BEFORE THE
ILLINOIS COMMERCE COMMISSION

BENCH SESSION
(PUBLIC UTILITY)
Chicago, Illinois

Wednesday, October 2nd, 2013

Met, pursuant to notice, at 10:30 a.m., at the
Illinois Commerce Commission, 160 North LaSalle Street,
Main Hearing Room, 8th Floor, Chicago, Illinois 60601.

PRESENT:

MR. DOUGLAS P. SCOTT, Chairman;

MS. ANN McCABE, Commissioner;

MR. JOHN T. COLGAN, Commissioner;

MR. MIGUEL DEL VALLE, Acting Commissioner;

MS. SHERINA E. MAYE, Acting Commissioner
(Via phone).

MIDWEST LITIGATION SERVICES
Thomas A. Manno, C.S.R.
License No. 84-1174
CHAIRMAN SCOTT: Everything ready in Springfield?

A VOICE: Yes, it is, Chairman.

CHAIRMAN SCOTT: Very good. Thank you.

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

With me in Chicago are Commissioner Colgan, Commissioner McCabe, Acting Commissioner Del Valle. I'm Chairman Scott. We have a quorum.

We should also have Acting Commissioner Maye on the phone.

Commissioner Maye, are you there?

ACTING COMMISSIONER MAYE: Good morning. I'm here.

CHAIRMAN SCOTT: Good morning.

Under the commission's rules, we'll have to vote to allow Commissioner Maye to participate by phone, so I move to allow Commissioner Maye's participation by phone. Is there a second?

COMMISSIONER COLGAN: Second.

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

(Chorus of ayes.)
Any opposed?

(No response.)

The vote is four to nothing, and Commissioner Maye may participate in today's meeting by phone.

We're 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 Bench session.

Moving on to the Public Utility agenda, we'll begin with the approval of minutes from our August 30th Special Open Meeting. 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 Colgan: Second.

CHAIRMAN Scott: It's been moved and seconded.

All in favor say aye.

(Chorus of ayes.)
Any opposed?

The vote is five to nothing and the amendments are adopted.

Is there now a motion to approve the minutes as amended?

COMMISSIONER McCabe: So moved.

CHAIRMAN SCOTT: Is there a second?

COMMISSIONER COLGAN: Second.

CHAIRMAN SCOTT: Moved and seconded. All in favor, say aye.

(Chorus of ayes.)

Any opposed?

The vote is five to nothing and the minutes to our August 30th Special Open Meeting as amended are approved.

Also on today's agenda is the transcript from our August 30th Joint Electricity and Consumer Affairs Policy Committee meeting. I understand amendments have been forwarded.

Is there a motion to amend the transcript?

COMMISSIONER COLGAN: So moved.

CHAIRMAN SCOTT: Is there a second?

ACTING COMMISSIONER DEL VALLE: Second.

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

(Chorus of ayes.)

Any opposed?

The vote is five to nothing and the amendments are adopted.

Is there now a motion to approve the transcript 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.)

Any opposed?

The vote is five to nothing, and the transcript to August 30th Joint Committee meeting as amended is approved.

MR. FEIPEL: Mr. Chairman, very quickly. This is Feipel in Springfield. We're having a hard time picking up some of the seconds on motions. If you can make those clearer, that would be great.

CHAIRMAN SCOTT: Okay.

MR. FEIPEL: Thanks.

CHAIRMAN SCOTT: Very good. Thank you.
Finally we have the approval of minutes from our September 10th Regular Open Meeting.

Is there a motion to approve the minutes?

COMMISSIONER McCABE: So moved.

CHAIRMAN SCOTT: Is there a second?

ACTING COMMISSIONER DEL VALLE: Second.

CHAIRMAN SCOTT: So moved and seconded. All those in favor say aye.

(Chorus of ayes.)

Any opposed?

The vote is five to nothing and the minutes are approved.

Item E-1 is ComEd's submission of a new tariff, Rider NAM, to be applicable to customers who refuse an AMI meter to be installed, or for customers for whom ComEd is unable to gain access to the premises to install the AMI meters. Staff was unable to determine that the proposed charges to customers are appropriate, or that allowing customers to refuse meters is consistent with legislative intent.

Accordingly, staff recommends the filing to be suspended and the matter set for hearing.

Is there any discussion on this matter?

