BEFORE THE
ILLINOIS COMMERCE COMMISSION

PUBLIC UTILITY REGULAR OPEN MEETING

Chicago, Illinois
September 29, 2009

Met pursuant to notice at 10:30 a.m.

BEFORE:
MR. CHARLES E. BOX, Chairman
MS. LULA M. FORD, Commissioner
MS. ERIN M. O'CONNELL-DIAZ, Commissioner
MR. SHERMAN J. ELLIOTT, Commissioner
(telephonically)

SULLIVAN REPORTING COMPANY, by
Tracy L. Overocker, CSR
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CHAIRMAN BOX: Is the connection working in Springfield?

COMMISSIONER ELLIOTT: It is, Mr. Chairman.

CHAIRMAN BOX: As you probably notice, we are changing things around today. We didn't think we would have Commissioner Ford with us and because of the new law, we would have to meet in a very small video conference room and that's not necessary today but she will give us a half-hour of her time before she has a flight out for other Commission business.

Pursuant to the provisions of the Illinois Open Meetings Act, I now convene a regularly scheduled open meeting of the Illinois Commerce Commission.

With me in Chicago is Commissioner O'Connell-Diaz and Commissioner Ford and joining us by phone eventually will be Commissioner Elliott.

I'm Charles Box. We have a quorum.

Before moving into the agenda, is there a motion to allow Commission Elliott to join us by phone today?

COMMISSIONER O'CONNELL-DIAZ: So moved.
CHAIRMAN BOX: Is there a second.

COMMISSIONER FORD: Second.

CHAIRMAN BOX: It's been moved and seconded.

All in favor say "aye."

(Chorus of ayes.)

Any opposed?

(No response.)

Commissioner Elliott, you are now part of this meeting. Before moving into the agenda, this is the time we allow 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 bench session. According to the Chief Clerk's Office, we have five requests to speak. Each speaker will be allotted 3 minutes. I think they're all on the same topic and I'd like to invite Twila Yednock to present first and in the past, I've been very liberal but today we will stay and directly tie it to the 3-minute limit because of the time constraints that we have or we'll all have to go into a room which is about one-tenth of this size and I don't
think we want to do that.

MS. TWILA YEDNOCK: Do you wish me to sit?

CHAIRMAN BOX: Either way, as long as the court reporter can hear you or that microphone -- that green light is on, you can push the green light.

MS. TWILA YEDNOCK: It's on.

My name is Twila Yednock and I live in Ottawa, Illinois at the confluence of the Fox and Illinois Rivers. It is of the upmost importance to the public good and in the public's best interest to have case 06-0706 reopened. Please, review this decision. It took nearly 50 pages to recap the testimony on the LaSalle at that Wedron route, yet only 3 pages are devoted to the Wedron to Ottawa segments. Yes, 3. The bottom line is that a developer's lobbyist lawyer flimflammed the City of Ottawa into a side agreement and then dragged Ameren into it. The cheapest, easiest, least disruptive and least destructive route was discarded.

I doubt the ICC has personally seen the various choices, but I assure you that running the lines down a highway right of away is a better
choice than the incredible cost of building through the Fox River Valley, running right through a dense forest, sometimes next to and always within a quarter mile of the Fox, 9 miles of trees 100 feet wide must be bulldozed and roads built for both construction and maintenance, it's a valley. Some of the terrain is steeply sloped so denuding it results in erosion, water runoffs, sludging, flooding and then massive herbicide use in order to permanently prevent the right of way from being green. Contrast that to running the lines down a highway. Trucks on that busy road don't care, but it matters to the eagles and the rest of what lives in the forest.

The railroad already has derailments due to erosion on the hillside. Imagine the disaster when there are no trees to hold that hillside. Imagine those rail cars tumbling down to the river or worse, rolling into the towers holding 138,000 volts in the air.

Is it in the public interest to choose a route that flies in the face of sense and reason that costs more that will always cost more, year
after year? Is it in the public interest to set aside the thousands of pages of evidence and let a side deal make that decision? Wrong is always going to be wrong. This mistake once made will not be easily remedied.

Old growth forest and the beauty of the Rivers' wooded sandstone bluffs cannot somehow be made to appear somewhere else. They will be gone, replaced with 90-foot poles to view from the river. You will have preserved a truck-ladened highway instead. I urge you to reopen. The public interest does require it. This decision makes a travesty of the siting process.

