BEFORE THE
ILLINOIS COMMERCE COMMISSION

REGULAR OPEN MEETING

Chicago, Illinois
Tuesday, November 24, 2009

Met, pursuant to notice, at 10:30 a.m. in Room N801, Eighth Floor, 160 North LaSalle Street, Chicago, Illinois.

PRESENT:

MS. LULA M. FORD, Commissioner

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

MR. SHERMAN J. ELLIOTT, Commissioner
via videoconference

MR. JOHN T. COLGAN, Commissioner
via videoconference

SULLIVAN REPORTING COMPANY, by
Alisa A. Sawka, CSR
License No. 084-004588
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We have a quorum.

I first want to take this opportunity to welcome Commissioner Colgan on his first official act as Commissioner. I trust you will find being a Commissioner both challenging and rewarding as the industries we regulate navigate these difficult times.

And you must always remember what the Public Utility Act says. It says that we must make sure that our ratepayers get reliable uninterrupted services at a reasonable cost and that the investors get a reasonable rate of return on their investment. And those are the waters we must navigate.

Before moving into the agenda, this is the time we allow members of the pubic 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, there are no
requests to speak.

We will now turn to the public utility
agenda.

Turning first to electricity, Items
E-1 through E-3 will be taken together. These are
petitions from Commonwealth Edison Company to enter
arrangements resulting in 1.06 billion in debt
refinancing. ALJ Wallace recommends granting this
petition to reopen.

Is there a motion to enter the order?

COMMISSIONER O'CONNELL-DIAZ: So moved.
COMMISSIONER ELLIOTT: So moved.
COMMISSIONER FORD: Is there a second?
COMMISSIONER O'CONNELL-DIAZ: Second.
COMMISSIONER ELLIOT: Second.
COMMISSIONER FORD: It's been moved and
seconded.

All in favor say "aye."
(Chorus of ayes.)

COMMISSIONER FORD: Any opposed?

(No response.)

COMMISSIONER FORD: The vote is 4-0. The petitions are granted. We will use this 4-0 rollcall vote for the remainder of the public utilities agenda, unless otherwise noted.

Item E-4 is Docket 08-0618. This is a fuel adjustment clause reconciliation for Mt. Carmel Public Utility Company. ALJ Yoder recommends entering the order approving the reconciliation. Is there any discussion?

(No response.)

COMMISSIONER FORD: Any objections?

(No response.)

COMMISSIONER FORD: Hearing none, the order is entered.

Item E-5 is Docket No. 09-0388. The three Ameren Illinois utilities have filed a joint petition to amend joint capacity agreements removing the daily capacity requirements. These bring the agreements into conformity with revised FERC and NERC
standards. ALJ Yoder recommends entering the order
approving the addendum.

   Is there any discussion?
   (No response.)

COMMISSIONER FORD: Any objections?
   (No response.)

COMMISSIONER FORD: Hearing none, the order is
entered.

   Items E-6 and E-7 will be taken
together. These are applications by Lower Electric,
LLC, and Your Choice Energy, LLC, for licenses to
operate as agents, brokers and consultants under the
Commission's new ABC regulations. ALJ Yoder
recommends entering the order granting the
certificates.

   Is there any discussion?
   (No response.)

COMMISSIONER FORD: Any objections?
   (No response.)

COMMISSIONER FORD: Hearing none, the orders
are entered.

Turning now to natural gas. Item G-1
is Docket 07-0618. This is a complaint by Lisa Bailey against Peoples Gas Light and Coke Company. The order finds that the complainant failed to appear at the hearings or otherwise notified the ALJ of her status. ALJ Haloulos recommends entering the order dismissing the docket without prejudice for want of prosecution.

Is there any discussion?

(No response.)

COMMISSIONER FORD: Any objections?

(No response.)

COMMISSIONER FORD: Hearing none, the order is -- the docket is dismissed without prejudice.

Item G-2 is 08-0629. This is a purchased gas adjustment proceeding involving Mt. Carmel Public Utility Company. ALJ Yoder recommends entering the order approving the reconciliation.

Is there any discussion?

(No response.)

COMMISSIONER FORD: Any objections?

(No response.)

COMMISSIONER FORD: Hearing none, the order is
entered.

