BEFORE THE

ILLINOIS COMMERCE COMMISSION

REGULAR OPEN MEETING

(PUBLIC UTILITY)

Chicago, Illinois

Tuesday, January 29, 2013

Met, pursuant to notice, at 10:30 a.m. in the
Main Conference Room, 160 North LaSalle Street,
Chicago, Illinois.

PRESENT:

MR. DOUGLAS P. SCOTT, Chairman
MS. LULA M. FORD, Commissioner
MS. ERIN M. O'CONNELL-DIAZ, Commissioner
MR. JOHN T. COLGAN, Commissioner
MS. ANN McCabe, Commissioner

L.A. COURT REPORTERS by
Kari Wiedenhaupt, Reporter, CSR# 084-004725
CHAIRMAN SCOTT: Is everything ready in Springfield?

JUDGE WALLACE: Yes, Mr. Chairman.

CHAIRMAN SCOTT: Thank you. Pursuant to the provisions of the Open Meetings Act, I now convene a Regular Open Meeting of the Illinois Commerce Commission. With me in Chicago are Commissioner Ford, Commissioner O'Connell-Diaz, Commission Colgan and Commissioner McCabe. 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.

Moving on to the agenda for today, Item 1 is the approval of minutes from our January 9th Bench Session. I understand amendments
have been forwarded.

Is there a motion to amend the minutes?

COMMISSIONER MCCABE: So moved.

CHAIRMAN SCOTT: Is there a second?

COMMISSIONER O'CONNELL-DIAZ: Second.

CHAIRMAN SCOTT: It's been moved and seconded.

All in favor, say aye.

(Chorus of ayes.)

CHAIRMAN SCOTT: Any opposed?

(No response.)

CHAIRMAN SCOTT: The vote is five to nothing, and the amendments are adopted. Is there now a motion to approve the minutes as amended?

COMMISSIONER COLGAN: So moved.

CHAIRMAN SCOTT: Is there a second?

COMMISSIONER MCCABE: Second.

CHAIRMAN SCOTT: It's been moved and seconded.

All in favor, say aye.

(Chorus of ayes.)

CHAIRMAN SCOTT: Any opposed?
CHAIRMAN SCOTT: The vote is five to nothing and the January 9th minutes as amended are approved. We will use this five to nothing vote for the remainder of today's Regular Open Meeting unless otherwise noted.

Item 2 is the approval of minutes from our January 15th Regular Open Meeting. Is there any discussion?

(No response.)

CHAIRMAN SCOTT: Are there any objections to approving the minutes?

(No response.)

CHAIRMAN SCOTT: Hearing none, the January 15th minutes are approved.

Item 3 is Docket No. 12-0645. This is MidAmerican's petition for a waiver under Section 8-408(c) of the Public Utilities Act. This item will be held for disposition at a future Commission proceeding.

Item 4 is Docket No. 12-0677. This is CCES's application for a certificate of service
authority to operate as an alternative retail
electric supplier. ALJ Von Qualen recommends entry
of an Order granting the certificate.

Is there any discussion?

(No response.)

CHAIRMAN SCOTT: Are there any objections?

(No response.)

CHAIRMAN SCOTT: Hearing none, the Order is
entered.

Items 5 and 6 can be taken together.

These items concern applications for licensure 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.)

CHAIRMAN SCOTT: Are there any objections?

(No response.)

CHAIRMAN SCOTT: Hearing none, the Orders are
entered.

Item 7 is Docket No. 10-0567. This is
Nicor's 2010 reconciliation proceeding for revenues collected under its energy efficiency program rider. The company has made a motion for an Amendatory Order which would provide a mechanism for the disbursement of a customer credit, ALJ Hilliard recommends that the Commission reopen this matter on its own motion to consider the Amendatory Order.

Is there any discussion?

(No response.)

CHAIRMAN SCOTT: Are there any objections to reopening the matter?

(No response.)

CHAIRMAN SCOTT: Hearing none, the matter is reopened.

Item 8 is Docket No. 12-0413. This is Consolidated Communications' petition for a declaratory ruling concerning Section 13-901 of the Public Utilities Act and Title 83, Part 770 of the Administrative Code. Before us today is a Petition for Interlocutory Review filed by Securus concerning a Motion to Strike granted by the ALJ.

Is there any discussion?
CHAIRMAN SCOTT: Are there any objections to denying the petition for interlocutory review?  
(No response.)

CHAIRMAN SCOTT: Hearing none, the interlocutory review petition is denied.

Item 9 is Docket No. 12-0607, and this item has been withdrawn.

