BEFORE THE

ILLINOIS COMMERCE COMMISSION

REGULAR OPEN MEETING

(PUBLIC UTILITY)

Tuesday, November 25, 2014

Chicago, Illinois

Met, pursuant to notice, at 10:30 A.M.,
at 160 North La Salle Street, Chicago, Illinois.

PRESENT:

DOUGLAS P. SCOTT, Chairman

JOHN T. COLGAN, Commissioner (by video)

ANN MCCABE, Commissioner

SHERINA E. MAYE, Commissioner

MIGUEL DEL VALLE, Commissioner

SULLIVAN REPORTING COMPANY, by
PATRICIA WESLEY
CSR NO. 084-002170
CHAIRMAN SCOTT: Good morning, Commissioner Colgan.

COMMISSIONER COLGAN: Good morning, Chairman. How are you doing?

CHAIRMAN SCOTT: Good. And yourself?

COMMISSIONER COLGAN: Not bad.

CHAIRMAN SCOTT: Everything ready in Springfield, Commissioner?

COMMISSIONER COLGAN: We are ready to go here.

CHAIRMAN SCOTT: Pursuant to the provisions of the Open Meetings Act, I now convene a Regular Open Meeting of the Illinois Commerce Commission. With us in Chicago are Commissioner McCabe, Commissioner del Valle and Commissioner Maye. With us in Springfield is Commissioner Colgan. I am 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 meeting.

The first and second items of business on today's agenda can be taken together. These items concern the approval of the transcript from our November 6th 2014 111(d) Policy Session 3 and the minutes from our November 6th Regular Open Meeting.

I understand amendments have been forwarded. Is there a motion to approve the amendments?

COMMISSIONER McCabe: So move.

CHAIRMAN SCOTT: Is there a second?

COMMISSIONER Maye: Second.

CHAIRMAN SCOTT: It's been moved by Commissioner McCabe and seconded by Commissioner Maye.

All in favor, say aye.

(Chorus of ayes.)

Any opposed?

(No response.)

The vote is 5 to nothing and the
amendments to our November 6th 2014 111(d) Policy Session No. 3 transcript and November 6th Regular Open Meeting minutes are approved.

Is there now a motion to approve the transcript and minutes as amended?

COMMISSIONER del VALLE: So move.

CHAIRMAN SCOTT: Is there a second?

COMMISSIONER McCabe: Second.

CHAIRMAN SCOTT: It's been moved by Commissioner del Valle and seconded by Commissioner McCabe.

All in favor, say aye.

(Chorus of ayes.)

Any opposed?

(No response.)

The vote is 5 to nothing and the November 6, 2014 111(d) Policy Session No. 3 transcript and November 6th Regular Open Meeting minutes as amended are approved.

Item 3 is our investigation of standard terms for customer authorization of access to interval usage data for non-billing purposes.

Staff recommends entry of an Order initiating the
proceeding to determine appropriate language for the release of the information at issue.

Are there any comments? Commissioner McCabe.

COMMISSIONER McCabe: This proceeding will address customer authorization of access to their electricity usage data for non-billing purposes. Staff has proposed language by which customers can authorize access to their electricity usage info and recommends an expedited proceeding.

I hope that all relevant parties are involved including municipalities or their representatives. As the initiating Order and staff report point out, the related 13-0506 workshops included CUB, Elevate Energy, ICEA, Retail suppliers, utilities, the AG and the City of Chicago. Thank you.

CHAIRMAN SCOTT: Thank you, Commissioner.

Any other comments?

(No response.)

Is there a motion to enter the Order?

COMMISSIONER MAYE: So move.
CHAIRMAN SCOTT: Second?

COMMISSIONER McCabe: Second.

CHAIRMAN SCOTT: It's been moved by Commissioner Maye and seconded by Commissioner McCabe.

Any discussion?

(No response.)

All in favor, say aye.

(Chorus of ayes.)

Any opposed?

(No response.)

The vote is 5 to nothing and the Order is entered.

We will use this 5 to nothing vote for the remainder of today's Regular Opening Meeting agenda unless otherwise noted.

Item 4 is Docket No. 11-0592. This is our investigation into Ameren's compliance with the efficiency standard requirement of Section 8-103 of the Public Utilities Act. ALJ Sainsot recommends entry of an Order finding Ameren achieved its Energy Savings Goal and Peak Demand Response Reduction Goal for its Plan Year Three.
Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the Order is entered.

Item 5 is Docket No. 12-0560. This is Rock Island Clean Line's Petition for an Order authorizing a Certificate of Public Convenience and Necessity pursuant to Section 8-406 of the Public Utilities Act as a Transmission Public Utility and to Construct, Operate and Maintain an Electric Transmission Line and Authorizing and Directing Rock Island pursuant to Section 8-503 of the Public Utilities Act to Construct an Electric Transmission Line. ALJ Jones recommends entry of an Order granting the certificate, subject to conditions.