Commissioner McCabe.
COMMISSIONER McCabe: I support suspending the tariff and I hope that staff can handle this in an expedited fashion. So if there is a price (inaudible), it can be implemented sooner rather than later.

I also ask staff and the parties to address the company's position that it is impractical to install AMI meters on the one hand, but it is practical to install non-AMI meters on the other hand, especially when the goal in eight or 10 years is for everyone to have Smart Meters.

And so I hope the record will be fully developed on those points.

CHAIRMAN Scott: Further discussion?

ACTING COMMISSIONER Maye: Chairman Scott, this is Commissioner Maye. Consistent with Commissioner McCabe and also staff report to the Commission, I also expect that this case can be completed in an expedited manner, and I'm hoping that we can do this without the need for resuspension beyond the original 105-day suspension period. And if at all possible, I'm hoping that we could complete this as early as possible--

CHAIRMAN Scott: Commissioner Maye, Commissioner Maye, if you could, it's difficult for the court reporter to hear you, so maybe if you can speak up.
ACTING COMMISSIONER MAYE: Is this better?

CHAIRMAN SCOTT: Yes. And if it's possible to do it a little more slowly, it'll be easier for him to pick up.

ACTING COMMISSIONER MAYE: My apologies.

I stated that, in consistency with what Commissioner McCabe stated and also staff report to the Commission, I am hoping that this case will be completed without the need for an additional resuspension period beyond the 105-day suspension. And that would run up to and including February 16th, 2014.

And an additional hope is that this proceeding could be completed as early as possible. That there is a (inaudible) in place to address the cost of AMI meter refusal on the ComEd system, and on other customers, as well as to determine how to notify customers who have refused an AMI meter of this process.

CHAIRMAN SCOTT: Okay. Thank you. Further discussion?

I agree with the two comments that have been made. I think there are a number of issues here.

One is, is an opt out even admissible under the law. The law in ComEd's case requires that all customers have a Smart Meter within 10 years. If so, if they are
going to be leased for some period of time, some opting
out, what are the conditions for that, what's the
information that's given to the customers, as well as
what the cost is going to be for that.

I think the issue raised by Commissioner McCabe
is a very good one because we've seen the injection into
this discussion of new meters that are not Smart meters
and kind of mixing of the two concepts here, and I think
that's another good issue to sort out through a hearing
process because that's obviously not something that, at
least at first reading, looks like it was contemplated by
the Energy and Construction Modernization Act.

And again, I think that we're going to see it
later on with a special permission request. I think that
that can't really be done with special permission. It
needs to be done with the parties weighing in in a
hearing process.

And so, I also agree with trying to do this as
quickly as possible so that if the end result is that
there's some tariff, that it would be done as quickly as
possible to set a market price that can be reacted to by
consumers as well. So, I support the suspension as well.

Further discussion? Is there a motion to
suspend the filing?
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?

(No response.)

The vote is five to nothing and the filing is suspended. We will use this five to nothing vote for the remainder of today's public utility agenda unless otherwise noted.

Item E-2 is our reconciliation of revenues collected under Ameren's Rider EDR with the actual costs associated with energy efficiency and demand-response plan and Ameren's Rider GER with actual costs associated with natural gas energy efficiency plans. ALJ Jones recommends entry of an Order approving the reconciliation.

Is there any discussion? Are there any objections?

Hearing none, the Order is entered.

Item E-3 is Docket No. 12-0456. This is our rulemaking proceeding to develop and adopt rules
concerning municipal aggregation. This item will be held for disposition in a future Commission proceeding.

Item E-4 is Docket No. 13-0034. This is Phase 2 of the initial approvals for FutureGen. FutureGen has filed a motion to preserve a confidential designation of certain information contained in its benchmark materials. ALJ Jones recommends that we reopen the proceedings solely to consider that motion.

Is there any discussion? Any objections? Hearing none, the proceeding is reopened to consider the motion.

Item E-5 is Docket No. 13-0077. This is our proceeding initiated to address adoption of policies concerning the Illinois Statewide Technical Reference Manual for Energy Efficiency. ALJ Kimbrel recommends entry of an Order on Rehearing.

I have some proposed edits to this. The issues on rehearing, there are really three of them that were dealt with.

Our edits only deal with the issue about whether or not we should measure the level -- should the measure level non-consensus issues that have been properly raised, and then resolved by the Commission, be applied retroactively to the beginning of the current
program year or prospectively.

