BEFORE THE
ILLINOIS COMMERCE COMMISSION

BENCH SESSION
(PUBLIC UTILITY)

Springfield, Illinois
Wednesday, October 20, 2010

Met, pursuant to notice, at 10:30 a.m. in the
Audiovisual Room, Second Floor, Leland Building, 527
East Capitol Avenue, Springfield, Illinois.

PRESENT:

MR. MANUEL FLORES, Acting Chairman

MS. LULA M. FORD, Commissioner
(Via teleconference)

MS. ERIN M. O'CONNELL-DIAZ, Commissioner
(Via teleconference)

MR. SHERMAN J. ELLIOTT, Commissioner

MR. JOHN T. COLGAN, Acting Commissioner

SULLIVAN REPORTING COMPANY, by
Carla J. Boehl, Reporter
CSR #084-002710
ACTING CHAIRMAN FLORES: 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 Commissioner Elliott and Commissioner Colgan and with us in Chicago are Commissioners Ford and O'Connell-Diaz.

Good morning, Commissioners. I am Acting Chairman Flores. We have a quorum.

Before moving into the agenda, according to Section 1700.10 of the Illinois Administrative Code, this is the time we allow for 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 Bench Session.

(The Transportation portion of the proceedings was held at this time and
is contained in a separate

transcript.)

ACTING CHAIRMAN FLORES: Turning now to the

Public Utility agenda, we will start with the

approval of minutes from the September 22 Bench

Session. Is there a motion to approve the minutes?

ACTING COMMISSIONER COLGAN: So move.

ACTING CHAIRMAN FLORES: I will second it.

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

COMMISSIONERS: Aye.

ACTING CHAIRMAN FLORES: Any opposed?

(No response.)

ACTING CHAIRMAN FLORES: The vote is 5-0

approving the minutes for September 22.

Beginning with the Electric agenda,

Items E-1 through E-3 (08-0336, 08-0337, 08-0338) may

be taken together. These items concern petitions for

special permission for tariff revisions filed back in

2008 by the Ameren Illinois Utilities. Motions for

Withdrawal had been made in 2008 and Administrative

Law Judge Wallace recommends that we formally grant

those Motions for Withdrawal to finally close these
dockets.

I will make a motion to grant these
Motions to Withdraw the petitions. Is there a
second?

ACTING COMMISSIONER COLGAN: Second.

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

COMMISSIONERS: Aye.

ACTING CHAIRMAN FLORES: Any opposed?

(No response.)

ACTING CHAIRMAN FLORES: The vote is 5-0 and
the Motions to Withdraw are granted, thus closing
these dockets and hopefully helping to clean up the
Commission's e-Docket system.

We will use this 5-0 vote for the
remainder of the Public Utility agenda unless
otherwise noted.

Item E-4 is Docket Number 09-0575.

This concerns a complaint by Anthony James Grason
against AmerenIP concerning billing and charges.
Administrative Law Judge Tapia recommends entry of an
Order denying the complaint due to the lack of
evidence presented by the complainant.

Is there any discussion?

(No response.)

ACTING CHAIRMAN FLORES: Any objections?

(No response.)

ACTING CHAIRMAN FLORES: Hearing none, the Order is entered and the complaint is denied.

Item E-5 is Docket Number 10-0285.

This item concerns a petition by Prospect Resources for the protection of confidential and/or proprietary information contained in the company's Annual Recertification Report. Administrative Law Judge Teague recommends entry of an Order granting the relief requested for a period of two years.

Is there any discussion?

(No response.)

ACTING CHAIRMAN FLORES: Any objections?

(No response.)

ACTING CHAIRMAN FLORES: Hearing none, the Order is entered.

Item E-6 is Docket Number 10-0426.

This item concern a complaint as to billing and
charges by April Stone against ComEd. Administrative Law Judge Riley recommends entry of an Order dismissing the complaint without prejudice for want of prosecution.

Is there any discussion?

(No response.)

ACTING CHAIRMAN FLORES: Any objections?

(No response.)

ACTING CHAIRMAN FLORES: Hearing none, the complaint is dismissed.

Item E-7 is Docket Number 10-0529.

This item concerns a petition by Hudson Energy Services for the protection of confidential and/or proprietary information contained in the company's RPS Compliance Report. Administrative Law Judge Albers recommends entry of an Order granting the relief requested for a period of two years.

Is there any discussion?

(No response.)

ACTING CHAIRMAN FLORES: Any objections?

(No response.)

ACTING CHAIRMAN FLORES: Hearing none, the
Order is entered.

Item E-8 is Docket Number 10-0539.

This item concerns a petition by ComEd under Section 7-101 of the Public Utilities Act to enter into a credit agreement with Seaway Bank and Trust, an affiliated interest. Administrative Law Judge Haynes recommends entry of an Order approving ComEd's petition.