The chosen route is a mistake and mistakes are hard to admit, but the bigger one will be letting it stand. No one is living without power, the urgency Ameren's claims is just not there. Power for future subdivisions, for plans, will come and be welcome but you must not sacrifice this beautiful river valley in the name of unneeded and unwarranted haste.

Please, I'm asking you reopen 06-0706
in honor of the public interest.

CHAIRMAN BOX: Thank you very much.

The next speaker is Mr. Fred Morelli, Jr.

MR. MORELLI: I will wait until after our other two speakers and then I'll go last for our group, if the Commission --

CHAIRMAN BOX: That's fine.

Mr. Kirk Smith, you have 3 minutes, please.

MR. KIRK SMITH: My name is Kirk Smith and I appreciate the opportunity to comment on 06-0706. Specifically, the routing of the Ottawa-Wedron segment. I do live 35 feet from the routing and I own a business that will be affected by the routing; but due to two degrees in electrical engineering and a former employee by Indiana Power, I feel like I can well understand Ameren's needs. I went to the public hearing about this project. I was concerned enough to corner the Ameren project engineers. I asked about the proximity of homes in the Dayton area. I was told it was a horrible problem. Further, I was
told they considered the impact on the Fox River Valley. People can be reluctantly relocated but a river valley cannot, it will be destroyed forever. I was told by Ameren employees that this routing was so ridiculous that Ameren would never support it. So I quietly went home and slept well at night until I got my certified letter this spring, conveniently a few days after the appeal period had expired.

I understand that you can reopen these cases if it's in the public interest. I think it would be in the public interest to save a river valley. I spent yesterday with IDNR documenting the bald eagle habitat that would be destroyed, she was appalled to hear about this. Saturday I got a chance to speak to Governor Quinn, he didn't seem real happy about it. The Dayton Township Board and the City Council of Ottawa have passed resolutions against it. Every one that I've talked to that's considered the evidence in this case concludes that the public interest would be very well served by routing over farm fields versus destroying a river valley, a tourism destination and an economic resource for the
entire community.

Now I know that Ameren has said that reopening this case would delay the provisioning of power to the area. Please remember, though, that this line would form a redundant circuit. The Wedron substation could easily be operational after completion of only the uncontested LaSalle Wedron line providing for all anticipated power needs for the area. True, the redundancy would be delayed a period of time, but the 15 years I've lived in the area, I can't remember any outages due to lack of redundancy in this transmission system. Chances are good that a delay of even a few years would not impact the public at all. In the meantime, alternate routings can be fairly considered to have a much smaller impact to the public.

A two-stage deployment of these two lines would simply best serve the public interest and I encourage you to reopen this docket and protect the public interest in this matter. It just seems like, to me, it's the right thing to do. Thank you for giving me the time.
CHAIRMAN BOX: Thank you, Mr. Smith.

Matthew Nelson. You have 3 minutes or if your information or your comments are similar to the other two and the attorney, we might be able to forgo that. Is it redundant or...

MR. MATTHEW NELSON: It is, but I'm speaking on behalf of the business that's there.

CHAIRMAN BOX: Okay. That's fine.

MR. MATTHEW NELSON: First, I want to thank you for allowing us to speak. My name is Matthew Nelson and I represent Ottawa Airport and the tens of thousands of people that visit the airport each year. Ottawa Airport is home to the largest skydiving center in the Midwest, Skydive Chicago.

Now, I would like you to imagine sitting at home relaxing and you hear your phone ring. Without thinking, you obviously walk over to your phone and you pick it up. On the other end, a man's voice starts to tell you that your loved one, with some friends, went for a skydive and unfortunately, he's landed in 90-foot tall, 138,000 volt power lines. And, in fact, your loved one isn't
going to come home tonight. In fact, we're still trying to figure out how to get him out of these lines that are 90 feet tall. That man's voice would be mine and I would have to live with the fact that these power lines never had to go through our property to begin with. I'd have to live with the fact that meetings sponsored by Ameren stated that we didn't have to worry about the route being chosen because it was the most expensive and least economical route.

I would know that I stood before the board of the Illinois Commerce Commission that has the power to reopen and I pleaded my case to them not to choose this route and not cause loss of life. No other route has this damage imposed on it, so why choose this route?