And if prospectively, replying how.

So, our edits involved the case where the ALJ adopted it. The AJL's suggestion is that a prospective application shall begin within 60 days of the Commission's final Order. And that this was deemed a reasonable compromise in the parties' positions.

While I would agree that, on its face, looking at the 60-day grace period after values are settled to reach out to trade allies and work with the program seems to be reasonable, from a policy perspective, I don't really think it helps to address -- really help the utilities to continue to offer a consistent message instead of programs to participants in their programs.

Sixty days is a pretty short period of time to reach out to the group of building owners or contractors who may have invested significant capital in the program just to be told that the program will either cease to be funded or the incentive will be decreasing.

So, I think in order to further facilitate the energy efficiency programs that are innovative in hard-to-reach populations, we think that the non-consensus values should be applied in the following year.
And that will allow the utilities to offer programs which don't provide energy savings to the -- put in some language to encourage that the utilities be proactive and take that information to account for the next year to begin in a way that will not be detrimental to the involving program.

And I think in doing that, (inaudible), we will do some of the things that we talked about in our policy committee meeting, which is to try to encourage the utilities to be proactive in terms of the programs that they're putting out and not constantly be having kind of a gotcha look-back at these particular programs. And I'd ask them to take those into account. If the programs are not performing, certainly to take them into account in the next program year.

So those are the edits that I am recommending, and I move their approval. Is there a second?

COMMISSIONER COLGAN: Second.

CHAIRMAN SCOTT: Moved and seconded to approve the edits.

Is there any discussion on the edits? All in favor say aye.

(Chorus of ayes.)

Any opposed?
The vote is five to nothing and the edits are adopted.

Is there now a motion to enter the Order as amended?

ACTING COMMISSIONER DEL VALLE: 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?

The vote is five to nothing and the Order as amended is entered.

Item E-6 is Docket No. 13-0418. This is Anthony Dotson's complaint against ComEd as to identity theft in Chicago.

It appears that the parties have settled their differences and have filed a Joint Stipulation and Joint Motion to Dismiss, which ALJ Sainsot recommends we grant.

Is there any discussion? Any objections?

Hearing none, the motion is granted and the complaint is dismissed.

Items E-7 and E-8 can be taken together. These are Applications for licensure of agents, brokers and
consultants under Section 16-115C of the Public Utilities Act. In both cases, ALJ Kimbrel recommends entry of an order granting the certificate.

Is there any discussion? Any objection?

Hearing none, the Order is entered.

Item E-9 is Docket No. 13-0489. This is Community Housing Partners and Chicago Community Development Corp.'s complaint against ComEd as to denial of a request for master meter electrical service at a senior housing complex in Chicago.

ALJ Kimbrel recommends entry of an Order granting the requested Certificate of Service Authority.

Is there any discussion? Any objections?

Hearing none, the Order is entered.

Item E-10 is Docket No. 13-537. This is ComEd's petition to approve, on less than 45 days' notice and without suspension, tariffs addressing refusals of AMI meter installation.

Staff recommends that the Request for Special Permission be denied and ComEd not be allowed to file a the proposed tariffs on less than 45 days' notice.

Is there any discussion? Are there any objections to the denial?

Hearing none, the petition is denied.
Item E-11 is our investigation to determine whether tariffs filed by ComEd and approved in Docket No. 13-3086 are in compliance with Public Act 98-15. The staff recommends entry of an Order initiating the proceeding.

Is there any discussion? Any objections?

Hearing none, the Order is entered and the proceeding is initiated.

Turning now to Natural Gas, Item G-1 is our motion to initiate a proceeding against Ameren to determine whether the company has violated the Illinois Gas Pipeline Safety Act and Federal rules adopted by the Commission as to minimum safety standards.

Is there any discussion? Any objections?

Hearing none, the Order initiating the citation proceeding is entered.

Item G-2 is Docket No. 12-0602. This is our motion concerning Peoples Gas and North Shore Gas Company's reconciliation of revenues elected under Riders EOA with the actual costs associated with Energy Efficiency and On-Bill Financing Programs.

ALJ Jorgenson recommends entry of an Order approving the reconciliation.

Is there any discussion? Any objections?
Hearing none, the Order is entered.

Item G-3 is Docket No. 13-0362. This is Liberty Utilities Company and affiliates application for approval of a proposed reorganization, which ALJ Jorgenson recommends we grant.

