BEFORE THE
ILLINOIS COMMERCE COMMISSION

BENCH SESSION
(TRANSPORTATION)

Wednesday, October 23, 2013
Springfield, Illinois

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

PRESENT:

MR. DOUGLAS P. SCOTT, Chairman
(Via videoconference)

MS. ANN MCCABE, Commissioner
(Via videoconference)

MR. JOHN T. COLGAN, Commissioner

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

MR. MIGUEL DEL VALLE, Acting Commissioner

MIDWEST LITIGATION SERVICES, by
Robin A. Enstrom, RPR, CSR
CSR No. 084-002046
CHAIRMAN SCOTT: Is everything ready in Springfield?

COMMISSIONER COLGAN: We're set to go, Chairman.

CHAIRMAN SCOTT: 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 us in Springfield are Commissioner Colgan and Acting Commissioner del Valle. With me in Chicago are Commissioner McCabe and Acting Commissioner Maye. I'm 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 Bench Session.

I want to make a quick announcement
here before we get into the agenda, and that is
that the Bilandic Building has a fire drill
scheduled this morning, which means they're
evacuating floor by floor. If they get to us
during the -- during the course of our meeting,
we're going to take a quick recess and then come
back. We're told that it takes approximately 10
to 15 minutes to do that. So we'll -- we'll let
you know. You'll hear it, if it happens, and
they tell us that our floor needs to evacuate.
So I just wanted to give you that heads up and
feel free to evacuate in Springfield if you want
to.

UNIDENTIFIED: Hopefully during --

CHAIRMAN SCOTT: I know, but we're
going to --

UNIDENTIFIED: Okay.

CHAIRMAN SCOTT: We're going to --
we're going to obey. We'll do what we're told
here today.

Okay. Moving to the Transportation
agenda, Items RR-1 through RR-6 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 an Order approving the stipulated agreement.

Is there any discussion?

(No response.)

CHAIRMAN SCOTT: Is there a motion to enter the Orders?

COMMISSIONER MCCABE: So moved.

CHAIRMAN SCOTT: Is there a second?

ACTING COMMISSIONER MAYE: Second.

COURT REPORTER: I'm sorry. Who? I didn't catch who second -- so moved and seconded.

COMMISSIONER MCCABE: Commissioner McCabe moved, and Commissioner Maye seconded.

COURT REPORTER: Thank you.

CHAIRMAN SCOTT: Okay. Any discussion?

(No response.)

CHAIRMAN SCOTT: All in favor say aye.

(Ayes heard.)

CHAIRMAN SCOTT: Any opposed?

(No response.)
CHAIRMAN SCOTT: Vote is 5-0, and the Orders are entered.

We will use this 5-0 vote for the remainder of today's Transportation agenda unless otherwise noted.

Item RR-7 is Docket No. T12-0111. This is Alton and Southern Railway's petition for authorization to construct a safety improvement project at a highway-rail grade crossing in Madison County. Petitioners have filed a motion to vacate the Commission's prior June 26, 2013, Order granting authorization, and ALJ Duggan recommends entry of a Supplemental Order granting the requested relief.

Is there any discussion?

(No response.)

CHAIRMAN SCOTT: Any objections?

(No response.)

CHAIRMAN SCOTT: Hearing none, the Supplemental Order is entered.

Items RR-8 through RR-10 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 the parties have requested additional time or funding to complete the project, and in each case our transportation counsel recommends entry of a Supplemental Order granting the parties' requested relief.

Is there any discussion?

(No response.)

CHAIRMAN SCOTT: Any objections?

(No response.)

CHAIRMAN SCOTT: Hearing none, the Supplemental Orders are entered.

On to Motor Carriers, Item MC-1 is a stipulated settlement agreement concerning alleged violations of the Illinois Commercial Transportation Law by Gordon Trucking. Our transportation counsel recommends entry of an Order accepting the settlement agreement.

Is there any discussion?

(No response.)

CHAIRMAN SCOTT: Are there any objections?

(No response.)

CHAIRMAN SCOTT: Hearing none, the Order is entered.
Item MC-2 is Black Dog Moving, Incorporated's application for a certificate for household goods/property motor carrier authority under the Illinois Commercial Transportation Law. ALJ Kirkland-Montaque recommends entry of an Order granting the application.

Is there any discussion?

(No response.)

CHAIRMAN SCOTT: Any objections?

(No response.)

CHAIRMAN SCOTT: Hearing none, the Order is entered.

(Fire drill announcement.)

CHAIRMAN SCOTT: Okay. So that was us. So we are going to take a quick recess, and we will be back probably in about 10 to 15 minutes.

(Short recess.)

CHAIRMAN SCOTT: Springfield, you guys ready? We've had our little two-floor jog here.

COMMISSIONER COLGAN: Yeah, we're ready.

CHAIRMAN SCOTT: All right. We'll go
back on the record now.

Item MC-3 is Darrell's, Incorporated's application for a license to operate as a commercial vehicle relocation towing service pursuant to Illinois Commercial Relocation of Trespassing Vehicles Law. ALJ Kirkland-Montaque recommends entry of an Order granting the application.

Is there any discussion?

(No response.)

CHAIRMAN SCOTT: Any objections?

(No response.)

CHAIRMAN SCOTT: Hearing none, the Order is entered.