Skydive Chicago was a vision of my father, Roger Nelson. We took some vacant farmland adjacent to the Fox River and built his dream. My family sacrificed everything we had to make his dream come true. It took over 3 years and hundreds of thousands of man hours to complete. A few years ago,
I was given notice by my neighbor that the meeting was conducted on the south side of the -- in the south side of Ottawa pertaining to these new power lines that needed to be installed. I attended this meeting and spoke to a few Ameren representatives who were very helpful despite the tough arrangement. On the information that was handed out, I saw that we were the second alternate route. The main route up 71 was the primary and most likely route to be chosen. Fast forward to 2009, when I received my certified letter in the mail and you can see the surprise that I had.

Skydive Chicago is home to the 2002, 2007 and the upcoming 2010 U.S. National Skydiving championships. We've set 3 world records there and do an average of 75,000 jumps in a season, including 65 first-timers coming mostly from the Chicagoland area. SDC is home of the Golden Knights Army Parachute Team when they visit Chicago. It's been at its location 11 years and the client base is in the tens of thousands.

On behalf of Ottawa Airport and
Skydive Chicago and the thousands of people that use the facility, I'm asking you to reopen the Docket 06-0706 on your own motion. If not, I worry that someone will die. In fact, I'm so certain that it's not a matter of if, but when. The lines that go through the -- that lines that are going to be routed through the property go through our secondary landing area. We've cleared this area specifically along the river to give people the option to land there instead of choosing the river. When you're skydiving, you're at the mercy of the wind and you have to use that to your advantage. Sometimes students, people learning how to jump, aren't always the best decision makers and we've made this option available to them.

Trusting in the reassurance that I'd got from Ameren engineers, I wasn't at the last ICC meeting where the Fox River Route was chosen. I'm curious what other people's arguments were when fighting to move it to the rail net route. Did they say lives were of at stake? Did they say thousands of trees were going to be destroyed? Is it going to disrupt bald eagle nesting grounds? They had to have
some good reason to choose this route. For some strange reason, I can't think about -- I can't think what putting power lines alongside a road would do. I'm not trying to fool anybody and say I'm a power line engineer, but isn't that where most power lines are? Along the roads?

The evidence is clear and the facts are in front of you. I'm asking you to reopen this case and allow us to be heard. I'm asking you to save lives that would be lost. I'm asking you to spare me from making a phone call to a jumper's loved one. I have the confidence now that after hearing us today, the decision will be easy for you. I thank you for your time.

CHAIRMAN BOX: Mr. Nelson, thank you very much.

Katie Troccoli.

MS. KATIE TROCCOLI: I appreciate the opportunity to comment today on Docket 06-0706. My name is Katie Troccoli.

The routing of Illinois Power Company doing business as Ameren IP, Ameren Illinois Transmission Company is what we're discussing. I
live in Ottawa where the route will devastate my community. I attended a meeting in April 6th of 2006 where Ameren employees told me the route up Champaign Street and the Fox River would never be selected. I believe they were sincere in their remarks. I believe that they told me what they felt was the truth.

After years of doing environment work, I was relieved until I got my registered letter from Ameren wanting to purchase an easement. The problems with this route are many: Lack of consideration of evidence, much higher costs in the engineering estimates compared to other routes, loss of tourism revenue to the community, endangered species along the route, bald eagles, Indiana bats and more, destruction of 100 to 150 foot (sic) of forest, and future defoliant weed killer run off into the Fox River and the Illinois River, erosion problems, train derailments, potentially, Skydive deaths at Skydive Chicago, which is just a few miles from my home.

I beg your consideration to reopen the Docket 06-0706. Please do your best to protect the
1 public interests.

2 CHAIRMAN BOX: Thank you very much.

3 MS. KATIE TROCCOLI: May I give you these

4 letters?

5 CHAIRMAN BOX: It's ex-parte. I would think if

6 you -- you can leave them there, the attorneys will

7 get them and we'll put them into the record.

8 COMMISSIONER O'CONNELL-DIAZ: Those have to be

9 filed with our clerk.

