BEFORE THE

ILLINOIS COMMERCE COMMISSION

BENCH SESSION

(PUBLIC UTILITY)

Wednesday, November 6, 2013

Chicago, Illinois

Met, pursuant to notice, at 10:30 a.m., in the
Audiovisual Conference Room, Eighth Floor, State of
Illinois Building, 160 North LaSalle Street, Chicago,
Illinois.

APPEARANCES:

MR. DOUGLAS P. SCOTT, Chairman
MS. ANN McCABE, Commissioner
MR. MIGUEL del VALLE, Commissioner
MS. SHERINA E. MAYE, Commissioner
MR. JOHN T. COLGAN, Commissioner
(Via teleconference.)

MIDWEST LITIGATION by
APRIL METZLER
CSR No. 084-004394
CHAIRMAN SCOTT: Is everything ready in Springfield?

COMMISSIONER COLGAN: Yes, it is, Chairman.

CHAIRMAN SCOTT: Thank you.

Pursuant to the provision of the Open Meetings Act, I now convene a regularly scheduled bench session of the Illinois Commerce Commission. With me, in Chicago, are Commissioner McCabe, Commissioner Maye, and Commissioner del Valle. I'm Chairman Scott.

We have a quorum.

Commissioner Colgan is available by the telephone.

Are you there, Commissioner?

COMMISSIONER COLGAN: (Indecipherable.)

Chairman, I'm here.

CHAIRMAN SCOTT: Under the Commission's rules, we'll have to vote to allow Commissioner Colgan to participate by phone.

I move to allow Commissioner Colgan's participation by phone.

Is there a second?

COMMISSIONER McCABE: Second.

CHAIRMAN SCOTT: It's been moved and seconded.

All of those in favor say aye.

(Ayes heard.)
CHAIRMAN SCOTT: Any opposed?

(No response.)

CHAIRMAN SCOTT: The vote is four to nothing.

Commissioner Colgan may participate by phone.

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 meeting. According to the Chief's Clerk office, we have no requests to speak at today's bench session.

CHAIRMAN SCOTT: Thank you.

Moving on to the public utility agenda, we'll begin with the approval of minutes from our October 2nd Bench session. I understand the amendments have been forwarded.

Is there a motion to amend the minutes?

COMMISSIONER DEL VALLE: So moved.

COMMISSIONER MAYE: So moved.

CHAIRMAN SCOTT: Is there a second?

COMMISSIONER McCABE: Second.

CHAIRMAN SCOTT: It's been moved and seconded.

All in favor say aye.
(Ayes heard.)

CHAIRMAN SCOTT: Any opposed?

(No response.)

CHAIRMAN SCOTT: The vote is five to nothing. The amendments are adopted.

Is there a motion to approve the minutes, as amended?

COMMISSIONER MAYE: So moved.

CHAIRMAN SCOTT: Is there a second?

COMMISSIONER McCABE: Second.

CHAIRMAN SCOTT: Moved and seconded.

All those in favor say aye.

(Ayes heard.)

CHAIRMAN SCOTT: Any opposed?

(No response.)

CHAIRMAN SCOTT: The vote is five to nothing. The minutes from our October 2nd Bench session, as amended, are approved.

Turning now to the electric portion of today's agenda.

Item E-1 is MidAmerican's filing to update access and capacity charges, under its Rider 17, non-residential realtime pricing tariff.

Staff recommends that we accept the update by not suspending the filing.
Is there any discussion?

(No response.)

CHAIRMAN SCOTT: Is there a motion to approve the update by not suspending the filing?

COMMISSIONER McCABE: So moved.

CHAIRMAN SCOTT: Is there a second?

COMMISSIONER DEL VALLE: Second.

CHAIRMAN SCOTT: It has been moved and seconded.

All in favor say aye.

(Ayes heard.)

CHAIRMAN SCOTT: Any opposed?

(No response.)