Is there any discussion? Any objections?

Hearing none, the Order is entered.

Item G-4 is Docket No. 13-0482. This is Consumer Gas Company's petition pursuant to Section 7-101 of the Public Utilities Act seeking authority to enter into a lease of office space in which an affiliated interest exists. ALJ Yoder recommends entry of an Interim Order granting the requested relief.

Is there any discussion? Any objections?

Hearing none, the Interim Order is entered.

Onto Telecommunications, Items T-1 through T-6 can be taken together. These are the Commission's motions to initiate rulemaking proceedings and authorize first notice periods on amendments to 83 Illinois Administrative Code Parts 210, 220, 710, 711, 712 and 715.

Is there any discussion? Any objections?

Hearing none, the Orders initiating the rulemakings and authorizing submission of the first
notice periods are entered.

Items T-7 through T-9 can be taken together. These are petitions to cancel certificates of authority by various carriers in Illinois. In each case, ALJ Baker recommends entry of an Order granting the petition.

Is there any discussion? Any objections? Hearing none, the Orders are entered.

Item T-10 is Docket No. 13-0427. This is Ameritech's petition of cancellation of its certificate of authority to provide pay telephone service outside of Illinois Bell Telephone Company's territories in Illinois. ALJ Baker recommends entry of an Order withdrawing the certificate.

Is there any discussion? Any objections? Hearing none, the Order is entered.

Item T-11 is Docket No. 13-0438. This is a joint petition for approval of amendment to the Interconnection Agreement between AT&T and Bullseye Telecom pursuant to 47 USC 252. ALJ Baker recommends entry of an Order approving the amendment.

Is there any discussion? Any objections? Hearing none, the Order is entered.

Item T-12 and T-13 can be taken together. These are petitions for approval of modifications of
existing 911 Emergency Telephone Systems in Lincolnshire and Lake County. In both cases, ALJ Haynes recommends of an entry of an Order approving the modification.

Is there any discussion? Any objections.

Hearing none, the Orders are entered.

Onto Water and Sewer, Item W-1 is Dockets No. 09-0548 and 09-0549 concerning the Apple Canyon Utility Company and Lake Wildwood Utilities Corporation's proposed general increases in water rates.

The ALJ considered previously stricken comments and all public comments to the extent allowed by law, but affirms the rates that recover the revenue requirements set forth in the Commission's final Order entered on September 9th, 2010.

ALJ Kimbrel now recommends entry of an Order on remand.

Is there any discussions? Any objections?

Hearing none, the Order on Remand is entered.

There is one miscellaneous item on today's agenda, Docket No. 13-0389, concerns suggested changes to clarify the rule and fix ministerial errors in the Commission's proposed amendments to 83 Administrative Code 302, Guidelines for Carbon Dioxide Transportation and Sequestration.
The mandated first notice period has ended, and accordingly, ALJ Haynes recommends entry of a second notice order and appendix.

Is there any discussion? Any objections?

Hearing none, the second notice is entered.

We have a Petition for Rehearing, Item PR-1 is Docket No. 12-0598. This is Ameren's Petition for a Certificate of Public Convenience and Necessity pursuant to Section 8-0406.1 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 electric service line and related facilities in counties across Illinois.

Ameren Transmission Company, ATXI; PDM Coalition & Channon Family Trust; MISO; Morgan, Sangamon and Scott Counties Land Preservation Group; Adams County Property Owners and Tenant Farmers; and Edgar County Citizens who are Entitled to Due Process, have all filed Petitions for Rehearing.

Based on the arguments made by petitioners in their applications, ALJ Albers and Yoder recommend granting rehearing for ATXI, MISO, and PDM Coalition and Channon Family Trust.

Accordingly, the ALJs recommend denying
rehearing for ACPO, MSSCLPG and Edgar DP.

First, Judge Albers and Yoder, is there any new information or any new filings since the time of the memos that you've sent to us on this case?

JUDGE ALBERS: Good morning, Chairman. We received our second memo on Monday. Since then, we've received two filings from a group calling itself Edgar County Citizens who are Entitled to Due Process.

Yesterday we received from them a response to ATXI's objections to their intervention, motion to strike and rehearing request. And we also received a collection of affidavits from its members asserting they didn't receive service.

The ALJ did not learn of this until this morning when we checked E-Docket because they did not serve us with the documents.