Item 10 is Docket No. 13-0051. This is Gridley Communications' petition for the confidential and/or proprietary treatment of its annual report. ALJ Hilliard recommends entry of an Order granting the requested protective treatment. Is there any discussion?  
(No response.)

CHAIRMAN SCOTT: Are there any objections?  
(No response.)

CHAIRMAN SCOTT: Hearing none, the Order is entered.

Item 11 is Docket No. 12-0575. This is Kregg Sanders' complaint against Aqua Illinois. ALJ Yoder recommends entry of an Order dismissing
this proceeding without prejudice for want of prosecution.

Is there any discussion?

(No response.)

CHAIRMAN SCOTT: Are there any objections?

(No response.)

CHAIRMAN SCOTT: Hearing none, the Order is entered.

Item 12 is Docket No. 12-0321. This is ComEd's 2012 annual formula rate update filing under Section 16-108.5 of the Public Utilities Act. Before us today are rehearing applications from ComEd and from the Attorney General, and ALJs Sainsot, Kimbrel and Jorgenson recommend denying those petitions in their entirety.

Is there any discussion?

(No response.)

CHAIRMAN SCOTT: I make a motion to deny the rehearing applications.

Is there a second?

COMMISSIONER FORD: Second.

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

(Chorus of ayes.)

. CHAIRMAN SCOTT: Any opposed?

(No response.)

CHAIRMAN SCOTT: The vote is five to nothing, and the petitions for rehearing are denied.

Item 13 is Docket No. 12-0544. This is the proceeding for our approval of the 2013 Illinois Power Agency procurement plan. We've got a few filings up for consideration today, and we will begin with the four applications for rehearing filed by ComEd, the Coalition of Energy Suppliers, the Retail Energy Supply Association and the Illinois Competitive Energy Association and Illinois Industrial Energy Consumers.

Is there any discussion on the rehearing applications?

(No response.)

CHAIRMAN SCOTT: I make a motion to deny the rehearing applications.

Is there a second?

COMMISSIONER COLGAN: Second.
CHAIRMAN SCOTT: It's been moved and seconded.

All in favor, say aye.

COMMISSIONER COLGAN: Aye.

CHAIRMAN SCOTT: Aye.

COMMISSIONER FORD: Aye.

CHAIRMAN SCOTT: Any opposed?

COMMISSIONER O'CONNELL-DIAZ: Nay.

COMMISSIONER MCCABE: No.

CHAIRMAN SCOTT: The vote is three to two, and the petitions for rehearing are denied.

Next up is a joint motion for clarification filed by ComEd, Ameren and FutureGen seeking language clarification on two parts of our Final Order related to the FutureGen sourcing agreement.

Is there any discussion on this motion?

(No response.)

CHAIRMAN SCOTT: I would move to grant the motion for clarification and enter an Amendatory Order making the requested clarifications.

Is there a second?
COMMISSIONER O'CONNELL-DIAZ: Second.

CHAIRMAN SCOTT: It's been moved and seconded.

All in favor, say aye.

(Chorus of ayes.)

CHAIRMAN SCOTT: Any opposed?

(No response.)

CHAIRMAN SCOTT: The vote is five to nothing.

The motion for clarification is granted, and the Amendatory Order is entered.

And just as a note, we want to give our appreciation to the folks who got together and actually worked on those issues and brought them back to us. We think that's a very good thing, and we appreciate that.

Item 14 concerns our 2012 Annual Report on Electric, Gas, Water and Sewer utilities as required under Section 4-304 of the Public Utilities Act. Staff recommends adopting the report for delivery to the Governor and General Assembly.

Is there any discussion on the 2012 Annual Report?

(No response.)
CHAIRMAN SCOTT: Is there any objection to adopting the 2012 Annual Report?

(No response.)

CHAIRMAN SCOTT: Hearing none, the 2012 Annual Report is adopted and will be delivered to the Governor and General Assembly.

Item 15 concerns the Commission's 2007 investigation into Ameren's service restoration efforts after inclement weather events in the summer and early winter of 2006. Staff requests authorization to post Liberty's final verification report on the Commission website.

Is there any discussion?

(No response.)

CHAIRMAN SCOTT: Are there any objections to approving this report for posting on the Commission's website?

(No response.)

CHAIRMAN SCOTT: Hearing none, the report is approved for posting.

Judge Wallace are there any other matters to come before the Commission today?
JUDGE WALLACE: No. That's all, Mr. Chairman.

CHAIRMAN SCOTT: Thank you, sir.

Hearing none, this meeting stands adjourned.

(END OF PROCEEDINGS.)