CHAIRMAN SCOTT: The vote is five to nothing, and the filing is not suspended. We will use this five-to-nothing vote for the remainder of today's public utility agenda, unless otherwise noted.

Item E-2, is Ameren's filings to modify customer terms and conditions pertaining to the assessment of late payment charges, to deferred payment agreement balances for electric and gas customers.

The staff recommends we approve the revision by not suspending the filing.

Is there any discussion?

(No response.)

CHAIRMAN SCOTT: Any objection?
(No response.)

CHAIRMAN SCOTT: Hearing none, the filing is not suspended.

Item E-3, is docket number 13-0079. This is Mt. Carmel's proposed general rate increase for gas service and electric rate design revision.

ALJ Von Qualen recommends entry of an Order approving the rate increase.

I understand Commissioner Colgan would like to propose some evidence. Commissioner?

COMMISSIONER COLGAN: Well, thank you, Chairman.

I am proposing to ...

CHAIRMAN SCOTT: Commissioner, can you get a little bit closer to the phone? We're having difficulty hearing you.

COMMISSIONER COLGAN: Can you hear me now better?

CHAIRMAN SCOTT: That's much better. Thank you.

COMMISSIONER COLGAN: Well, thank you.

I'm proposing amendments today to the Commission's conclusion in the rate design section of the Mt. Carmel rate case Order.

The contested rate design issue concerns the manner in which the gas rate increase should be allocated between the customer and the usage charges.

In this proceeding, Mt. Carmel recommended
allocating a greater portion of the increase to the usage charge, in order to allow its customers to mitigate an increase by reducing or controlling their gas consumption. On the other hand, staff recommended allocating the increase across-the-board.

The proposed order neither adopts the staff's approach nor increases the customer usage charges to the extent requested by Mt. Carmel, instead adopting a compromise -- a compromise position.

My proposed edits approve Mt. Carmel's rate design, because I believe it properly balances the competing objectives of establishing cost-based rates, rate continuity, conservation of resources, attainment of social goals, and avoidance of rate shock. Approval of these edits will provide Mt. Carmel's customers the opportunity to attempt to control their gas consumption, in order to minimize the increase in their bills.

Mr. Chairman and fellow Commissioners, I request your support for these edits and move that they be approved.

CHAIRMAN SCOTT: The Amendments has been moved. Is there a second?
COMMISSIONER DEL VALLE: Second.
CHAIRMAN SCOTT: Okay. Discussion?
Commissioner McCabe?
COMMISSIONER McCABE: Yes. I support staff --

JUDGE WALLACE: Mr. Chairman?

CHAIRMAN SCOTT: Yes.

JUDGE WALLACE: I'm sorry to interrupt. We can't hear the seconds down here.

CHAIRMAN SCOTT: Oh, I'm sorry. The second was by Commissioner del Valle.

JUDGE WALLACE: Thank you.

COMMISSIONER McCABE: I support staff's proposed rate design, which would maintain the cost-based rate design approved from the Commission from the last rate case, to be consistent with Commission precedent, and provide stability in gradual gradualism for customers in both the short- and long-term.

We are a bit handicapped in this case, given the lack of a cost of service study. Staff applies approximately even increases to the customer charge and usage charge for each class. They propose residential going up by 45 percent -- that's a rounded number -- and commercial going up by 51.4 percent.

Mt. Carmel and Commissioner Colgan would weight the rate increase towards usage charge and away from fixed charge.

CHAIRMAN SCOTT: Is there further discussion?

(No response.)
CHAIRMAN SCOTT: It's been moved and seconded to adopt the revisions.

All in favor say aye.

(Ayes heard.)

CHAIRMAN SCOTT: Opposed?

COMMISSIONER McCABE: No.

CHAIRMAN SCOTT: The vote is four to one, and the amendments are adopted.

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

COMMISSIONER MAYE: So moved.

CHAIRMAN SCOTT: Is there a second?

COMMISSIONER DEL VALLE: Second.

