BEFORE THE
ILLINOIS COMMERCE COMMISSION

BENCH SESSION
(PUBLIC UTILITY)

Springfield, Illinois
Wednesday, October 19, 2011

Met, pursuant to notice, at 10:30 a.m.
in Hearing Room A, First Floor, Leland Building, 527 East Capitol Avenue, Springfield, Illinois.

PRESENT:

MR. DOUGLAS P. SCOTT, Chairman

MS. LULA M. FORD, Commissioner

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

MR. SHERMAN J. ELLIOTT, Commissioner

MR. JOHN T. COLGAN, Acting Commissioner

SULLIVAN REPORTING COMPANY, by
Carla J. Boehl, Reporter
CSR #084-002710
CHAIRMAN SCOTT: Pursuant to the provisions of the Illinois Open Meetings Act, I now convene a regularly scheduled Bench Session of the Illinois Commerce Commission. With me in Springfield are Commissioners O'Connell-Diaz, Ford, Elliott and Acting Commissioner Colgan. I am Chairman Scott. We have a quorum.

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.

(The Transportation portion of the proceedings was held at this time and is contained in a separate transcript.)
CHAIRMAN SCOTT: Moving on to the Public Utility agenda, we begin today with approval of minutes from prior Commission meetings. Up first are minutes from our September 21 Bench Session. I understand amendments have been forwarded.

Is there a motion to amend the minutes?

COMMISSIONER ELLIOTT: 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.

COMMISSIONERS: Aye.

CHAIRMAN SCOTT: Any opposed?

(No response.)

The vote is five to nothing, and the amendments to the September 21 minutes are adopted.

Is there a motion to approve the minutes as amended?

COMMISSIONER ELLIOTT: 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.

COMMISSIONERS: Aye.

CHAIRMAN SCOTT: Any opposed?

(No response.)

The vote is five to nothing, and the September 21 Bench Session minutes as amended are approved.

Turning next to the Electric portion of today's agenda, Item E-1 (11-0687) concerns initiating a reconciliation proceeding for Year 3 of Ameren's Energy Efficiency and Demand Response Programs. Staff recommends entry of an Order commencing the reconciliation proceeding.

Is there any discussion?

(No response.)

Is there a motion to enter the Order?

COMMISSIONER FORD: 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.
COMMISSIONERS: Aye.

CHAIRMAN SCOTT: Any opposed?

(No response.)

The vote is five to nothing, and the initiating order is entered.

We will use this five to nothing vote for the remainder of the Public Utility agenda, unless otherwise noted.

Item E-2 is Docket Number 11-0089.

This is Loretta Schoeny's complaint as to service against ComEd. The complainant no longer wishes to pursue her complaint, and ALJ Gilbert recommends dismissal without prejudice.

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the matter is dismissed.

Item E-3 is Docket Number 11-0162.

This is BlueStar's complaint for declaratory relief regarding ComEd's PORCB tariff. The parties have apparently settled their differences and brought a
Joint Motion to Dismiss which ALJ Gilbert recommends that we grant.

Is there any discussion?
(No response.)

Any objections?
(No response.)

Hearing none, the matter is dismissed.

Items E-4 and E-5 (11-0607, 11-0610) can be taken together. These are petitions requesting confidential and/or proprietary treatment for petitioner's reports filed with the Commission. In each case ALJ Yoder 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.

Item E-6 is Docket Number 11-0618.

This is ComEd's petition under Section 7-101 of the Public Utilities Act for consent to enter into a credit agreement to which interest affiliated through
a common board member are parties. ALJ Dolan recommends entry of an Order granting the petition for consent.

Is there any discussion?

COMMISSIONER O'CONNELL-DIAZ: Chairman, if I might.

CHAIRMAN SCOTT: Sure.

COMMISSIONER O'CONNELL-DIAZ: I would just note that the credit agreement here involves a bank that's located in Chicago, Seaway Bank, which is an African-American minority-owned bank. And in light of the Commission's, as well as the companies that we regulate, opportunities to move outside the traditional credit arrangements with the big, you know, the big banks and move into our communities and include minority-owned banks is something that, you know, we cannot dictate, but we certainly encourage.

And I just wanted to note that for the record, that this is one of those situations that we would like to see, I would like to see, more of and I am sure my other colleagues would, too. But these are things that make our communities better because
they bring to the fore institutions that heretofore were not represented in these type of credit arrangements with our large utilities.

COMMISSIONER FORD: I certainly echo those sentiments and I, too, applaud the company for their reach out efforts.

CHAIRMAN SCOTT: Okay. Thank you, Commissioners.

Did we vote on that already?

COMMISSIONER ELLIOTT: I don't believe so.

CHAIRMAN SCOTT: Is there any discussion, further discussion, on E-6?

(No response.)

Any objections?

(No response.)

Hearing none, the Order is entered, and the petition is granted.

Items E-7 and E-8 (11-0515, 11-0620) can be taken together. These items are Energent and SIMEC's applications for licensure as Agents, Brokers and Consultants. In each case ALJ Albers recommends entry of an Order granting the requested certificate.
Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the Orders are entered.