    Items G-3 through G-8 will be taken together. The three Ameren Illinois utilities, Peoples Gas, North Shore Gas and Nicor Gas, have petitioned for special permission to put in place tariffs on less than 45 days' notice. These tariffs implement the new legislation establishing Percentage of Income Payment Plans for low-income customers. Staff recommends granting the special permission.

    And I'd like to note that Commissioner Colgan will be recusing himself from these cases.

    Is there any discussion?

    COMMISSIONER O'CONNELL-DIAZ: Commissioner Ford, I'd just like to note that I'm really happy to see that we finally do have a PIPP Program. I know that -- I think the first occasion that I had the pleasure to meet our new Commissioner Colgan was at discussions that we had back in, I think, 2004 where we were trying to get a PIPP Program up and running.

    Commissioner Ford and I were engaged in meetings, and actually I thought we were going to have the plane take off at that point in time. But
it's taken a while, and it's really good to see Commissioner Colgan here now serving with us. But it's really excellent to see that our consumers that really need these PIPP Programs will be able to take advantage of them and it has become law in our state. And so I'm very happy that we finally have this so that our customers that really need this will be able to take advantage of it.

COMMISSIONER FORD: So I'll take that as a motion to grant the special permission request?

COMMISSIONER O'CONNELL-DIAZ: Yes, ma'am.

COMMISSIONER FORD: Is there a second?

COMMISSIONER ELLIOT: Second.

COMMISSIONER FORD: It's been moved and seconded. All in favor say "aye."

(Chorus of ayes.)

COMMISSIONER O'CONNELL-DIAZ: Any opposed?

(No response.)

COMMISSIONER FORD: The vote is 3-0. Special permission is granted.

Telecommunications. Item T-1 is
Docket 09-0431. Total Call Mobile, Inc., has petitioned for authority to operate as a reseller of wireless services. ALJ Riley recommends entering the order granting the certificate.

Is there any discussion?

(No response.)

COMMISSIONER FORD: Any objections?

(No response.)

COMMISSIONER FORD: Hearing none, the order is entered.

Item T-2 is Docket 09-0261. This is an amendatory order correcting the name of the applicant throughout the order. ALJ Haloulos recommends entering the amendatory order.

Is there any discussion?

(No response.)

COMMISSIONER FORD: Any objections?

(No response.)

COMMISSIONER FORD: Hearing none, the order is entered.

Items T-3 through T-7 will be taken together. These are interconnection agreements or
amendments to interconnection agreements. ALJs Haloulos and Riley recommend entering the orders approving the agreements and/or amendments to the agreements.

Is there any discussion?

(No response.)

COMMISSIONER FORD: Any objections?

(No response.)

COMMISSIONER FORD: Hearing none, the order is entered.

Item T-8 is a resolution consolidating the reporting requirements for telecommunications providers. Staff recommends entering the resolution which adopts the revised Form 23A and discontinues the use of Form 23.

Is there any discussion?

(No response.)

COMMISSIONER FORD: I'd just like to say that I did preview those forms and I think this really simplifies everything that we need to see. So I'd like to thank staff for that.

Any objections?
COMMISSIONER FORD: Hearing none, the resolution is adopted.

Items T-9 through T-11 -- and I'm sorry -- T-9, T-11 and T-14 will be taken together.

These are applications by various entities for designation as eligible telecommunications carriers enabling them to receive federal universal service support. ALJ Riley recommends entering the orders granting the applications.

Is there any discussions?

(No response.)

COMMISSIONER FORD: Any objections?

(No response.)

COMMISSIONER FORD: Hearing none, the orders are entered.

Item T-10 is Docket 09-0318. This is a citation proceeding against Camarato Distributing, Inc., which failed to appear or otherwise respond to the citation. The order finds that the respondent is in violation of statute and Commission rules. ALJ Riley recommends entering the order revoking their
certificates.

Is there any discussion?

COMMISSIONER O'CONNELL-DIAZ: Commissioner, I just have a question.

Judge Riley, I notice that we have a $5,000 penalty. Do we know if this company is still in existence?

JUDGE RILEY: We have absolutely no information at all. They responded to nothing. They responded to none of the Staff notices and none of my notices. They're completely off the radar screen.