10 MS. KATIE TROCCOLI: Thank you.

11 CHAIRMAN BOX: Mr. Morelli.

12 MR. MORELLI: Thank you. I think most

13 everything has been said, so I'm not going to be

14 lengthy. What I want to show you is a photograph

15 from the Dayton Street bridge, Dayton Road bridge

16 looking north along the Fox River. If you look on

17 this side of the photo, all of those trees will be

18 gone. How many people, if you might, how many people

19 here stand up --

20 CHAIRMAN BOX: Excuse me. Your presentation is

21 just -- we're not in court, we're not at a hearing,

22 we're just hearing your public statement.
MR. MORELLI: Very good. This photo is from the east side of the Dayton Street bridge showing the west bank of the Fox river. All of these trees will be gone. I have a photo showing the alternate landing area for skydivers and I'm going to leave these photos with you. The areas just touching the Fox River that are clear are where skydivers land when they are not going to be able to make it back to the airport. The poles will be along the railroad tracks. That will leave a skydiver, who perhaps made a bad judgment in deciding to try to get back to the airport, a choice of either landing in the river or trying to avoid 138,000 volts, not a good choice by anyone's imagination.

I also have a photo from the Dayton Street bridge showing the east bank of the Fox River and the like, limestone formations and I have that to show you how scenic that area is. I can think of nothing more in the public interest than preserving the Fox River and preserving the ecology. National Geographic this month has an article about the tall trees in California and what was done to save those
trees. The National Geographic channel is showing episodes of the preservation of the national parks and how that was fought by commercial interest and how commercial interest attempted to degrade it. That's the same thing that's happening here. I adopt everything that Kirk Smith said. He said, This is a redundant line. It isn't the essential line, a redundant line has to be built but delaying the redundant line isn't going to delay the power.

I also have a photo of the Ottawa Airport that shows where the paved runway is. It shows where the grass runway is and it, likewise, along the river shows open areas where skydivers land if they can't make it back to the airport. We have six or seven people a year who land in that area. That's six or seven people a year who would have to decide whether to land in the water or land -- or try to avoid the power lines.

I think had the Commission known, had Judge Albers known of the existence of the airport and the magnitude of its operation, had he known of the plan to clear-cut 150 feet or 100 feet of trees,
I'm not sure which, his decision would have been different. It's clear the decision was made because the Route 71 objectors objected and it's clear that it is not the preferred route, it wasn't even Ameren's preferred route.

Thank you very much.

CHAIRMAN BOX: Thank you very much. I hated to rush people along, but I think we'll need time to discuss this matter. And in light of the fact we have a lot of people here, I will take Items 1 -- we will skip Item 2, what you're here for, and then we're going to hold Item 6 and we'll come back for a discussion on Item No. 2. It should only take me about 5 minutes to do the rest of the agenda, so there won't be a mass exodus once that's over.

Let's start at the beginning. Item 1 is a suspension order for Commonwealth Edison Company's tariff to comply with the new provisions of the Public Utility Act governing uncollectible accounts. Staff recommends entering the suspension order. Is there a motion to enter the suspension order?
COMMISSIONER O'CONNELL-DIAZ: So moved.

CHAIRMAN BOX: Is there a second?

COMMISSIONER FORD: Second.

CHAIRMAN BOX: It's been moved and seconded.

All in favor say "aye."

(Chorus of ayes.)

Opposed?

(No response.)

The vote is 4-0. The suspension order is entered and we will use this 4-0 roll call for the remainder of the agenda unless otherwise noted.

As I said, we'll skip over Item No. 2.

Item No. 3 is Docket 08-0548. This is a rule implementing the new requirements in the Act governing agents, brokers and consultants, a/k/a the ABC rules. The Joint Committee on Administrative rules has issued its certificate of no objection concluding the second notice period. Administrative Law Judge Yoder recommends entering the order adopting the rules effective November 1st, 2009.

Is there any objections -- any discussions, I'm sorry.
(No response.)

Any objections?

(No response.)

Hearing none, the order is entered adopting the rules.

Item 4 is Docket 09-0065. On its own motion, the Commission reopened this docket to address the appropriate time period for confidential treatment of FirstEnergy Solution Corp.'s 2008 Kilowatt-Hour Report. Confidentiality will be granted for 2 years instead of 5 years.

Administrative Law Judge Yoder recommends entering the order on reopening.

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the order on reopening is entered.

Item 5 is Docket 09-0324. This is a stipulation and joint motion to dismiss submitted by Catherine Gerin and Commonwealth Edison Company
regarding a disputes over billing. The parties have settled all outstanding issues. Administrative Law Judge Sainsot recommends entering the stipulation and the joint motion to dismiss. Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the stipulation and joint motion to dismiss is entered.

We are going to hold Item 6 to next Tuesday and Wednesday.

Item 7 and 8 will be taken together.

