BEFORE THE
ILLINOIS COMMERCE COMMISSION

PUBLIC UTILITY BENCH SESSION

Chicago, Illinois
January 25, 2012

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

BEFORE:

MR. DOUGLAS P. SCOTT, Chairman

MS. LULA M. FORD, Commissioner

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

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

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

SULLIVAN REPORTING COMPANY, by
Auhdikiam Carney, CSR
License No. 084-004658
CHAIRMAN SCOTT: 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 the Bench Session. According to the Chief Clerk's Office we have no requests to speak at today's session.

Moving on to the Public Utility agenda, we will begin today with approval of minutes from prior Commission meetings. Up first are minutes from our December 21st Bench Session. I understand the amendments have been forwarded.

Is there a motion to amend the minutes?

COMMISSIONER O'CONNELL-DIAZ: So moved.

CHAIRMAN SCOTT: Is there a second?

COMMISSIONER FORD: Second.

CHAIRMAN SCOTT: 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 amendments are adopted.
Is there a motion to approve the minutes as amended?
COMMISSIONER O'CONNELL-DIAZ: So moved.
CHAIRMAN SCOTT: Is there a second?
COMMISSIONER FORD: Second.
CHAIRMAN SCOTT: 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 December 21st Bench Session minutes are approved.
Next up are minutes from our January 5th Bench Session. I understand amendments have been forwarded.
Is there a motion to amend the minutes?
COMMISSIONER O'CONNELL-DIAZ: So moved.
CHAIRMAN SCOTT: Is there a second?

COMMISSIONER FORD: Second.

CHAIRMAN SCOTT: 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 amendments are adopted.

Is there a motion to approve the minutes as amended?

COMMISSIONER O'CONNELL-DIAZ: So moved.

CHAIRMAN SCOTT: Is there a second?

COMMISSIONER FORD: Second.

CHAIRMAN SCOTT: 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 January 5th Bench Session minutes as amended are approved.

Turning next to the Electric portion
of Today's agenda.

Item E-1 concerns commencing annual reconciliation proceedings for a number of Illinois utilities regarding revenues collected under coal tar riders. Staff recommends entry of an Order commencing the proceedings.

Is there any discussion?

(No response.)

Is there a motion to enter the Order?

COMMISSIONER O'CONNELL-DIAZ: So moved.

CHAIRMAN SCOTT: Is there a second?

COMMISSIONER FORD: Second.

CHAIRMAN SCOTT: 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 Order is entered. We will use this 5-0 vote for the remainder of the Public Utility agenda unless otherwise noted.

Item E-2 concerns ComEd's proposed revision to its rate BES in light of Public Act
97-0497. Staff recommends allowing the Company's request by not suspending the filing.

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the filings will be suspended.

Item E-3 is Docket No. 07-0566. This is ComEd's 2007 rate case on remand from the Appellate Court. We will be holding this item for disposition at a future Commission meeting.

Item E-4 is Docket No. 08-0110. This item concerns a petition by the Illinois Department of Transportation seeking eminent domain authority for an easement on property owned by ComEd. ALJ Hilliard recommends entry of an Order granting the petition.

Is there any discussion?

(No response.)

Any objections?

(No response.)
Hearing none, the Order is entered.

Item E-5 is Docket No. 10-0655. This is A-Wire Corporation's compliant against ComEd. The parties have apparently settled their differences and brought a Joint Motion to Dismiss, which ALJ Teague recommends we grant.

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the Joint Motion to Dismiss is granted.

Item E-6 is Docket No. 11-0144. This is Peter Fletcher's complaint against ComEd. This item will also be held for disposition at a future Commission meeting.

Item E-7 is Docket No. 11-0164. This is Sandra Anderson's complaint against ComEd. ALJ Hilliard recommends entry of an Order denying the complaint.

Is there any discussion?

(No response.)
Any objections?
(No response.)
Hearing none, the Order is entered and the complaint is denied.