We also received a filing from the Rural Clark and Edgar County Concerned Citizens last night, asserting that all of the members of the Edgar County Citizens who are Entitled to Due Process, received notice of this docket.

The fact that we have -- Judge Yoder has (inaudible) as well.

JUDGE YODER: Yes, Commissioners.
Since the August 20th meeting when the Order was entered, I think Judge Albers indicated that there 285 public comments that have been filed. Since that date, there have been 12 additional public comments.

CHAIRMAN SCOTT: Okay. Thank you, Judges. Any questions for the Judges on those issues? Commissioner Del Valle?

ACTING COMMISSIONER DEL VALLE: Yes. On Edgar County, those individuals were properly noticed. Were they?

JUDGE ALBERS: I assume you're referring to Edgar County Citizens who are Entitled to Due Process?

ACTING COMMISSIONER DEL VALLE: Yes.

JUDGE ALBERS: We were able to determine by looking at the service list from the Clerk's office that all but three of them appear on that list were clearly -- I'm looking through my notes on that right now. Here it is. The names identified on their Motion to Strike Application for Rehearing, most of those did in fact appear on the Clerk's office service list. There are a few that did not confirm clearly.

There were a couple of name variations that I believe are the same individuals that appear on the group's list, but given the state of Ameren's original
list of landowners, it's confusing as to some of those
names and had to be corrected by the Clerk's office.

But I believe that the addresses were accurate
for those couple of individuals, and the name of this is
slightly off. But there were, from my reckoning, one,
two (inaudible) married couple, and three and four. So,
three households altogether. I'm sorry. Two households
altogether I could not find on the service list.

But again, Rural Edgar County Concerned
Citizens believe, as they look at the information, that
everyone had in fact received notice. So (inaudible)
there's some discrepancy there.

COMMISSIONER COLGAN: They determined that they
had received notice?

JUDGE ALBERS: Yes. In the filing made by
Rural Edgar County Concerned Citizens, Rural Edgar and
Clark County Concerned Citizens, in their review of the
information, they reported everyone on the member list
for the most recent intervenor group did in fact receive
notice of some sort.

CHAIRMAN SCOTT: Further questions for the
Judges on this or any other issue? Commissioner McCabe?

COMMISSIONER McCabe: Did the most recent
petitions change any of your recommendations?
JUDGE YODER: No, I don't believe so.

JUDGE ALBERS: No. And I agree with Judge Yoder.

COMMISSIONER McCabe: Okay. Thanks.

CHAIRMAN SCOTT: Further questions?

Let's take each Applications for Rehearing individually. We'll begin with ATXI and the recommendation as to grant rehearing.

Is there any discussion on that? Commissioner McCabe?

COMMISSIONER McCabe: I support ATXI's Petition for Rehearing. I would like to direct ATXI to consider a direct line segment from Pawnee to Mount Zion, through Kincade. And if they determine that route is not feasible, then to present additional evidence on why a Pana upgrade is unnecessary as part of this project.

I also encourage staff to propose the Kincade route as an alternative route on rehearing, if that is still staff's position.

CHAIRMAN SCOTT: Further discussion on ATXI's petition? Is there any objection to granting ATXI's Petition for Rehearing? Hearing none, the request for rehearing is granted.

Next is PDM Coalition and Channon Family Trust.
The recommendation is to grant rehearing.
Is there any discussion on this issue? Is there any objection to granting rehearing on the PDM Coalition and Channon Family Trust?
Hearing none, the request for rehearing is granted.
The recommendation for ACPO is to deny rehearing.
Is there any discussion on this matter? Is there any objection to denying rehearing?
Hearing none--
ACTING COMMISSIONER MAYE: I'm sorry, Chairman Scott. Which one was that?
CHAIRMAN SCOTT: ACPO, Commissioner Maye.
ACTING COMMISSIONER MAYE: I don't recognize that one.
CHAIRMAN SCOTT: Right. The recommendation is to deny, and I was just asking if there are any objections--
ACTING COMMISSIONER MAYE: Oh.
CHAIRMAN SCOTT: --to denial. Any objections to denial?
Hearing none, the request for rehearing is denied.
Now we'll go to Edgar DP. The recommendation
there is to deny rehearing. Any discussion on this one?
Commissioner Del Valle?