I have several edits I would like to propose. First, I would like to thank Commissioners McCabe and del Valle's offices for their assistance in putting these together. These edits do not change the conclusion to grant Rock Island the Certificate of Public Convenience and Necessity, but
instead further clarify the Commission's position on a few of the contested issues.

(1) The first set of edits can be found on Pages 26-29 and address the concept of "public use" within the context of a Section 8-406 proceeding. ComEd and others raise the argument that Rock Island Clean Line is not building the project for "public use" but for the private use of the parties who are contracting to utilize the line. These edits further define public use as it is defined in case law and bolster the conclusion that the line is indeed for public use, given that all parties will have an equal opportunity to purchase transmission on the project.

The edits further support the conclusion that if Rock Island is obligated to expand its transmission service because the line becomes over-subscribed, this CPCN will not cover that expansion and they will be required to come back and request additional approvals from the Commission.

(2) The second set of edits can be
found on Pages 115-122. These edits address the least cost issue and set out some of the case law related to the public convenience and necessity assessment that the Commission utilized in other similar 8-406 proceedings.

In addition, the edits make a finding on the "lease cost" issue, which the Order previously did not directly address. The edits make clear that if Rock Island is short of funds for the project and goes to FERC to recover the remainder of the cost of construction from ratepayers, that their certificate is no longer valid and that they will need to come back to the Commission for additional authority on that basis.

Finally, a portion of these edits which are proposed jointly with Commissioner del Valle's office, incorporate evidence in support of the Project's stated goal to bring high capacity wind from the Resource Area into Illinois.

(3) The third set of edits can be found on Pages 154-155. These edits attempt to better address the financing condition and whether
Rock Island has satisfied its requirement. The edits incorporate the argument that Staff raised in its RBOE regarding ComEd, ILA and IAA's failure to read the statutory language of the financing requirement as a whole, essentially ignoring the fact that whether Rock Island has proven it has the capability to finance the Project is to be taken in the context of avoiding harm to the utility or its customers.

Additionally, they address the Commission's desire to apply the statutory requirements in such a way as to not preclude merchant projects from being considered on the basis of their unique business model, which is by nature different from that of an IOU.

Finally, these edits change the filing requirement from Rock Island from a petition to a compliance filing. A petition is an unnecessary burden on the Petitioner, as well as Staff and the other parties while a compliance filing satisfies the Commission and ComEd's desire for a formal review of the financing documents to be submitted by
Rock Island without causing undue delay.

(4) The final set of edits can be found in the section on Landowner Concerns about Impacts of Construction and appear primarily on Pages 205-211. These edits relocate the Commission conclusions which were scattered throughout the summaries of parties' positions and also make changes to be consistent with some points made in Rock Island's BOE.

With that, I will move for adoption of these edits. Is there a second?

COMMISSIONER del VALLE: Second.

CHAIRMAN SCOTT: It's been seconded by Commissioner del Valle.

Is there any discussion on the edits?

(No response.)

All in favor, say aye.

(Chorus of ayes.)

Any opposed?

(No response.)

The vote is 5 to nothing and the edits are adopted.
Is there now a motion to enter the Order as amended?

COMMISSIONER del VALLE: So move.

CHAIRMAN SCOTT: Is there a second?

COMMISSIONER MAYE: Second.

COMMISSIONER SCOTT: Moved by Commissioner del Valle and seconded by Commissioner Maye.

Any further discussion?

Commissioner McCabe.

COMMISSIONER McCabe: Rock Island Clean Line is a merchant DC transmission line. It is a first for the ICC. As the record attests, there's debate about whether Rock Island should be a Public Utility given the possibility of eminent domain authority debate about its cost-effectiveness, whether it's "needful and useful" and whether it promotes an effectively competitive market.

With the Chairman's edits and staff recommendations, this Order puts in place requirements and safeguards that will insure (1) that the line is built with secured financing and (2) that investors, not ratepayers, bear the
financing costs and that Rock Island must return to the Commission to make any changes.

The Order also requires that Rock Island go to great lengths to offset impacts on landowners, especially farmers. With that, I support the Order.

CHAIRMAN SCOTT: Commissioners, are there any further comments or discussion?

(No response.)

All in favor of the Order as amended, say aye.

(Chorus of ayes.)

Any opposed?

(No response.)

The vote is 5 to nothing and the Order as amended is entered.

And thanks to Judge Jones on the case law work on this particular case. I'm very grateful for that.