Item E-8 is Docket No. 11-0213. This is James Smith's complaint against ComEd. The complainant has filed a Motion to Reopen this docket and ALJ Riley recommends denying that motion.

Is there any discussion?
(No response.)

Any objections?
(No response.)
Hearing none, the Motion to Reopen is denied.

Items E-9 and E-10 can be taken together. These are each complaints against ComEd. In each case the parties have apparently settled their differences and brought a Joint Motion to Dismiss which ALJ Kimbrel recommends that we grant.

Is there any discussion?
(No response.)
Any objections?
Hearing none, the Joint Motion to Dismiss is granted.

Items E-11 through E-15 can be taken together. These items are applications for Certification as an Agent, Broker and Consultant under Section 16-115C of the Public Utilities Act. In each case ALJ Albers recommends entry of an Order granting the Certificate.

Is there any discussion?

(No response.)

Any objection?

(No response.)

Hearing none, the Orders are entered and the Certificates are granted.

Turning now to Natural Gas.

Item G-1 is Docket No. 09-0301. This matter concerns Nicor's affiliate agreements and the issues in this docket had previously been merged into Docket 11-0046 concerning Nicor's merger with AGL. As the Commission has entered a final Order in Docket No. 11-0046, Nicor has brought a Motion to Dismiss
this docket, which ALJ Dolan recommends that we grant.

Is there any discussion?
(No response.)

Any objections?
(No response.)

Hearing none, the Motion to Dismiss is granted.

Item G-2 is Docket No. 11-0736. This is Kazimierz Kolbrecki's complaint against Peoples Gas. The parties have apparently settled their differences and brought a Joint Motion to Dismiss, which ALJ Kimbrel recommends we grant.

Is there any discussion?
(No response.)

Any objections?
(No response.)

Hearing none, Joint Motion to Dismiss is granted.

Items G-3 and G-4 can be taken together. These items concern reconciliation proceedings for North Shore Gas and Peoples Gas
concerning revenues collected under coal tar riders.
In each case ALJ Kimbrel recommends entry of an Order approving the reconciliation.

Is there any discussion?
(No response.)

Any objections?
(No response.)

Hearing none, the Orders are entered.

Moving now to Telecommunications.

Items T-1 through T-4 can be taken together. These items are filings by Frontier affiliates seeking special permission for tariff changes on less than 45 days' notice related to identification and rating of Voice Over Internet Protocol public-switched telephone network traffic.

With each affiliate company's request, Staff recommends that the Commission allow the new tariff language by granting special permission.

Is there any discussion?
(No response.)

Any objections?
(No response.)
Hearing none, the special permission requests are granted.

Item T-5 is Docket No. 11-0739. This is Q Link Wireless' application for Certificate of Authority to operate as a prepaid wireless provider throughout 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 T-6 is Docket No. 11-0785. This is WiMac Tel's application for a Certificate of Wireless Authority to operate as a reseller of telecommunication services throughout 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 T-7 is Docket No. 12-0002. This is the County of Grundy's petition to modify its 9-1-1 telephone system. ALJ Haynes recommends entry of an Order granting the petition and approving the modification.

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the Order is entered.

Item T-8 is Docket No. 11-0726. This is Illinois Bell and Alltel's Joint Petition for approval of an amendment to their existing interconnection agreement. ALJ Baker recommends entry of an Order approving the amendment to the agreement.

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the Order is entered.
Item T-9 is Docket No. 11-0727. This is Illinois Bell and Netrino's Joint Petition for approval of an interconnection agreement. ALJ Baker recommends approving the agreement.

Is there any discussion?
(No response.)

Any objections?
(No response.)

Hearing none, the Order is entered.

Item T-10 concerns a Commission inquiry requiring telecommunication carriers offering local services to provide the Commission with data on competition pursuant to Section 13-407 of the Public Utilities Act. Staff recommends entry of an Order requiring the disclosure of this information.

