BEFORE THE
ILLINOIS COMMERCE COMMISSION

BENCH SESSION

(TRANSPORTATION)

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 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?

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 now to the Transportation agenda, we'll begin with the approval of minutes from our September 18th 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 Colgan: Seconded.

CHAIRMAN Scott: It's been moved and seconded.

All in favor say aye.

(Chorus of ayes.)
Any opposed?

(No response.)

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: So moved. Is there a second?

COMMISSIONER McCABE: Second.

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

(Chorus of ayes.)

Any opposed?

(No response.)

The vote is five to nothing, and the minutes for the September 18th bench session as amended are approved.

Under the Railroad portion of today's agenda, Item RR-1 is Docket No. T-12-0062. This is Norfolk Southern Railway Company, Big Mound Township, Wayne County Highway Department and IDOT's stipulated agreement regarding public safety improvements at a highway-rail grade crossing in Wayne County. ALJ Duggan recommends entry of an order granting the requested relief.
Is there any discussion? Any objections?

Is there a motion to enter the order?

COMMISSIONER McCabe: So moved.

CHAIRMAN Scott: Is there a second?

COMMISSIONER Colgan: Second.

CHAIRMAN Scott: All in favor say aye.

(Chorus of ayes.)

Any opposed?

The vote is five to nothing and the order is entered. We'll use this five to nothing vote for the remainder of today's transportation agenda unless otherwise noted.

Item RR-2 is Docket No. T13-0078. This is IDOT's amended petition for approval of the taking or damaging of certain properties owned by Norfolk Southern Railway Company in Cook County by exercising the right of eminent domain.

Staff and Norfolk Southern support the petition, and ALJ Kirkland-Montague recommends entry of an order granting the amended petition.

Is there any discussion? Any objections?

Hearing none, the order is entered.

Items RR-3 through RR-5 can be taken together.

These items are stipulated agreements seeking
authorization for safety improvement projects at
highway-rail grade crossings in Illinois. In each case
our transportation counsel recommends entry of an order
granting each partie's request relief.

Any discussion?

Any objections?

Hearing none, the orders are entered.

On the Motor Carriers, Item MC-1 is a
stipulated agreement concerning GIL and R. Trucking's
alleged violation of the Illinois Commercial
Transportation Law. Our transportation counsel
recommends entry of an order accepting the stipulated
settlement agreement.

Is there any discussion? Any objection?

Hearing none, the order is entered.

We have one administrative item for
consideration today. Item AM-1 concerns Safeway Towing
and Recovery's petition for rehearing of an
administrative citations ruling.

ALJ Kirkland-Montaque recommends denial of the
petition.

Is there any discussion? Are there any
objections to denying the petition?

Hearing none, the application for rehearing is
denied.

Mr. Matrisch, is there any further transportation business to come before the Commission today?

MR. MATRISCH: No, Chairman. Thank you.

CHAIRMAN SCOTT: Thank you, sir. Hearing none, that concludes today's transportation agenda.

(WHEREUPON, the Public Utility agenda was had, and is transcribed in a separate transcript.)
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.

THOMAS A. MANNO, C.S.R.
License No. 84-1174