Turning now to Natural Gas, Item G-1 is Docket Number 10-0571. This is Roger Hotza's complaint against Integrys. ALJ Kimbrel 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 G-2 is Docket Number 11-0465. This is Victor Arrocha's complaint against Nicor. ALJ Sainsot recommends entry of an Order dismissing this matter without prejudice for want of prosecution.

Is there any discussion?

(No response.)
Any objections?

(No response.)

Hearing none, the Order is entered, and the matter is dismissed.

Items G-3 and G-4 (11-0495, 11-0591) can be taken together. These are each customer complaints against Nicor. In each case the parties have settled their differences and brought a Joint Motion to Dismiss which the ALJ recommends we grant.

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the Joint Motions to Dismiss are granted.

Item G-5 is Docket Number 11-0244.

This is Atmos Energy Corporation's application seeking approval to issue up to 2.2 million shares of common stock for its long-term incentive plan. ALJ Wallace recommends entry of an Order approving the application.

Is there any discussion?
(No response.)

Any objections?

(No response.)

Hearing none, the Order is entered.

Item G-6 is Docket Number 11-0616.

This is Atmos Energy's petition seeking either a declaratory ruling or the Commission's approval of arrangements between Atmos and ADM in connection with the lease of pipeline capacity. ALJ Wallace recommends entry of an Order approving the arrangements and granting the petition.

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the Order is entered.

Moving now to Telecommunications,

Item T-1 is Docket Number 11-0523. This is VMC Telecom's application for a certificate to provide resold interexchange telecommunication services in Illinois. ALJ Benn 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, and the certificate is granted.

Item T-2 is Docket Number 11-0598.
This is Budget Phone's application for a certificate to provide resold prepaid commercial radio service in 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, and the certificate is granted.

Item T-3 is Docket Number 10-0441.
This is Kintetsu World Express' complaint against Illinois Bell. The parties have apparently settled their differences and brought a Joint Motion to Dismiss which ALJ Haynes recommends that we grant.
Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the Joint Motion to Dismiss is granted.

Item T-4 is Docket Number 11-0544.

This is a Joint Petition by Illinois Consolidated Telephone Company and Windstream KDL for approval of a Negotiated Interconnection Agreement. ALJ Baker recommends entry of an Order approving the agreement.

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the Order is entered.

Item T-5 is Docket Number 11-0554.

This is a Joint Petition by Illinois Bell Telephone Company and Harrisonville Telephone Company seeking approval of a stand-alone agreement. ALJ Baker recommends entry of an Order approving the agreement.

Is there any discussion?
(No response.)

Any objections?

(No response.)

Hearing none, the Order is entered.

Item T-6 (11-0688) concerns initiating a rulemaking proceeding for Title 83, Part 735 of the Illinois Code. Staff recommends entry of an Order initiating the rulemaking proceeding.

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the Initiating Order is entered.

Item T-7 is Docket Number 11-0668.

This item has been withdrawn.

Moving on to Water and Sewer, Item W-1 is Docket Number 11-0250. This is Aqua Illinois' petition for approval of a new water pollution control agreement with the Village of Monee. ALJ Jones recommend entry of an Order approving the agreement.
Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the Order is entered.

Moving on to Miscellaneous items, Item M-1 concerns the initiation of a Notice of Inquiry into the existing consumer education information for residential and small commercial electric customers and whether updates are necessary. Staff recommends initiating the Notice.

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the Notice of Inquiry is initiated.

Item M-2 concerns initiating a rulemaking proceeding on rate case expenses. This item will be held today and addressed at our November 2 Bench Session.

Item M-3 (11-0689) concerns initiating
a proceeding to develop standard on-bill financing methodology and criteria required by prior Commission Orders. Staff recommends entry of an Order initiating this proceeding.

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the Order is entered.

We have a few FERC items left to handle today, and as these concern pending litigation, we will go into Closed Session to address them.

Is there a motion to go into Closed Session?

COMMISSIONER ELLIOTT: 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.

COMMISSIONERS: Aye.

CHAIRMAN SCOTT: Any opposed?
(No response.)

The vote is five to nothing, and the Commission will go into Closed Session.

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

CHICAGO: We are ready.

(Whereupon at this point pages 18 - 37 of the proceedings are contained in a separate closed transcript.)
CONTINUATION OF PROCEEDINGS

CHAIRMAN SCOTT: We are now back in Open Session. While we were in Closed Session, the Commission discussed proposed actions in connection with FERC Docket Numbers ER11-4628, EL05-121-006 and ER10-1791-001 and ER10-1791-02.

Is there a motion to authorize the actions that were recommended?

COMMISSIONER ELLIOTT: 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.

COMMISSIONERS: Aye.

CHAIRMAN SCOTT: Any opposed?

(No response.)

The vote is five to nothing, and the recommended actions are authorized.

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

JUDGE WALLACE: Nothing further, Mr. Chairman.

CHAIRMAN SCOTT: Thank you, sir. Hearing none,
this meeting stands adjourned.

BENCH SESSION ADJOURNED