Item 6 is Docket No. 13-0476. This is Ameren's filing for revenue neutral tariff changes related to its rate design. A final Order was
entered in this proceeding on March 19, 2014, however, the Attorney General subsequently filed a motion for clarification identifying errors in the description of its position. ALJ Von Qualen recommends entry of an Amendatory Order correcting the identified errors.

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the Amendatory Order is entered.

Item 7 is Docket No. 14-0312. This is ComEd's annual formula rate update and revenue requirement reconciliation under Section 16-108.5 of the Public Utilities Act. ALJ Haynes and Teague-Kingsley recommend entry of an Order approving the reconciliation and delivery service rate increase.

This item is being held for disposition at a future Commission proceeding.

Do we need an update on public
JUDGE WALLACE: We can do that at the end, Chairman.

CHAIRMAN SCOTT: Okay. Thank you.

Item 8 is Docket No. 14-0317. This is Ameren's Rate MAP-P Modernization Action Plan - Pricing Annual Update Filing. ALJs Albers and Von Qualen recommend entry of an Order approving the reconciliation and delivery service rate increase.

This item is also being held for disposition at a future Commission proceeding.

Item 9 is Docket No. 14-0605. This is Dorothy Appiah, DKY Developers' complaint against ComEd as to billing/charges in Chicago. It appears the parties have settled their differences and filed a Joint Stipulation and Motion to Dismiss. ALJ Kimbrel recommends that we dismiss the docket with prejudice.

Is there any discussion?

(No response.)

Any objections?
Hearing none, the Order is entered.

Item 10 is Docket No. 14-0070. This is our reconciliation of revenues collected under ComEd's coal tar riders with prudent costs associated with coal tar cleanup expenditures. ALJ Teague-Kingsley recommends entry of an Order approving the reconciliation.

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the Order is entered.

Item 11 is Docket No. 14-0223. This is our proceeding to amend 83 Ill. Adm. Code 415, "Uniform System of Accounts for Electric Utilities." ALJ Teague-Kingsley recommends entry of an Order adopting the proposed amendment and making the amendment effective upon filing with the Secretary of State.

Is there any discussion?

(No response.)
Any objections?

(No response.)

Hearing none, the Order is entered.

Item 12 is Docket No. 14-0669. This is BETM Solutions LLC's Petition to surrender BETM Solutions f/k/a Edison Mission Solutions Certificate of Service Authority to provide alternative retail electric services in Illinois. ALJ Riley recommends entry of an Order cancelling the Certificate of Service Authority.

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the Order is entered.

Items 13 through 15 can be taken together. These items are Applications for Certification to Install, Maintain or Repair Electric Vehicle Charging Station Facilities under Section 16-128A of the Public Utilities Act. In each case ALJ Benn recommends entry of an Order granting the requested certificate.
Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the Orders are entered.

Item 16 is Docket No. 14-0316. This is ComEd's Petition to Make Housekeeping Revisions and a Compliance Change to filed Rate Formula. ALJ Hayes and Teague-Kingsley recommend entry of an Order defining "formula rate structure" and requiring the use of ComEd's updated depreciation study.

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the non-substantive edits proposed by Commissioner McCabe are entered.

Item 17 is Docket No. 13-0197. This is Caterpillar's Application for a Certificate of Service Authority under Section 16-115 of the Public Utilities Act. The Commission granted
this certificate on April 9, 2013, however, it
appears that applicant did not address the method
by which it will demonstrate that it continues to
supply electricity primarily for facilities
exempt from Section 16-115D(h) for each compliance
period as required by Section 455.140(d)(3).
ALJ Von Qualen recommends that we reopen the
proceeding to allow Caterpillar to propose a method
by which it will demonstrate that it complies with
Section 16-115D(h) for each compliance period.

Is there any discussion?
(No response.)
Any objections?
(No response.)
Hearing none, the proceeding is
reopened.

Items 18 through 21 can be taken
together. These items are applications for
licensure of Agents, Brokers, and Consultants under
Section 16-115C of the Public Utilities Act. In
each case ALJ Kimbrel recommends entry of an Order
granting the requested relief.
Is there any discussion?
(No response.)

Any objections?
(No response.)

Hearing none, the Orders are entered.

Item 22 is Docket No. 14-0412. This is Dominic's Villa Rosa Pizzeria's complaint against Nordic Energy Services as to a contract agreement in Schaumburg. ALJ Riley recommends entry of an Order granting Nordic's motion to dismiss.

This item will be held for disposition at a future Commission proceeding.

Item 23 is Docket No. 14-0627. This is Mansfield Power and Gas' Application for a Certificate of Service Authority under Section 19-110 of the Public Utilities Act. ALJ Sainsot recommends entry of an Order granting the requested relief.