CHAIRMAN SCOTT: That was moved by Commissioner Maye, seconded by Commissioner del Valle.

Any discussion?

(No response.)

CHAIRMAN SCOTT: All in favor say aye.

(Ayes heard.)

CHAIRMAN SCOTT: Any opposed?

(No response.)

CHAIRMAN SCOTT: The vote is five to nothing, and the Order, as amended, is entered.

Item E-4, is docket number 12-0110. This is 4011 [sic] Wabash Avenue Hotel Condo Association's
complaint against ComEd, as to billing and charges in Chicago.

It appears the parties have settled their differences and filed a Joint Motion to Dismiss, which ALJ Kimbrel recommends we grant.

Any discussion?
(No response.)

CHAIRMAN SCOTT: Any objections?
(No response.)

CHAIRMAN SCOTT: Hearing none, the motion is granted and the complaint is dismissed.

Item E-5, is docket number 13-0391. This is Tood Tokarz's complaint against ComEd, as to reimbursement for damages to central air conditioning equipment in Gurnee.

It appears the parties have settled their differences and have filed a Stipulation and Joint Motion to Dismiss.

ALJ Riley recommends we grant.

Is there any discussion?
(No response.)

CHAIRMAN SCOTT: Any objections?
(No response.)

CHAIRMAN SCOTT: Hearing none, the motion is granted and the complaint is dismissed.
Item E-6, is docket number 12-0456. This is our ruling making proceeding to develop and adopt rules concerning municipal aggregation. ALJ Haynes recommends entry of a First Notice Order and Appendix.

I have two sets of edits to propose to both the Order and the Appendix. We'll take them separately. First, on Section 470.220, sub-B, the opt-out time frame, the first of the edits would allow consumers 21 days, or three weeks, to opt out of their aggregation program.

I believe that this extended time frame will give the people some flexibility and account for the possibility of various intervening events that could impact a customer's ability to reply to the opt-out disclosure in a timely manner.

And with that, I would -- and understand that in the proposed order, it was at -- there was a discussion between 14 and 21 days, and a move to make 18. It makes more sense, to me, to have it in weekly increments. And so that's the reason for going with the 21 days and erring on the side of the person who might want to opt out.

So with that, I would move for the adoption of this revision.
Is there a second?

COMMISSIONER DEL VALLE: Second.

CHAIRMAN SCOTT: Seconded by Commissioner del Valle.

Discussion?

Commissioner McCabe?

COMMISSIONER MCCABE: I supported the 18 days recommended by staff and the ALJ and proposed First Notice Order.

Staff notes that both utilities have a lengthy enrollment period that allows suppliers and retail customers to rescind their enrollment, before the actual switch takes place.

Parties should weigh in on this issue and comments before second notice.

In addition to hearing how UBI (phonetic) gets going, it would be helpful to the Commission to have more data on the opt-outs, i.e., what is the average opt-out response time and how many consumers opt-out after the first billing.

The proposed order references Part 412, which allows customers to exit the aggregation program, after the first billing, within 10 business days. It's unclear how many consumers are aware of this option or whether mechanisms exist to help consumers become more
aware of the option.

Thank you.

CHAIRMAN SCOTT: Thank you.

Is there further discussion?

(No response.)

CHAIRMAN SCOTT: On the revisions, so all in favor say aye.

(Ayes heard.)

CHAIRMAN SCOTT: Any opposed?

COMMISSIONER McCABE: No.

CHAIRMAN SCOTT: The vote is four to one and the edits are adopted.

The second set of edits is on Section 470.240. This would mandate the existing RES customers, non-aggregation RES customers, also receive notice of aggregation programs that are currently underway in their area.

It's my opinion that to rule otherwise would unfairly prejudice those customers from the early entry into the competitive energy supply market.

Existing RES customers should be given the same opportunity to make an informed decision, electric supply choice, as a customer's non-utility default service.