Items MC-4 and MC-5 can be taken together. These items are applications for operator employment permits pursuant to the Illinois Commercial Relocation of Trespassing Vehicles Law. In both cases ALJ Kirkland-Montaque recommends entry of an Order granting the application.

Is there any discussion?

(No response.)

CHAIRMAN SCOTT: Any objections?
(No response.)

CHAIRMAN SCOTT: Hearing none, the

Orders are entered.

Moving now to Collateral Recovery,

Item CR-1 is David Bryan Kline's application for

a Class "E" recovery permit pursuant to Section

45 of the Collateral Recovery Act. ALJ Duggan

recommends entry of an Order granting the

application.

Is there any discussion?

(No response.)

CHAIRMAN SCOTT: Any objections?

(No response.)

CHAIRMAN SCOTT: Hearing none, the

Order is entered.

Item CR-2 is Jonathan A. Jendral's

application for a Class "E" recovery permit

pursuant to Section 45 of the Collateral Recovery

Act. ALJ Kirkland-Montaque recommends entry of

an Order granting the application.

I believe Commissioner Maye had some

edits to this. Commissioner Maye.

ACTING COMMISSIONER MAYE: I do.

Thank you.
We do believe that it is important for the Commission to remain consistent, and a few months back we did deny a permit for an applicant who did not disclose past criminal convictions.

However, we did just want to state in this Order that, while we do not condone omissions of any type relating to past criminal convictions, we are recommending that -- or we are granting the petition because we do feel like this particular candidate did not act with any malice or did not intend to deceive the Commission. Due to his age and the length of time that has gone between the convictions and the time of the request for the permit, we do believe he reasonably misunderstood that he was supposed to list those on the application.

However, we want to remain consistent. We just wanted to add some language that stated that we do not condone such omissions but that this particular candidate was not one of those type.

So we do agree with the ALJ in this matter.
CHAIRMAN SCOTT: Per the Commissioner's explanation, Commissioner Maye, are you moving the adoption of the revisions?

ACTING COMMISSIONER MAYE: Yes.

Thank you.

CHAIRMAN SCOTT: Is there a second?

COMMISSIONER MCCABE: Second.

CHAIRMAN SCOTT: Second by Commissioner McCabe.

We're moved and seconded.

Any discussion on the edits?

(No response.)

CHAIRMAN SCOTT: All in favor of the edits vote aye.

(Ayes heard.)

CHAIRMAN SCOTT: Any opposed?

(No response.)

CHAIRMAN SCOTT: The amendments are adopted 5-0.

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

COMMISSIONER MCCABE: So moved.

CHAIRMAN SCOTT: Moved by Commissioner McCabe.
Is there a second?

ACTING COMMISSIONER MAYE: Second.

CHAIRMAN SCOTT: Second by Commissioner Maye.

Any discussion?

(No response.)

CHAIRMAN SCOTT: All in favor say aye.

(Ayes heard.)

CHAIRMAN SCOTT: Any opposed?

(No response.)

CHAIRMAN SCOTT: Vote is 5-0 and the Order as amended is entered.

Item CR-3 is Antonio Garcia Ramirez' application for a Class "E" recovery permit pursuant to Section 45 of the Collateral Recovery Act. ALJ Duggan recommends entry of an Order granting the application.

Is there any discussion?

(No response.)

CHAIRMAN SCOTT: Any objections?

(No response.)

CHAIRMAN SCOTT: Hearing none, the Order is entered.
We have two administrative items for consideration today.

Item AM-1 concerns our rulemaking to amend 92 Illinois Administrative Code Section 1480, rules that pertain to collateral recovery. Staff recommends that the Commission adopt a resolution authorizing submission of the second notice to JCAR.

Is there any discussion?

Commissioner McCabe.

COMMISSIONER MCCABE: Mr. Matrisch, were there any major changes from the last version?

MR. MATRISCH: No, Commissioner. The only changes were made at the suggestion of JCAR, and they were nothing more than minor grammatical/punctuation changes. There were no substantive changes made.

COMMISSIONER MCCABE: Thank you.

CHAIRMAN SCOTT: Further discussion?

(No response.)

CHAIRMAN SCOTT: Are there any objections?

(No response.)
CHAIRMAN SCOTT: Hearing none, the resolution is adopted.

Item AM-2 is Safeway Towing and Recovery's petition for rehearing of an administrative citation ruling. ALJ Kirkland-Montaque recommends that we deny the petition.

Is there any discussion?

(No response.)

CHAIRMAN SCOTT: Is there any objections to deny the petition?

(No response.)

CHAIRMAN SCOTT: Hearing none, the petition 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, this concludes today's Transportation agenda.

END OF TRANSPORTATION AGENDA

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CERTIFICATE OF REPORTER

STATE OF ILLINOIS )
 ) ss.
COUNTY OF SANGAMON )

I, ROBIN A. ENSTROM, a Registered Professional Reporter and Certified Shorthand Reporter within and for the State of Illinois, do hereby certify that the foregoing proceedings were taken by me to the best of my ability and thereafter reduced to typewriting under my direction; that I am neither counsel for, related to, nor employed by any of the parties to the action in which these proceedings were taken; and further that I am not a relative or employee of any attorney or counsel employed by the parties thereto, nor financially or otherwise interested in the outcome of the action.

_______________________________
ROBIN A. ENSTROM
Illinois CSR No. 084-002046