Is there any discussion?
(No response.)

Any objections?
(No response.)

Hearing none, the Order is entered.

Items T-11 through T-16 can be taken together. These items are petitions by
telecommunications carriers seeking confidential
and/or proprietary treatment of the petitioner's
annual report. In each case the ALJ recommends entry
of an Order granting the requested protective
treatment.

Is there any discussion?
(No response.)

Any objections?
(No response.)

Hearing none, the Orders are entered.

Moving on to Water and Sewer.

Item W-1 is Docket Nos. 11-0059, 11-0141, and 11-0142 consolidated. This is the rate
case for Great Northern Utilities, Camelot Utilities, and Lake Holiday Utilities Corporation. The
Commission had previously entered a final Order in this matter and has granted rehearing on the issue of rate shock litigation.

Before us today are motions for a stay or suspension of the recently approved rates filed by the Attorney General's Office and by the Camelot Homeowner's Association. ALJ Teague recommends
denying the motions.

Is there any discussion?
(No response.)
Are there any objections to denying the motions?
(No response.)
Hearing none, the motions are denied.
Item W-2 is Docket No. 11-0257. This item concerns Aqua Illinois' reconciliation proceeding regarding qualifying infrastructure plan charges. ALJ Kimbrel recommends entry of an Order approving the reconciliation.

Is there any discussion?
(No response.)
Any objections?
Hearing none, the Order is entered.
We have two Petitions for Rehearing today. Item PR-1 is Docket 11-0046. This is the Nicor/AGL merger case and we've received a Petition for Rehearing in this matter from the Citizens Utility Board and the Attorney General's Office. ALJ Dolan recommends denying the rehearing request.
Is there any discussion?
(No response.)
Is there any objection to denying rehearing?
(No response.)
Hearing none, rehearing is denied.
Item PR-2 is Docket No. 11-0066. This is Peggy Wilkens' complaint against Illinois Bell. The complainant has filed a Request for Rehearing on this matter and ALJ Hilliard recommends denying that request.
Is there any discussion?
(No response.)
Any objections to denying rehearing?
(No response.)
Hearing none, the rehearing is denied.
We have a few items of other business on the agenda for today and we'll begin with the approval of our 2011 Annual Report on Electricity, Gas, Water, and Sewer Utilities.
Is anyone from Staff to quickly brief us on this report?
MS. BOSCH: Well, I think you've seen this before -- or most of you have -- and we've gotten a few edits to make which we'll make this week before it's sent to the General Assembly. I don't have anything to offer. If you have any questions, I'll be glad to answer them.

CHAIRMAN SCOTT: Are any of the edits substantive in any way or are they typos, scrivener error kind of things?

MS. BOSCH: Yes.

CHAIRMAN SCOTT: Any questions?

(No response.)

Any further discussion?

(No response.)

Are there any objections to approving the report and having it sent to the Governor in the General Assembly?

(No response.)

Hearing none, the report is approved.

Thank you.

Next up we have another one of those bittersweet moments. We have a resolution honoring
Tim Anderson for the time he spent as the Executive Director of the Commission.

Tim -- is he hiding back there somewhere?

Front and center, sir. I have a resolution that I'm going to read and then I'm sure we'll all have some comments to make.

Whereas, the Illinois Commerce Commission hired Tim Anderson as its Executive Director in July of 2006.

Whereas, Tim brought to this role extensive legislative experience and educational credentials earned at the University of Kansas at Lawrence and the University of Illinois at Urbana-Champaign.

Whereas, his regulatory initiation began at the end of a nine-year freeze on electric rates and the transformation of the electric utility industry in Illinois including major restructuring of the electric markets, integration of new renewable energy sources and energy efficiency standards and strategic initiatives focusing on the Smart Grid and
electric vehicles.

And whereas, he helped to guide the Commission's response to legislative mandates established in the Illinois Power Agency, the Office of Retail Market Development, and new laws to enhance consumer protections in public utilities and transportation.