These are two new PURPA standards on energy efficiency and rate design for gas utilities. The Illinois General Assembly and the Commission have already implemented gas energy efficiency programs and rate design modifications, thus removing the need to consider these federal standards. Administrative Law Judge Sainsot recommends that the Commission dismiss these dockets.

Any discussion?
Any objections?  
(No response.)

Hearing none, the dockets are dismissed.

Item 9 is Docket 09-0222. The parties have settled a complaint against MxEnergy, Inc., for switching of service. The Administrative Law Judge, Sainsot, recommends entering the motion to dismiss.

Is there any discussion?  
(No response.)

Any objections?  
(No response.)

Hearing none, the motion to dismiss is granted.

Item 10 is Docket 00-0233 and 00-0335 consolidated. Illinois Independent Telephone Association petitioned the Commission to investigate the necessity of establishing an Illinois General Service Fund. Administrative Law Judge Albers recommends entering the order denying the motion to initiate a new phase of this consolidated docket and
dismissing the proceeding. Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the motion to dismiss is granted.

Item 11 is Docket 09-0285. MCC Telephony of Illinois, Inc., Petitions to transfer Certificate of Service to Mediacom Telephony of Illinois, Inc. Administrative Law Judge Riley recommends entering the order granting the requested certificates to the applicant and cancelling the same certificates in Docket 04-0601.

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the order is entered.

Item 12 is Docket 09-0348. Rock Island County ETSB petitions to modify its 911 emergency telephone number system. Staff recommends
approval of the order. Administrative Law Judge Haynes recommends entering the order granting the petition. Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the order is entered.

Item 13 is Docket 08-0463. This is a dismissal of the Commission's 9-250 proceedings investigating Illinois-American Water Company's cost-of-service study. The company has offered a new cost-of-service study within a new rate case, which the parties agree satisfies the pending investigation. Administrative Law Judges Albers and Tapia recommend entering the order dismissing the proceeding.

Is there any discussion?

COMMISSIONER ELLIOTT: Mr. Chairman?

CHAIRMAN BOX: Yes, Commission Elliott.

COMMISSIONER ELLIOTT: My office circulated a relatively minor edit to eliminate some -- what I consider to be unnecessary verbiage in the order and
I would submit that for Commission approval.

CHAIRMAN BOX: It's more scrivener's errors.

That's the motion. Is there a second?

COMMISSIONER O'CONNELL-DIAZ: Second.

CHAIRMAN BOX: All in favor say "aye".

(Chorus of ayes.)

Any opposed?

(No response.)

The amendments to the order is entered. Is there a motion to accept the order as amended?

COMMISSIONER O'CONNELL-DIAZ: So moved.

CHAIRMAN BOX: Is there a second?

COMMISSIONER ELLIOTT: Second.

CHAIRMAN BOX: It's been moved and seconded to adopt the order as amended. All in favor say "aye."

(Chorus of ayes.)

Opposed?

(No response.)

The vote is 4-0. The order as amended is dismissed.

Item 14 is Docket 08-0490 and 08-0491
consolidated. RME Illinois, LLC petitioned for a certificate to serve parcels in Lake Villa and Long Grove in Lake County. The order finds that the rates are exorbitant and would not -- and would have significant adverse financial consequences on the customers. Administrative Law Judge Riley recommends entering the order denying the petition for a certificate. Is there any discussion?

COMMISSIONER O'CONNELL-DIAZ: Chairman, I was the person that held this last time and I'm -- because it's not the Commission's normal situation where we deny certificates but having read through the testimony and Judge Riley's order, I very much support the conclusion that he reached. This would have adverse effect on the customers down the road of this developing area and I think the most important thing here, too, is the company did not file with the Commission in accordance with what the law is. So I'd like to thank Judge Riley for his work on this and I support the order.

CHAIRMAN BOX: Any further discussions?

(No response.)
Any objections?

(No response.)

Hearing none, the order is entered denying the certificates.

We have one matter -- FERC matter which will require closed session, but we'll take that up after we deal with Item No. 2, which is Docket 06-0706, a petition to reopen the docket granting a certificate for Ameren IP and Ameren Illinois Transmission Company to construct a new 138 kv electric transmission line. Administrative Law Judge Albers recommends reopening the docket for the limited purpose of considering the impact of the Ottawa-Wedron route.

Judge Albers, are you with us in Springfield?

JUDGE ALBERS: Yes, I am.

CHAIRMAN BOX: Can you give us a very brief overview of the issues in this case?