Notice would be different from that which is
sent to customers on utility default service, similar to the notice which is sent to customers on utility hourly service.

Additionally, while the Commission, through these items, would acknowledge that it does not have regulatory control over the governmental aggregators, it would strongly recommend that the governmental aggregators and not the aggregation suppliers send the disclosures to the RES customers.

This course of action would help to alleviate any potential customer confusion regarding their current supply status and would eliminate the need for RES customer information to be shared with the aggregation supplier.

Regardless of whether the governmental aggregators choose to send the notice to the Commission, we'd like to emphasize, through these edits, that existing RES customers must still be directly informed pending their aggregation program.

And with that, I would move for the adoption of these revisions.

Is there a second?

COMMISSIONER DEL VALLE: Second.

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

Commissioner Maye?

COMMISSIONER MAYE: Thank you, Chairman Scott.

I respectfully dissent (indecipherable) the proposed amendments.

Although these proposed amendments do deal with the RES customers, I believe that these amendments aim to achieve fairness for all consumers, but I'm concerned that allowing the aggregation supplier to send notice of the aggregation program to these customers receiving or pending to receive non-aggregation RES service unfairly influences competition.

Therefore, I agree with the people's finding that the aggregation supplier shall be prohibited from sending notice, as it is not appropriate for the Commission to facilitate the marketing efforts of a supplier, just because they happen to have been selected as the aggregation supplier.

So I, therefore, dissent and disagree with the amendment.

CHAIRMAN SCOTT: Okay. Further discussion?

(No response.)

CHAIRMAN SCOTT: It's been moved and seconded for adoption of these revisions.

All in favor say aye.
(Ayes heard.)

CHAIRMAN SCOTT: Any opposed?

COMMISSIONER MAYE: No.

CHAIRMAN SCOTT: The vote is four to one, and the edits are adopted.

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

COMMISSIONER DEL VALLE: So moved.

CHAIRMAN SCOTT: Moved by Commissioner del Valle.

Seconded by?

COMMISSIONER McCABE: I'll second.

CHAIRMAN SCOTT: Commissioner McCabe.

Any further discussion?

COMMISSIONER McCABE: Yes.

CHAIRMAN SCOTT: Commissioner McCabe?

COMMISSIONER McCABE: This rulemaking was initiated July 31st, 2012. In April of this year, the parties responded to data requests submitting their thoughts on municipal aggregation. Over 670 municipalities have implemented an opt-out muni-AG (phonetic) program at this time.

The experience of those programs and the data generated by them should be used to run (phonetic) this rulemaking.

This rule should maintain competitive
neutrality between retail AG suppliers who favor
government aggregation and those who direct marketing
channels, while also assuring all consumers receive
marketing information to help them make informed
decisions.

The rule should leave substantial discretion
to the government entities on how they craft their plan
of operation in governments.

If the first notice rule falls short in these
areas, the parties should let us know.

Thank you.

CHAIRMAN SCOTT: Very good.

Further discussion?

(No response.)

CHAIRMAN SCOTT: It's been moved and seconded to
enter the Order as amended.

All in favor say aye.

(Ayes heard.)

CHAIRMAN SCOTT: Any opposed?

(No response.)

CHAIRMAN SCOTT: The vote is five to nothing, and
the Order, as amended, is entered.

Items E-7 and E-8 can be taken together.

These are North American Power and Gas and Santanna
Energy Services' petitions for emergency relief to
protect proprietary and confidential information.

In both cases ALJ Jorgenson recommends entering an Order granting the requested relief.

Is there any discussion?

(No response.)

CHAIRMAN SCOTT: Any objections?

(No response.)

CHAIRMAN SCOTT: Hearing none, the Orders are entered.

Item E-9, is docket number 13-0561, which is American Power Partners' application for a certificate of service authority to operate in an area under Section 16-115 of the Public Utilities Act.

ALJ Jorgensen recommends entry of an Order granting the certificate.

Is there any discussion?