ACTING COMMISSIONER DEL VALLE: Well, given the response to my question, and the fact that there is some doubt about whether or not everyone received notice and the possibility that a couple of households were not on the served list, I would vote to grant this one.
CHAIRMAN SCOTT: Is there any other discussion on this particular item?

COMMISSIONER COLGAN: I think I would agree with that. I think that that should be definitive that they receive notice.

And if we can't say without any concern or question that they did receive notice, I think the due process issue probably would -- I would have to agree with that.

JUDGE ALBERS: Mr. Chairman, this is Judge Albers, if I may interject for a moment.
CHAIRMAN SCOTT: Sure. Go ahead.

JUDGE ALBERS: FYI, according to our Commission Rules, 200.150, they do provide that one or two landowners are not covered in such a notice, that it wouldn't invalidate the entire process.

CHAIRMAN SCOTT: I'm sorry. Could you say that
one more time, Judge?

JUDGE ALBERS: Our rules provide that if one or two landowners are missed in such a notice, that it doesn't invalidate the process.

ACTING COMMISSIONER DEL VALLE: Mr. Chairman, I understand what the rules say, but I stand by my decision.

CHAIRMAN SCOTT: Further discussion on this? Do one of you want to make a motion to grant it then?

ACTING COMMISSIONER DEL VALLE: I move to grant it.

CHAIRMAN SCOTT: Is there a second?

COMMISSIONER COLGAN: Second.

CHAIRMAN SCOTT: Okay. Any further discussion on this? All in favor say aye.

COMMISSIONER COLGAN: Aye.

CHAIRMAN SCOTT: Opposed?

COMMISSIONER McCABE: No.

ACTING COMMISSIONER MAYE: No.

CHAIRMAN SCOTT: So, the request for rehearing is voted down by a two to three. So I think we need to affirmatively move to deny it then. So I'll make a motion to deny rehearing then in this case.

Is there a second?

COMMISSIONER McCABE: Second.
CHAIRMAN SCOTT: All in favor of denial say aye.

COMMISSIONER McCABE: Aye.

ACTING COMMISSIONER MAYE: Aye.

CHAIRMAN SCOTT: Opposed?

ACTING COMMISSIONER DEL VALLE: No.

COMMISSIONER COLGAN: No.

CHAIRMAN SCOTT: Motion to deny rehearing passes on a three to two vote.

The next is MISO. The recommendation is to grant rehearing.

Is there any discussion on this one?

I understand MISO, and their (inaudible) to us and their place in our everyday life here. But the issue -- they did two things.

One is they raised an issue that's already covered by ATXI in their petition. They don't suggest a new issue. They don't really suggest any new facts or information.

And the other issue that they bring up in the course of their petition is something that has already been decided in their favor. That being the need to have an entire -- need to have an entire property, entire line, to comply with the reliability.
And they're asking to talk again about the reliability and the necessity for the line, but that's something that -- that's an issue that's already been decided in their favor.

So I guess I'm just not sure what MISO, adding a Petition to Rehearing and granting that, what's new or different it brings in either terms of facts, law, issues or anything else.

So, I wouldn't be in favor of granting rehearing. The recommendation, by the way, is to grant rehearing.

COMMISSIONER COLGAN: I think I'm going to support it.

I understand that ATXI, having been granted rehearing, that MISO's issues will probably be folded in there. But if they had something to offer there, I'm going to be okay with that.

ACTING COMMISSIONER DEL VALLE: Mr. Chairman, Commissioner Colgan, I might learn something here. So, I'd like to grant rehearing.

CHAIRMAN SCOTT: Any further discussion on this item?

The recommendation is to grant rehearing. So, other than my own, is there any objection to granting
rehearing? Commissioner McCabe.

COMMISSIONER McCabe: I'm just agreeing with the Chairman.

CHAIRMAN SCOTT: Well, let's take a vote then. So, is there a motion to approve rehearing?

COMMISSIONER COLGAN: So moved.

CHAIRMAN SCOTT: Is there a second?

ACTING COMMISSIONER DEL VALLE: Second.

CHAIRMAN SCOTT: Moved and seconded to approve MISO's request for rehearing.

All in favor say aye.

COMMISSIONER COLGAN: Aye.

ACTING COMMISSIONER DEL VALLE: Aye.

ACTING COMMISSIONER MAYE: Aye.

CHAIRMAN SCOTT: Opposed? No.