And whereas, Tim provided expert insight in dealing with new transportation regulations and the rewrite of the Telecommunications Article, the Public Utilities Act, as well as supporting interstate and intrastate partnerships that allowed other agencies to use electronic systems developed by the ICC Staff.

And where Tim was unwavering in his service to the Commission and in leadership of its Staff throughout his tenure and maintained public utilities regulatory operations throughout the agency during a time of fiscal uncertainty.

Now, therefore be it resolved that the Illinois Commerce Commission extends the profound gratitude, deep respect, and sincere appreciation to
Tim Anderson for all of his work at the Commission and conveys best wishes for continued success as he enters the next phase of his career with the State of Illinois.

Tim, I know there's a lot of words there and a lot of things that you went through, but I don't know that it could possibly sum up all of the things that you had to deal with during your time here as Executive Director. You and I actually go way back to our lives before we ended up in the Commission. When I was approached to be appointed to this position, one of the things that was very exciting to me about that was the fact that you were the Executive Director and I knew what a quality individual you were and how well you knew the legislative process and what a quality job you always did in promoting everything that you were responsible for and that's certainly been the case in the ten months that I've been here.

It's been a real pleasure to be able to work with you and I know we're all sad that you're moving on; but as I told you yesterday, just think of
all the times I can call you about Senate business
now in your new position. That's a great spot for
you given your background, and we know you're going
to do a fantastic job there as you did for us here at
the Commission and in your pursuits before you got
here.

So congratulations and best of luck to
you, and most of all, thank you for everything that
you have done and will continue to do for the
citizens here in Illinois.

Commissioners?

COMMISSIONER O'CONNELL-DIAZ: Well, I just
would like to thank Tim. Tim came at a time that we
were under siege and he had to peel us off the
ceiling, particularly me, a lot; but always brought
me back down to earth. We formulated a plan to deal
with what was ever in front of us and it was based
upon an excellent foundation of understanding when
state government works, how it works, and he had
those credentials and he helped us to learn those
foundational principles throughout all the work he
did here at the Commission with the so many programs
that we were in charge of and a lot of them were new
and we were under fire from outside, but Tim kept the
rudder straight and kept us on course.

I know you're not going far away so I
don't feel that sad because you are going to
something better and complementary to your expertise
and we look forward to working with you more as you
move into your new role. You will always have a
place in our hearts at this Commission, and thank you
very much for such great service you provided to us.

COMMISSIONER FORD: I certainly want to echo
what my fellow Commissioners have already said. And
I remember the battle we had when we were trying to
get you and certainly you have wrestled with an ebony
and ivory woman, so I know you've had your challenges
with us. And when you came, you brought your young
son along, you had a little baby. How old is that
baby now?

MR. ANDERSON: 5.

COMMISSIONER FORD: Oh, you have been here too
long. No, Tim, it's been a joy. I was talking to
Mary about some issues and she said when we had the
blizzard in 2011, you didn't leave the Leland Building until everybody was out of the building. So you are truly a captain. You did not abandon your ship.

MR. ANDERSON: That might not have been the wisest thing.

COMMISSIONER FORD: You're abandoning us now, but we wish you well in all of your future endeavors over at the Senate.

MR. ANDERSON: Thank you.

ACTING COMMISSIONER COLGAN: Tim, it's bittersweet to say goodbye to you; but as others have said, you're going all of three blocks away and we know where you live. I recall you when you were in the Senate, but we never really worked together on much there. But our first endeavor was when he showed up at those marathon sessions on Senate Bill 1918. And during those meetings I think we both kind of got to know each other a little bit and I appreciated your candor in those meetings at times when you seemed to have to swim upstream against just about everybody else in the room especially on the
revolving door issue that came up in that
negotiation.