COMMISSIONER O'CONNELL-DIAZ: And they have a 2007 puff taxes still owed, too. So --

JUDGE RILEY: They're still delinquent, right.

COMMISSIONER O'CONNELL-DIAZ: So other than this citation order, I would imagine that the Department of Revenue will be seeking to collect those --

JUDGE RILEY: It's entirely possible, right.

But as to where they are and what their status is --

COMMISSIONER FORD: So they don't know where to
1 go to find them.
2 COMMISSIONER O'CONNELL-DIAZ: Let's hope we get
3 that penalty money.
4 Thank you.
5 COMMISSIONER FORD: Any objections?
6 (No response.)
7 COMMISSIONER FORD: Hearing none, the order is
8 entered.
9 Item T-13 is Docket 09-0384. This is
10 a rulemaking amending regulations governing the
11 establishment of credit, billing, deposits,
12 termination of service and issuance of telephone
13 directories for local exchange telecommunications
14 carriers. ALJ Dolan recommends entering the order
15 authorizing the second notice period and sending the
16 amendment to the Joint Committee on Administrative
17 Rules.
18 Is there any discussion?
19 (No response.)
20 COMMISSIONER FORD: Any objections?
21 (No response.)
22 COMMISSIONER FORD: Hearing none, the order is
entered.

Water and wastewater.

COMMISSIONER ELLIOT: Madam Chairman.

COMMISSIONER FORD: Yes.

COMMISSIONER ELLIOTT: I think we overlooked T-12.

COMMISSIONER FORD: Oh, I'm sorry.

E-12? T-12. I'm sorry. You-all confused me.

Item T-12 is Docket 09-0352. Illinois Valley Cellular RSA 2-1 Partnership and several affiliates have petitioned for confidential and proprietary treatment of Petitioner's Annual Report for five years. In keeping with recent Commission precedent, the order grants the request; but only for two years. ALJ Riley recommends entering the order.

Thank you, Mr. Elliott.

Any objections -- is there any discussion? I'm sorry.

(No response.)

COMMISSIONER FORD: Any objections?

(No response.)
COMMISSIONER FORD: Hearing none, the order is entered.

Again, thank you, Commissioner Elliott. You are so attentive.

COMMISSIONER ELLIOT: You're welcome.

COMMISSIONER FORD: Turning now to water and wastewater.

Item W-1 is Docket 09-0450. This is an application by Illinois American Water Company for a certificate to serve a new elementary school in Homer Glen. Petitioner requests a temporary certificate as the school will be opening prior to the completion of the case. ALJ Riley recommends entering the interim order granting the temporary certificate.

Is there any discussion?

(No response.)

COMMISSIONER FORD: Any objections?

(No response.)

COMMISSIONER FORD: Hearing none, the order is entered.

Other business, this is a FERC item on
the agenda requiring that we go into closed session.

Is there a motion to go into closed session?

COMMISSIONER O'CONNELL-DIAZ: So moved.

COMMISSIONER FORD: Is there a second?

COMMISSIONER ELLIOT: Second.

COMMISSIONER FORD: It's been moved and seconded.

All in favor say "aye."

(Chorus of ayes.)

COMMISSIONER FORD: Any opposed?

(No response.)

COMMISSIONER FORD: The vote is 4-0. We will go into closed session.

(Whereupon, the following proceedings were had in closed session.)
(Whereupon, the following proceedings were had in open session.)

COMMISSIONER FORD: In closed session we discussed proposed comments to FERC Docket AD09-8-000.

Is there a motion to file the comments with FERC?

COMMISSIONER O'CONNELL-DIAZ: So moved.

COMMISSIONER ELLIOT: So moved.

COMMISSIONER FORD: Is there a second?

It's been moved and seconded.

All in favor say "aye."

(Chorus of ayes.)

COMMISSIONER FORD: Any opposed?

(No response.)

COMMISSIONER FORD: The vote is 4-0. The comments will be filed with FERC.

This concludes today's agenda.

Chief ALJ Wallace or Dolan, is there anything else to come before the Commission today?

JUDGE DOLAN: No, ma'am.
JUDGE WALLACE: No, there's not.

THE COURT: Hearing none, this meeting stands adjourned.

(And those were all the proceedings had.)