Is there any discussion?
(No response.)

Any objections?
(No response.)
Hearing none, the Order is entered.

Item 24 is Docket No. 14-0415. This is 1-800 Collect Inc., d/b/a Simple Billing Solutions Application for a Certificate of Prepaid Calling Service Provider Authority throughout the State of Illinois. ALJ Benn recommends entry of an Order granting the requested certificate.

This item will be held for disposition at a future Commission proceeding.

Item 25 is Docket No. 14-0511. This is CCG Communications LLC d/b/a Lightower Fiber Networks' Petition for Withdrawal of its Certificates of Service Authority. ALJ Baker recommends entry of an Order granting the requested relief.

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the Order is entered.

Item 26 is Docket No. 14-0541. This is Frontier North Inc., Frontier Communications of
the Carolinas LLC, and HTC Communications Company's

Joint Petition for Approval of an Agreement for
Local Interconnection pursuant to 47 U.S.C.
Section 252.

This item has been withdrawn from
today's agenda.

Items 27 through 34 can be taken
together. These items are Joint Petitions for
Approval of Agreements or Amendments to Agreements
for Local Interconnection pursuant to 47 U.S.C.
Section 252. In each case the ALJ recommends entry
of an Order approving the agreement or amendment to
the agreement.

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the Orders are entered.

Item 35 is Docket No. 14-0563. This
is Frontier North Inc, Frontier Communications of
the Carolinas LLC and T-Mobile Central's Joint
Petition for Approval of an Attached Amendment No. 3
to an Agreement for Local Interconnection pursuant
to 47 U.S.C. Section 252. The parties have filed a
joint motion to dismiss their joint petition,
without prejudice, which ALJ Riley recommends we
grant.

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the Order is granted and
the proceeding dismissed without prejudice.

Item 36 is Docket No. 14-0646. This
is dPi Teleconnect LLC's Petition to Cancel its
Certificate of Service Authority issued under
Section 13-404 of the Act to provide resold
interexchange service in Illinois, and its
Certificate of Service Authority issued under
Section 13-405 of the Act to provide
facilities-based local service. ALJ Riley
recommends entry of an Order granting the requested
relief and cancelling Petitioner's tariff.

Is there any discussion?
Any objections?

(No response.)

Hearing none, the Order is entered.

Item 37 is Docket No. 14-0213. This is Aqua Illinois' petition for approval of its QIP surcharge reconciliation for 2013. ALJ Teague-Kingsley recommends entry of an Order approving the reconciliation.

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the Order is entered.

Item 38 is Docket No. 13-0657. This is ComEd's Application for a Certificate of Public Convenience and Necessity, pursuant to Section 8-406.1 and an Order pursuant to Section 8-503 to Construct, Operate and Maintain a new 345 kilovolt transmission line in Ogle, DeKalb, Kane and DuPage Counties, Illinois. Two Petitions for Rehearing have been filed in this proceeding and we
will take them in the Order they were filed.

(1) The Forest Preserve District of Kane County has filed a Motion for Rehearing and/or to correct the Record Regarding the Direct Testimony of Monica Meyers. ALJs Hilliard and Jorgenson recommend we deny the motion for rehearing but provide an Amendatory Order to include a belated description of the Forest Preserve's position if the Commission chooses to enter it.

I would move to deny the motion for rehearing and would also move not to enter the Amendatory Order.

Is there a second to that motion?

COMMISSIONER del VALLE: Second.

CHAIRMAN SCOTT: Seconded by Commissioner del Valle.

Is there any discussion?

(No response.)

All in favor, say aye.

(Chorus of ayes.)

Any opposed?

(No response.)
The vote is 5 to nothing and the Motion for Rehearing is denied and the Amendatory Order is not entered.

(2) Wayne Muirhead, Dean Muirhead, Dennis Muirhead John Cash, Mary Lewis and Arlene Watermann (jointly referred to as "Owners") have filed a Motion for Rehearing and/or to Correct the Record Regarding the FPDKC Adjustment. ALJs Hilliard and Jorgenson recommend we grant the Motion for Rehearing. I would move to grant the Motion for Rehearing.

Is there a second?

COMMISSIONER MAYE: Second.

CHAIRMAN SCOTT: Seconded by Commissioner Maye.

Any discussion?

(No response.)

All those in favor, say aye.

(Chorus of ayes.)

The vote is 5 to nothing and the Motion for Rehearing on this portion of the route is granted.

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

JUDGE WALLACE: No, Mr. Chairman. That's all.

CHAIRMAN SCOTT: Thank you, sir.

Hearing none, this meeting stands adjourned, and happy Thanksgiving everyone.

(Whereupon, the above matter was adjourned.)