COMMISSIONER McCabe: No.

CHAIRMAN SCOTT: No. The ayes have it, and MISO's Application for Rehearing is approved on a three to two vote.

And finally we have the recommendation for MSSCLPG. That recommendation from the Judges is to deny rehearing.

Is there any discussion on that matter?

Initially I'd like to raise on that one.
MSSCLPG has indicated that they have information that supports their claim that the MSCLTF -- we gotta do something with these acronyms -- is actually the least cost option for the Meredosia to Pawnee segment.

Granting rehearing would allow for a comparison of the MSCLTF route and the previously-approved stipulated route based on key factors needed to determine the least cost option.

It's MSSCLPG's and the staff's opinion in the Order that the MSCLTF route is actually the least cost route.

Granting rehearing will allow the evidence to be brought to light on that subject and will give us the opportunity to equitably examine the route's performance based on all the criteria that we used to determine these costs.

So, I believe the gathering of missing evidence on the MSCLTF route will allow the Commission to make a better-informed decision on the least cost route for the Meredosia to Pawnee segment of the line.

So I would actually support rehearing on the MSSCLPG application.

COMMISSIONER COLGAN: I'll agree with you on
CHAIRMAN SCOTT: Further discussion?

I would make a motion then that the MSSCLPG Application for Rehearing is approved.

Is there a second?

COMMISSIONER McCABE: Second.

COMMISSIONER COLGAN: Second.

CHAIRMAN SCOTT: All in favor say aye.

(Chorus of ayes.)

CHAIRMAN SCOTT: Any opposed?

ACTING COMMISSIONER MAYE: No.

CHAIRMAN SCOTT: The vote is four to one, and the application for MSSCLPG for rehearing is approved.

I believe that we've gotten to all of them.

Judges, have I missed anything there?

JUDGE ALBERS: No. I think you got everything.

We have rehearing granted on the segments from Meredosia to Kansas.

CHAIRMAN SCOTT: I believe that's correct.

JUDGE ALBERS: All right. Thank you.

CHAIRMAN SCOTT: We have two other items of business today.

The first is the 2014 Commission calendar. Are there any proposed edits to the calendar?
Is there a motion to approve the calendar?

COMMISSIONER COLGAN: So moved.

CHAIRMAN SCOTT: Is there a second?

ACTING COMMISSIONER DEL VALLE: Second.

CHAIRMAN SCOTT: It's been moved and seconded.

Any discussion?

In all in favor say aye.

(Chorus of ayes.)

CHAIRMAN SCOTT: Any opposed?

The vote is five to nothing and the calendar is approved.

The second item of other business concerns pending litigation, so we'll go into closed session to address it.

Is there a motion to go into closed session?

COMMISSIONER McCABE: So moved.

CHAIRMAN SCOTT: Is there a second?

COMMISSIONER COLGAN: Second.

CHAIRMAN SCOTT: It's been moved and seconded.

All in favor say aye.

(Chorus of ayes.)

Any opposed? The vote is five to nothing. The Commission will now go into closed session.

Please let me know when the room is ready in
Springfield.

(WHEREUPON, a closed session was had and
is transcribed under a separate
transcript.)
(The following proceedings were had in open session:)

JUDGE WALLACE: We are ready.

CHAIRMAN SCOTT: We're now back in open session.

In closed session, the Commission discussed the Petition for Writ of Certiorari in the Supreme Court of the United States regarding the Court of Appeals for the Seventh Circuit decision issued June 7th, 2013, Case Number 11-3421.

I would make a motion that we take no action with respect to the Writ of Certiorari at this time. Is there a second?

COMMISSIONER COLGAN: Second.

CHAIRMAN SCOTT: Is there any further discussion on that motion?

All in favor say aye.

(Chorus of ayes.)

CHAIRMAN SCOTT: Any opposed? The vote is five to nothing and the motion carries.

The Commission will take no action with respect to the Petition for Writ at this time.

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. Thank you, everyone.

(Bench session adjourned at 11:25 a.m.)
CERTIFICATE OF REPORTER

I, THOMAS A. MANNO, C.S.R. and Notary Public within and for the State of Illinois, do hereby certify that the meeting aforementioned was held at the time and in the place previously described, and was transcribed to the best of my ability, and contains all of the proceedings given at said meeting.

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

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THOMAS A. MANNO, C.S.R.
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