Is there any discussion?

(No response.)

ACTING CHAIRMAN FLORES: Any objections?

(No response.)

ACTING CHAIRMAN FLORES: Hearing none, the Order is entered and the petition is approved.

Item E-9 is Docket Number 10-0547.

This item concerns AmerenIP's petition for approval of an electric supplier customer release allowing for the City of Peru to serve a property in AmerenIP's service territory. Administrative Law Judge Jones recommends entry of an Order granting the requested relief.

Is there any discussion?
(No response.)

ACTING CHAIRMAN FLORES: Any objections?

(No response.)

ACTING CHAIRMAN FLORES: Hearing none, the Order is entered and the release is granted.

Item E-10 is Docket Number 10-0563.

This is the IPA Procurement Plan docket and at our last Bench Session the Commission determined that a hearing was not necessary to resolve any issues associated with IPA's proposed plan. Today we are now faced with an Emergency Motion for Reconsideration of that decision brought by Iberdrola and joined by Duke Energy. Administrative Law Judge Albers recommends that the Commission deny the emergency motion.

Any discussion?

JUDGE ALBERS: Mr. Chairman, if I can just add, since this memo was prepared, ComEd and IPA filed responses to the motion urging the Commission to deny the motion.

ACTING CHAIRMAN FLORES: Very well. Any other -- any discussion?
(No response.)

ACTING CHAIRMAN FLORES: Any other questions for Administrative Law Judge Albers?

(No response.)

ACTING CHAIRMAN FLORES: Very well. Any objections?

(No response.)

ACTING CHAIRMAN FLORES: Very well. Hearing none, the Motion for Reconsideration is denied.

Thank you, Your Honor.

Turning to Gas items, the Natural Gas Item G-1 (10-0609) concerns a proposed citation against Shawneetown regarding the alleged operation of a municipal gas system in violation of federal rules as incorporated by the Commission in Part 520 of Title 83 of the Illinois Administrative Code. Staff recommends entry of an Order initiating the citation proceeding.

Is there any discussion?

(No response.)

ACTING CHAIRMAN FLORES: Any objections?

(No response.)
ACTING CHAIRMAN FLORES: Hearing none, the Order is entered.

Items G-2 and G-3 (10-0573, 10-0574) will be taken together. These items concern petitions by Peoples Gas and North Shore Gas for special permission for rate schedule revisions surrounding the Rider EEP for the utilities' energy efficiency programs. Staff recommends that we allow the companies' proposal by granting the request for special permission.

Is there any discussion?

(No response.)

ACTING CHAIRMAN FLORES: Any objections?

(No response.)

ACTING CHAIRMAN FLORES: Hearing none, the requests for special permission are granted.

Item G-4 is Docket Number 09-0166 and 09-0167 Consolidated. This is the Peoples and North Shore Gas Companies' rate case filed back in 2009, and before us today is a motion by the Attorney General's Office for a stay of the companies' Rider ICR for infrastructure cost recovery. Administrative
Law Judge Haynes recommends that the Commission deny the motion for a stay. Any discussion?

COMMISSIONER FORD: Chairman?

ACTING CHAIRMAN FLORES: Yes, ma'am.

COMMISSIONER FORD: Before I make my statement, I would like for the Judge to brief us on this.

ACTING CHAIRMAN FLORES: Your Honor?

JUDGE HAYNES: As the Commission knows, this Rider ICR is on appeal and the Attorney General's Office has asked that the Commission put a stay on the Order which approved the companies' Rider ICR. And I recommend that that stay -- that the Commission not grant the stay. Rider ICR the Commission approved because of the safety concerns with the age of the companies' mains that were at issue here, and the rider allows the Commission to require the companies to expedite the replacement of those mains. And so I think that because the Commission found those safety concerns, that the company should go ahead with the expedited schedule of this replacement that the rider allows them to do.
COMMISSIONER FORD: Because initially the replacement was going to take 50 years, and in our motion we asked that it be expedited to 20 years.

JUDGE HAYNES: Yes.

COMMISSIONER FORD: And I totally agree with everything that you have put into it, your brief, as sitting on the National Pipeline Safety Board. This is something that would cause irreparable harm to the citizens who live in the great city of Chicago. So I do thank you for this Order.

COMMISSIONER O'CONNELL-DIAZ: If I might, I would just like to read a little something here for everyone's edification. This is from the National Transportation Safety Board.