But then just a few months after that
I was appointed as a new Commissioner and came here
and you welcomed me and you've had an open door and
I've really enjoyed the interactions that we've had,
the discussions we've had about different things,
your willingness to tutor me a little bit in terms of
what the job was and how to stay on track with it.

So I've enjoyed your friendship. I've
enjoyed your professionalism and I'm sure you're
going to be successful. I think it's a great
opportunity for you and I congratulate you. I give
you my very best wishes.

COMMISSIONER ELLIOTT: What's left? I came
in -- actually when you came in, I was out twisting
in the winds because of all of the flurry of activity
down the street regarding the auction -- the
post-auction process. And having sat out a year and
observed all that, I can't imagine having to steer
the boat -- this Commission through all those rocky
shoals. As have others have alluded to, I'll keep
with the (unintelligible) hopefully somehow you and
your family will get that place operating again.
That would be very good. It's been a pleasure. I
know you'll do a wonderful job down there. Continued
success and I wish you the best.

CHAIRMAN SCOTT: I'm will move for adoption of
the resolution.

Is there a second?

COMMISSIONER FORD: Second.

CHAIRMAN SCOTT: Is there any further
discussion?

(No response.)

All in favor of the resolution say
"aye."

(Chorus of ayes.)

Any opposed?

(No response.)

The "ayes" have it, the resolution is
adopted.

Tim, thank you very much for
everything.

MR. ANDERSON: I just want to thank the
Commission and the five Commissioners here and the 
other ones I worked with who are no longer here who 
have made anything we've been able to do here 
possible. The support and the constant assistance 
has been great. I was a little leery at first 
when -- I think it is within the first year when 
Chairman Box and I had to spend a day and night and 
early morning down at the Legislature until, I think 
it was, 3:00 in the morning and I said, Wow. I don't 
know if this is going to be that great, and it has 
improved since. It got better and better and you 
guys all made that possible. 

And the Staff here at this Commission 
who does an enormous amount of work under an enormous 
amount of pressure and always comes through with 
high-quality work and has supported what we do here, 
and I can't say enough about how great they've been. 
And also the groups and offices and companies that 
spend their time here who have made things 

interesting at times and pleasurable at times; but 
this whole community that the Commission is, is what 
makes it an interesting place to be and a fun place
to be and I just want to thank everybody.

Bittersweet is a way to put it. I hate to leave here. I'm excited about what's coming up, but I hate to leave here.

Thank you all.

CHAIRMAN SCOTT: Thanks, Tim.

Our final item is a FERC matter which we will address in closed session.

Is there a motion to go into closed session?

COMMISSIONER O'CONNELL-DIAZ: So moved.

CHAIRMAN SCOTT: Is there a second?

COMMISSIONER FORD: Second.

CHAIRMAN SCOTT: It's been moved and seconded.

All in a favor say "aye."

(Chorus of ayes.)

Any opposed?

(No response.)

The vote is 5-0 and we'll head into closed session.

Let me know when you guys are ready in Springfield.
(Whereupon, this portion of the transcript was had in closed session.)
(Whereupon, the following proceedings were had in open session.)

CHAIRMAN SCOTT: In closed session the Commission discussed making a filing in FERC Docket No. ER12-749.

Is there a motion to make the filing with FERC?

COMMISSIONER O'CONNELL-DIAZ: So moved.

CHAIRMAN SCOTT: Is there a second?

COMMISSIONER FORD: Second.

CHAIRMAN SCOTT: 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 filing will be made with FERC.

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

JUDGE WALLACE: No, that's all.

You guys missed a lot of scones this
morning.

COMMISSIONER O'CONNELL-DIAZ: You're the scone maker, aren't you?

JUDGE WALLACE: Yes.

CHAIRMAN SCOTT: Will they keep until Tuesday?

COMMISSIONER O'CONNELL-DIAZ: They will be hockey pucks by then.

CHAIRMAN SCOTT: Seeing no further business to come before the Commission, this meeting stands adjourned.

Thanks, everybody.