JUDGE ALBERS: Very briefly, then, this route was eventually adopted, the one in dispute, in the March order because after a testimony problem that
Ameren had, the parties came in with a stipulation agreeing to change the preferred route to the Fox River route and in absence of any objections for the Fox River route, I recommended the Commission go ahead and adopt that. There's language on Page 65 of the order, though, expressing concerns about the lack of a full record on that particular route. So here we are today, though, to potentially get a full record on that particular route.

CHAIRMAN BOX: Judge, it's your recommendation that we reconsider the impact of the Ottawa-Wedron route?

JUDGE ALBERS: I would recommend that we reopen this to reconsider whether or not the adopted route is the best route or if another route that had been proposed earlier is a better route. So I guess, specifically, this one or the Route 71.

CHAIRMAN BOX: Okay. But my understanding from your order is that the LaSalle to Wedron route would not be impacted and that can continue and it will be testimony on the Ottawa and Wedron parcel alone?

JUDGE ALBERS: Correct.
COMMISSIONER O'CONNELL-DIAZ: Is that, engineering-wise a doable thing where we -- we usually don't pars out a route. I mean...

JUDGE ALBERS: The two routes -- there's a 2-mile stretch at the end of -- towards the Wedron end where there's a double circuit on the poles. From an engineering perspective, I believe the poles would be different depending on if it's a double circuit, but generally, the majority of the Wedron-LaSalle route could be worked on and constructed during this period, that wouldn't change.

CHAIRMAN BOX: Judge, what would be your time line to address the impact of the Ottawa-Wedron route?

JUDGE ALBERS: I would try to do it as soon as I could. We have the Ameren rate cases coming up, though, so I hopefully can work that in there.

CHAIRMAN BOX: Do you think it would benefit every one concerning -- especially the public interest to reopen the docket?

JUDGE ALBERS: I do.

COMMISSIONER FORD: Mr. Chairman, I move that
we reopen the docket between Ottawa and Wedron.

COMMISSIONER O'CONNELL-DIAZ: Second.

CHAIRMAN BOX: It's been moved and seconded.

Any further discussion?

(No response.)

And with that motion, I think the order says that the other part can continue rolling, that one section.

COMMISSIONER FORD: That's correct.

CHAIRMAN BOX: Any further discussion?

(No response.)

All in favor say "aye."

(chorus of ayes.)

Opposed?

(No response.)

The vote is 4-0. The docket is reopened.

(Applause.)

The one item I refer to earlier is a FERC matter requiring the Commission to go into closed session. Is there a motion to go into closed session.
COMMISSIONER FORD: So moved.

CHAIRMAN BOX: Is there a second?

COMMISSIONER ELLIOTT: Second.

CHAIRMAN BOX: Moved and seconded going into closed session. All in favor say "aye."

(Chorus of ayes.)

Opposed?

(No response.)

The vote is 4-0. The meeting will go into closed session and could you leave please and let me know when the room is clear in Springfield and I hated to rush through, but I want to -- I appreciate the people who attended for your comments. Thank you.

Applause.
Whereupon, the following proceedings were had in open session.)

COMMISSIONER BOX: Let me know when the room is ready in Springfield.

COMMISSIONER ELLIOTT: We're ready.

CHAIRMAN BOX: The Commission went into closed session to discuss comments to submit to FERC regarding PJM's September 1st, 2009 RPM compliance filing. Is there a motion to file the comments out of time with FERC?

COMMISSIONER ELLIOTT: So moved.

CHAIRMAN BOX: Is there a second?

COMMISSIONER O'CONNELL-DIAZ: Seconded.

CHAIRMAN BOX: Moved and seconded to file comments out of time with FERC. All in favor say "aye."

(Chorus of ayes.)

Opposed?

(No response.)

The vote is 4-0. The comments will be filed with FERC out of time.
Judge Wallace, is there anything else to come before us today?

JUDGE WALLACE: Not today, sir.

CHAIRMAN BOX: We have of pre-bench on the 6th and bench on the 7th. I think we have a gas policy meeting on the 6th and did we switch the -- no, we didn't switch those around. One is at 1:30 for pre-bench and 2:30 for the gas policy?

COMMISSIONER FORD: Right.

CHAIRMAN BOX: Anything else to come before us?

(No response.)

The meeting stands adjourned.

(Whereupon, the public utility regular open meeting was adjourned.)