"On September 9, 2010, at approximately 6:11 p.m. Pacific Daylight Time, a 30-inch diameter natural gas transmission line, Line 132, owned and operated by Pacific Gas and Electric Company (PG&E) ruptured in a residential area in San Bruno, California. On September 10 the NTSB launched a team to California to investigate this tragedy. Vice Chairman Christopher Hart was the NTSB member on
It occurred near milepost 39B of Earl Avenue and Glenwood Drive. Approximately 47.6 million standard cubic feet of natural gas was released from this rupture. The rupture created a crater approximately 72 feet long by 26 feet wide. A pipe segment approximately 28 feet long was found about 100 feet away from the crater. The released natural gas was ignited sometime after the rupture. The resulting fire destroyed 37 homes, damaged 18, eight people were killed, numerous individuals were injured and many more were evacuated from the area."

The pipe in this incident was put in the ground in 1956. The evidence in the record in our case showed us that some of the pipes in our city are 100 and maybe even more than 100 years old. I think this is the ultimate irreparable damage.

What we are talking about here in this case is recovery of money and it is a timing issue. Either it, as Commissioner Ford said, would be on a 50-year program or a 20-year program. I wish it could be on a 10-year program. But it is going to be
on this program that we have initiated pursuant to this rider. The rider allows only those costs that are determined to be prudent in a prudency hearing that we have every year before anybody pays one cent towards the infrastructure improvements that are -- they are just mandated by what we have seen happen in California. So I find it extremely, extremely disturbing to the public that we would have something like this come before us on such a critical safety issue.

And I would like to thank our staff.

I know that Mr. Stoller testified in the proceeding that it was -- we needed to get moving on this quickly and that the system that was in Chicago was antiquated. And the Commission has fought long and hard about this issue and tried to do it in a way that is responsible but realizing that we are sitting on a potential safety nightmare.

So I would like to thank Judge Haynes for stepping us through this motion that was filed by our chief legal officer. And safety outweighs anything here. So I just -- I am just appalled by
the filing of this. Thank you.

ACTING CHAIRMAN FLORES: Any further discussion?

(No response.)

ACTING CHAIRMAN FLORES: Objections?

(No response.).

ACTING CHAIRMAN FLORES: Very well. Thank you, Commissioners. Hearing none, the Motion for a stay is denied.

Items G-5 and G-6 (09-0386, 10-0318) can be taken together. These items concern complaints by Betty Hudson and Tracye Brogden regarding billing and/or charges against Peoples Gas. In each case the parties have apparently resolved their differences and now bring Joint Motions to Dismiss which the Administrative Law Judges recommend that we grant.

Is there any discussion?

(No response.)

ACTING CHAIRMAN FLORES: Any objections?

(No response.)

ACTING CHAIRMAN FLORES: Hearing none, the
Joint Motions to Dismiss are granted.

Item G-7 is Docket Number 10-0391.

This item concerns a complaint as to billing and/or charges brought by Michael Cornell against Nicor. Administrative Law Judge Teague recommends entry of an Order dismissing the complaint without prejudice for want of prosecution.

Is there any discussion?

(No response.)

ACTING CHAIRMAN FLORES: Any objections?

(No response.)

ACTING CHAIRMAN FLORES: Hearing none, the Order is entered and the docket is dismissed.

Items G-8 and G-9 (10-0427, 10-0491) can be taken together. These items concern complaints by Julie Halbower against Nicor and by Sandra Lawrence-Brogren and Valencia Condo Association against Peoples Gas. In each case the parties have resolved their differences and now bring Joint Motions to Dismiss which Administrative Law Judge Kimbrel recommends we grant.

Is there any discussion?
ACTING CHAIRMAN FLORES: Any objections?

(No response.)

ACTING CHAIRMAN FLORES: Hearing none, the Joint Motions to Dismiss are granted.

Moving on to the Telecommunications part of the agenda, Item T-1 is Docket Number 06-0602. This item concerns Mobilitie's application for a Certificate of Local Authority to operate as a facilities-based carrier of telecommunication services in Chicago. The company had filed a Motion to Withdraw back in 2007, and Administrative Law Judge Riley recommends that the Commission act to dismiss the docket so that our e-Docket system properly reflects this docket as closed.

Is there any discussion?

(No response.)

ACTING CHAIRMAN FLORES: Any objections?

(No response.)

ACTING CHAIRMAN FLORES: Hearing none, the docket is dismissed.

Item T-2 is Docket Number 10-0451.
This item concern an application by Central Scott Technologies seeking a Certificate of Local Exchange Authority, a Certificate of Service Authority and a Certificate of Interexchange Service Authority for its operations within the state of Illinois. Administrative Law Judge Teague recommends that the Commission enter an Order granting the certificates.

Is there any discussion?

(No response.)

ACTING CHAIRMAN FLORES: Any objections?

(No response.)

ACTING CHAIRMAN FLORES: Hearing none, the Order is entered and the certificates are granted.

