BEFORE THE
ILLINOIS COMMERCE COMMISSION

BENCH (OPEN) SESSION
(PUBLIC UTILITY)

Thursday, November 12, 2015
Chicago, Illinois

Met pursuant to notice at 10:30 a.m. at
160 North LaSalle Street, Chicago, Illinois.

PRESENT:

BRIEN J. SHEAHAN, Chairman

ANN McCABE, Commissioner

SHERINA E. MAYE EDWARDS, Commissioner

MIGUEL DEL VALLE, Commissioner

JOHN R. ROASLES, Commissioner

SULLIVAN REPORTING COMPANY, by
Tracy L. Overocker, CSR
CHAIRMAN SHEAHAN: Good morning.

Are we ready to proceed in Springfield.

CHIEF CLERK: Yes, we are.

CHAIRMAN SHEAHAN: Pursuant to the Open Meetings Act, I call to order the November 12th, 2015 Bench Meeting of the Illinois Commerce Commission.

Commissioners McCabe, Del Valle -- Maye Edwards?

COMMISSIONER MAYE EDWARDS: Sure.

CHAIRMAN SHEAHAN: -- and Rosales -- congratulations -- are present with me in Chicago.

We have a quorum.

COMMISSIONER ROSALES: The congratulations was for Edwards, not for Rosales.

CHAIRMAN SHEAHAN: We have no requests to speak and will therefore move into our Regular Public Utility Agenda.

There are edits to the minutes of our October 14, 2015 Special Opening Meeting. Are there any objections to approving the minutes as edited?

(No response.)
Hearing none, the minutes as edited are approved.

Items E-1 through 4 concern various complaints filed against ComEd. Are there any objections to considering these items together or granting the Motions to Dismiss?

(No response.)

Hearing none, the Motions to Dismiss are granted and the complaints are dismissed.

Item E-5 involves CUB and ELPC’s petition to initiate a rulemaking proceeding to amend portions of Part 466 and Part 467 of the Illinois Administrative Code.

I believe Commissioner Del Valle would like to make a statement.

Commissioner.

COMMISSIONER DEL VALLE: Thank you, Mr. Chairman. As we begin first notice of this rulemaking, I ask the parties to give thought and comment on a couple of areas from the Order.

First, regarding Part 466.70(h) and the emergency disconnection switches, parties should
add comments on the merits of requiring an EDS only in the absence of an alternative, like a meter which could be pulled. I believe it would also be beneficial to have the utilities submit data on whether these devices have been used in the past and under what circumstances. Safety is, of course, paramount, but we should not be adding significant costs to these projects if sufficient alternatives are available, placing more barriers in the development of residential solar.

Second, regarding the supplemental review, I ask parties to comment on the possibility and likelihood that substantial numbers of customers in the Ameren zone would automatically fail the supplemental review due to AMI covering only 62 percent of its territory.

Further, if the Commission were to allow the use of estimates in calculating the 100 percent minimal load screening in the supplemental review of Level 2, what should be the methodology for estimating the load?

Thank you.
CHAIRMAN SHEAHAN: Thank you. I believe Commissioner McCabe also had some nonsubstantive edits to the Order.

Are there any objections to approving the proposed Order as edited?

(No response.)

Hearing none, the Order as edited is approved.

Item E-6 involves the authorization of the second notice period regarding an amendment to the Illinois Administrative Code Part 465 net metering. I believe Commissioner Del Valle would like to make a comment.

COMMISSIONER DEL VALLE: Yes. Thank you, Mr. Chairman.

I agree with the outcome of this Second Notice Order. Section 16-107.5 was added to the PUA on August 24th, 2007 and Part 465, the subject of this proceeding was first adopted in May of 2008. As of December 31st, 2014, even though seven years had passed and net metering was used as one of the selling points for the 2011 Smart Grid
Law, only 424 customers had been able to take advantage of net metering in ComEd's territory. It would seem the original Net Metering Program has struggled even as ComEd has publically supported it.

This past week, ComEd's President and CEO Anne Pramaggiore delivered the keynote address at the International Energy Conference hosted by The Energy Times here in Chicago. She spoke of the utility's role in delivering clean energy solutions and providing customers with more choice.

The majority of ComEd's customers are not able to place solar panels on top of where they live, especially low-income, renters, multi-unit condo association and homeowners that happen to have unsuitable roofs. Meter aggregation has been identified as a key means of delivering clean energy solutions for these customers. Yet ComEd's position in this docket was to block this clean energy option and customer choice. The company explains that its current policies do not allow such services and it proposed language for this code part that would stop areas from providing it. Additionally, the company
has moved to reduce transparency for these customers or for those customers it would deny a meter aggregation application.

Further, the company's reasons for trying to reject the ability for anyone to participate in these programs are vague, unsupported by any evidence and seem to fundamentally misunderstand the benefits of distributed generation.

Thank you.

CHAIRMAN SHEAHAN: Thank you. Are there any other comments?

(No response.)

Are there objections to approving the Second Notice Order?

(No response.)

Hearing none, the Order is approved.

Item E-7 involves Grain Belt Express Clean Line application seeking a Certificate of Public Convenience and Necessity pursuant to Section 8-406.1 of the Public Utilities Act.

I move to grant the Certificate of Public and Convenience -- Public Convenience and
Necessity.

Is there a second?

COMMISSIONER ROSALES: Second.

CHAIRMAN SHEAHAN: Is there any discussion?

