mile section.

ACTING COMMISSIONER MAYE: Do you have any
c oncern that granting this would open the door for
others to file a request for hearing?

JUDGE ALBERS: Well, they'd have had to
intervene to begin with. Couldn't just show up now
for the first time. In this particular instance,
they're one of the few who offered an alternative
route to be considered to begin with. I would
agree, certainly, at this point, to request through
the hearing a new route, that would be too late.

ACTING COMMISSIONER MAYE: Okay.

JUDGE YODER: This became a Pandora's box at
the start, really, as many people as we had
involved. If they had not intervened and not
proposed an alternate route pursuant to the schedule
that we adopted, I don't think anyone would be
recommending that we would even consider granting
COMMISSIONER McCabe: If they're proposing to shift that portion of the line to agricultural land? Or do we know?

JUDGE ALBERS: It's generally a very rural area to begin with.

JUDGE YODER: Looks like there's some waterways or tree routes.

JUDGE ALBERS: The pink line there is what the Commission approved. And their residence, I believe, is -- I think it might be this little area that's right there.

Their suggestion -- their initial request was to have a line cut off here down this yellow line as opposed to go down the street, along this right angle. That's the entire nature of their request right there.

ACTING COMMISSIONER Maye: So that it's not in their back yard?

JUDGE YODER: It might not be in their front yard, but it might be in the back yard.

COMMISSIONER McCabe: As to the Chairman and Commissioner del Valle who can't see this, it looks like the proposed line would go through forest as
well as --

JUDGE YODER: It looks like farm fields and some timber ground.


JUDGE YODER: The longer beams are probably waterways for drainage along through the farm, right?

COMMISSIONER COLGAN: So do they own all of this land or do they just own their little spot here?

JUDGE ALBERS: There would be about four or five landowners. I don't know how it breaks out as far as the actual property lines here. But there would be about four or five of the landowners here to notify. And they claim on their application for rehearing that no one objects. I don't know that for sure. I would want to hear that on the record.

JUDGE YODER: Obviously, it appeared -- not knowing where the property lines are -- but it appears that most of those property owners were involved from the start. Would have been safe notice. Obviously, the bigger piece of timber one cuts through is involved on the southern -- I think
that's the southern edge.

JUDGE ALBERS: Yeah.

JUDGE YODER: So they would have gotten notice and probably notice again when the residents proposed their modification to the route.

JUDGE ALBERS: And granting rehearing, there's no -- we still end up on rehearing, if it's granted, approving the originally approved route. Just confirming that. So there is no indication you're going to be giving them what they want at hearing. Just to consider on the merits is all we're asking.

COMMISSIONER COLGAN: Chairman Scott, did you have questions?

CHAIRMAN SCOTT: I had a couple briefly. Thank you, your Honor. Thank you, Chairman Colgan. They were represented during this proceeding, weren't they?

JUDGE YODER: Yes, they had an attorney of record.

CHAIRMAN SCOTT: So it's not like a situation where we just have the landowners themselves. Because I take what you were saying about the end of this process not necessarily knowing. But they were represented in this case?
JUDGE YODER: Correct.

CHAIRMAN SCOTT: And is there anything in the testimony that they filed that would talk about the lowest cost or comparing that, the other, or is it more just, you know, we don't want them to have our property, so shift it a little bit off?

COMMISSIONER COLGAN: Mr. Chairman, are you still there?

CHAIRMAN SCOTT: I am still here.

My question to you is: What would the rehearing accomplish? Testimony talked about lowest cost of this versus the other line or any of the other criteria that you gentlemen looked at? The environmental, historical, all of those different things? I mean, is there any of those criteria at all in their testimony?

JUDGE ALBERS: They reference an impact on property value, limitations on their land usage, safety concerns. And but again, those would be points to evaluate on hearing if it were granted.

JUDGE YODER: They did not address cost difference between their proposal and the adopted route or historic artifacts or any of the other issues under 9 or 11 that we had in the Order.
CHAIRMAN SCOTT: And those issues that they just mentioned that they did reference about impact on property values, etc., obviously, I am guessing would have -- would also have impact on where ever the property owners are now that this line would be shifted to?

JUDGE YODER: Correct. The question which was bandied about is whether it has more of an impact on the residential property versus agricultural defense. But otherwise, the safety concerns of driving -- although if you're driving on a road under a transmission line, maybe it's a greater concern than out in the middle of a field.

Otherwise, you're correct, Chairman.

CHAIRMAN SCOTT: Okay. Thank you, gentlemen.

ACTING COMMISSIONER MAYE: Thank you both.

COMMISSIONER COLGAN: Any further discussion?

(No response.)

COMMISSIONER COLGAN: Do we have a motion to enter the Order or do we have another motion?

Anyone?

COMMISSIONER McCABE: I will move the --

Go ahead, Commissioner.

ACTING COMMISSIONER DEL VALLE: I move to
enter the Order.

JUDGE WALLACE: It would be to grant

rehearing.

ACTING COMMISSIONER DEL VALLE: To grant

rehearing.

COMMISSIONER COLGAN: We have a motion to

grant rehearing.

Is there a second?

COMMISSIONER McCABE: Second.

COMMISSIONER COLGAN: All in favor of that

motion say aye.

MS. McCABE: Aye.

COMMISSIONER COLGAN: Aye.

MR. DEL VALLE: Aye.

COMMISSIONER COLGAN: All opposed.

CHAIRMAN SCOTT: No.

ACTING COMMISSIONER MAYE: No.

COMMISSIONER COLGAN: The vote is three to
two, and the rehearing is granted. And so with

that, I think that notice should go out to all the

landowners on the affected line. And that's -- all

right.

JUDGE ALBERS: It's limited to that one little

corner there?
COMMISSIONER COLGAN: To that one, yes.

JUDGE ALBERS: Thank you.

COMMISSIONER COLGAN: Judge Wallace, are there any other matters that come before the Commission today?

JUDGE WALLACE: Not today. I did send a calendar around. And whenever everyone is ready, let me know.

COMMISSIONER COLGAN: Okay. Hearing that there are no other matters, this meeting stands adjourned.

BENCH SESSION ADJOURNED.
CERTIFICATE OF REPORTER

I, Angela C. Turner, a Certified Shorthand Reporter within and for the State of Illinois, do hereby certify that the meeting aforementioned was held on the time and in the place previously described.

IN WITNESS WHEREOF, I have hereunto set my hand and seal.

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