Item T-3 is Docket Number 10-0526.

This item concerns an application by Clear Wireless for a Certificate of Authority to operate as a reseller of wireless telecommunication services throughout Illinois. Administrative Law Judge Riley recommends that the Commission enter an Order granting the certificate.

Is there any discussion?

(No response.)
ACTING CHAIRMAN FLORES: Any objections?

(No response.)

ACTING CHAIRMAN FLORES: Hearing none, the Order is entered and the certificate is granted.

Item T-4 is Docket Number 10-0545.

This item concerns an application by UPNI Merger Sub, LLC, seeking a Certificate of Interexchange Service Authority, a Certificate of Service Authority and a Certificate of Exchange Service Authority and seeking cancellation of the same certificates issued to Unite Private Networks-Illinois, LLC, in Docket Number 05-0302. Administrative Law Judge Riley recommends that the Commission enter an Order granting the requested relief.

Is there any discussion?

(No response.)

ACTING CHAIRMAN FLORES: Any objections?

(No response.)

ACTING CHAIRMAN FLORES: Hearing none, the Order is entered.

Item T-5 is Docket Number 10-0330.

This item concerns a complaint as to billing and/or
Mannan Abdul against Cbeyond Communications. The parties have resolved their differences and now bring a Joint Motion to Dismiss which Administrative Law Judge Haynes recommends that we grant.

Is there any discussion?

(No response.)

ACTING CHAIRMAN FLORES: Any objections?

(No response.)

ACTING CHAIRMAN FLORES: Hearing none, the Joint Motion to Dismiss is granted.

Items T-6 and T-7 (10-0479, 10-0480) can be taken together. These items concern petitions by Cellular Properties and the Illinois Valley Cellular RSA 2-I and RSA 2-II Partnership to protect against the disclosure of confidential and/or proprietary information in their annual reports. In each case Administrative Law Judge Teague recommends entry of an Order granting the requested relief for a period of two years.

Is there any discussion?

(No response.)
ACTING CHAIRMAN FLORES: Any objections?

(No response.)

ACTING CHAIRMAN FLORES: Hearing none, the Orders are entered and the requested relief is granted for two years.

Moving on to the Water and Sewer portion of today's agenda, Item W-1 is Docket Number 10-0204. This item concerns Del-Mar Water Company's petition pursuant to Section 9-220.2 of the Public Utilities Act and Part 200 of the Administrative Code for approval of its reconciliation of purchased sewage treatment with actual costs. The Administrative Law Judge recommends entry of an Order approving the reconciliation.

Is there any discussion?

(No response.)

ACTING CHAIRMAN FLORES: Any objections?

(No response.)

ACTING CHAIRMAN FLORES: Hearing none, the Order is entered and the reconciliation is approved.

Item W-2 is Docket Number 10-0215. This item concerns Apple Canyon's petition for the
issuance of a certificate to provide service to a parcel of land that is a cite for a proposed fire station in unincorporated Jo-Daviess County. Administrative Law Judge Kimbrel recommends that the Commission enter an Order approving the contract between the company and the fire protection district and granting a Certificate of Public Convenience and Necessity for the provision of water service.

Is there any discussion?

(No response.)

ACTING CHAIRMAN FLORES: Any objections?

(No response.)

ACTING CHAIRMAN FLORES: Hearing none, the Order is entered and the request for relief is granted.

We have a couple of miscellaneous matters. Item M-1 (10-0610) concerns a resolution for the re-appointment of representatives of utilities and municipalities to the Underground Damage Prevention Advisory Committee. The resolution calls for Mr. Ted Anderson to be reappointed as a utility representative and Mr. Michael Reynolds to be
reappointed as a municipality representative. Staff
recommends that the Commission adopt this resolution.

Is there any discussion?

(No response.)

ACTING CHAIRMAN FLORES: Any objections?

(No response.)

ACTING CHAIRMAN FLORES: Hearing none, the
resolution is adopted.

Item M-2 is Docket Number 09-0511.

This docket concerns a rulemaking regarding revisions
to Part 200.520 of Title 83 of the Illinois
Administrative Code concerning interlocutory review.
The first notice period with respect to this
rulemaking has expired and Administrative Law Judge
Dolan recommends that the Commission enter a Second
Notice Order allowing for second notice of the
proposed amendment to be shared with the Joint
Committee on Administrative Rules.

Is there any discussion?

(No response.)

ACTING CHAIRMAN FLORES: Any objections?

(No response.)
ACTING CHAIRMAN FLORES: Hearing none, the Second Notice Order is entered.

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

JUDGE WALLACE: Not today, Mr. Chairman.

ACTING CHAIRMAN FLORES: Thank you very much. And hearing none, this meeting stands adjourned.

MEETING ADJOURNED