COMMISSIONER McCabe: (Indicating.)

CHAIRMAN SHEAHAN: Commissioner McCabe.

COMMISSIONER McCabe: I am voting no on this Order and will be filing a dissent because only a public utility may use the 406.1 expedited process for a transmission CPCN and Grain Belt Express has not provide sufficient evidence to convince me that it was a public utility in Illinois at the time of its April 10th, 2015 application.

This docket is an application for expedited approval of a high-voltage direct current HVDC transmission line that would pass through approximately 200 miles of Illinois from west to east, with electricity withdrawn at the very end of the line.

The Commission previously approved Clean Line's Rock Island HVDC transmission line in Docket 12-0560. The applications are distinct. Rock
Island applied for its CPCN under a different statute that one, allowed the Commission to fully develop a record and; two, did not include the 406.1 prerequisite that the applicant be a public utility.

I want to emphasize that the Commission had an opportunity early in this docket to properly dismiss this application because the applicant was not a public utility as required by statute.

Both the ALJ and Commission Staff recommended that the Commission grant the Motion to Dismiss. On July 28th, 2015, the Commission denied a Motion to Dismiss on these grounds in a 3 to 2 vote. I was one of the two votes to dismiss.

I am, therefore, voting no and will be filing a dissent. Commissioner Del Valle will join me in the dissent.

Thank you.

CHAIRMAN SHEAHAN: Commissioner Del Valle, I believe you also have some comments?

COMMISSIONER DEL VALLE: Yes. Thank you, Mr. Chairman.
Climate change will continue to be a significant issue that will affect all of us. I fully support the goal of building infrastructure for the purpose of moving electricity from renewable generation in sparsely-populated areas which are rich in wind resources to areas with larger loads and higher local prices, especially when new market participants are able to construct these projects at no additional expense to consumers.

I have expressed in the past cases my concern that these expedited cases do not allow for a full record to be developed and the rushed process frustrates landowners' abilities to adequately participate and propose alternatives. To avail themselves of the expedited process, utilities and merchant lines have to follow the process' requirements.

I've voted no when we've voted on the Motions to Dismiss. I do not believe that a non-public utility may use the expedited process. That is why I'm joining the dissent. Thank you.

CHAIRMAN SHEAHAN: Thank you.
Are there any other comments?
(No response.)
We have a motion and second to grant the Certificate.
All those in favor, say "aye."
(Chorus of ayes.)
Opposed, say "nay."
(Chorus of nays.)
The ayes have it and the motion passes.
Item E-9 involves Ameren Transmission Company of Illinois' petition for Certificate of Public --

COMMISSIONER MAYE EDWARDS: Mr. Chairman, that's E-8, for the record.

CHAIRMAN SHEAHAN: Oh, I'm sorry, E-8 involves Ameren Transmission's petition for a Certificate of Public Convenience and Necessity to construct and operate and maintain a high-voltage electric service line in Adams County.

Are there any objections to approving the proposed Order?
Item E-9 involves Aventine Power's petition seeking an order canceling its Certificate of Service Authority to operate as an alternative retail electric supplier.

Are there any objections to approving the proposed Order?

(No response.)

Hearing none, the Order is approved.

Item E-10 involves Rock Island's and Clean Line's application seeking a determination whether a transaction is a reorganization pursuant to Section 7-204 of the Public Utilities Act.

Are there any objections to approving the proposed Order?

(No response.)

Hearing none, the Order is approved.

Items E-11 and 12 involve various petitions to authorize the use of eminent domain pursuant to the Public Utilities Act.

Are there any objections to
considering these items together and approving the
proposed Orders?

(No response.)

Hearing none, the Orders are approved.

Items G-1 and 2 involve billing
complaints filed against Peoples Gas.

Are there any objections to
considering these items together and granting the
Joint Motions to Dismiss?

(No response.)

Hearing none, the Joint Motions to
Dismiss are granted and the complaints are dismissed.

Item T-1 involves Sprint's petition to
discontinue its basic local exchange service in
Illinois.

Are there any objections to approving
the proposed Order?

(No response.)

Hearing none, the Order is approved.

Item T-2 involves China Telecom's
application for a Certificate of Service Authority to
operate as a reseller of telecommunications services
in Illinois.

Are there any objections to approving the proposed Order?

(No response.)

Hearing none, the Order is approved.

Under other business, we do have a discussion of a case that involves litigation. It's a PJM cost allocation settlement in FERC Doc ELO 05-121-009. We'll enter closed discussion -- closed session for this discussion.

Is there a motion to enter closed session?

COMMISSIONER ROSALES: So moved.

CHAIRMAN SHEAHAN: Is there a second?

COMMISSIONER McCABE: Second.

CHAIRMAN SHEAHAN: All those in favor, say "aye."

(Chorus of ayes.)

All those opposed, say "nay."

(No response.)

The ayes have it and we'll enter closed session. If we could clear the rooms both in
Springfield and Chicago, please.

(Whereupon, Closed Session.

commenced from Pages 16 - 30.)
(Whereupon, Closed Session ended from Pages 16 - 30.)

CHAIRMAN SHEAHAN: We're back in open session.

Judge Kimbrel, do you have any other matters to come before the Commission today?

JUDGE KIMBREL: No, Mr. Chairman.

CHAIRMAN SHEAHAN: Commissioners, do any of you have any other business to discussion this morning?

(No response.)

Seeing none, the meeting without objection stands adjourned.

(Whereupon, the above matter was adjourned.)