(No response.)

CHAIRMAN SCOTT: Any objections?

(No response.)

CHAIRMAN SCOTT: Hearing none, the Order is entered.

Item E-10, is docket number 13-0437. This is our motion to approve the updated Illinois Statewide Technical Reference Manual for Energy Efficiency.
ALJ Jorgensen recommends entering an Order approving the TRM.

Is there any discussion?

(No response.)

CHAIRMAN SCOTT: Any objections?

(No response.)

CHAIRMAN SCOTT: Hearing none, the Order is entered.

Item E-11, is docket number 13-0449. This is ComEd's petition for consent to and approval of the use on an online version of the Applications for Interconnection of Distributed Generation Facilities, pursuant to Part 466 of the Illinois Administrative Code, Title 83.

ALJ Baker recommends entering an Order granting the petition.

Is there any discussion?

(No response.)

CHAIRMAN SCOTT: Are there any objections?

(No response.)

CHAIRMAN SCOTT: Hearing none, the Order is entered.

Items E-12 and E-13 can be taken together. These items concern AGR Group and AGR Group Nevada's Application for Licensure of Agents, Brokers, and
Consultants, under Section 16-115C of the Public Utilities Act.

In both cases, ALJ Kimbrel recommends entry of an Order granting the requested certificate.

Is there any discussion?

(No response.)

CHAIRMAN SCOTT: Any objections?

(No response.)

CHAIRMAN SCOTT: Hearing none, the Orders are entered.

Item E-14, is docket number 13-0579. This is Options Consulting Services' Petition for Leave to File Annual ABC Recertification Report Instanter and to protect portions of that report from public disclosure.

ALJ Riley recommends entry of an Order granting the request for leave and exempting the specified portions of the report.

Is there any discussion?

(No response.)

CHAIRMAN SCOTT: Is there any objections?

(No response.)

CHAIRMAN SCOTT: Hearing none, the Order is entered.

Turning now to natural gas. Items G-1 and G-2 can be taken together. These items concern North Shore
Gas Company and Peoples Gas Light and Coke Company filings to make editorial changes to their gas service tariffs.

In both cases, staff recommends approving changes by not suspending the filings.

Is there anything discussion?

(No response.)

CHAIRMAN SCOTT: Any objections?

(No response.)

CHAIRMAN SCOTT: Hearing none, the filings are not suspended.

Items G-3 and G-4 can be taken together.

These are our motions to commence proceedings for NICOR and North Shore Gas Company for reconciliation of revenues collected under Rider 30 and Rider EOA, respectively, with the actual costs associated with energy efficiency and on-bill financing programs.

Is there anything discussion?

(No response.)

CHAIRMAN SCOTT: Is there any objections?

(No response.)

CHAIRMAN SCOTT: Hearing none, the Orders are entered.

Item G-5 is our motion to initiate an investigation into interactions between North Shore Gas
Company, the Peoples Gas Light and Coke Company, and their affiliates.

Investigation was recommended by staff in the October 8th report.

Is there any discussion?

(No response.)

CHAIRMAN SCOTT: Are there any objections?

(No response.)

CHAIRMAN SCOTT: Hearing none, an Order commencing investigation is adopted.

Under telecommunications, item T-1, is our motion to adopt Form AR-13 and Form 23A, which are Annual Report Forms used by certain telecommunication carriers.

The Resolution is supported by staff report, from the financial analysis division, dated October 8th, 2013.

Is there any discussion?

(No response.)

CHAIRMAN SCOTT: Any objections?

(No response.)

CHAIRMAN SCOTT: Hearing none, the Resolution is adopted.

Item T-2, is docket number 13-0430. This is Eastern Missouri Cellular Limited Partnership's petition
for cancellation of its certificate of service authority.

ALJ Baker recommends entry of an Order granting withdrawal of the certificate.

Is there any discussion?

(No response.)

CHAIRMAN SCOTT: Is there any objections?

(No response.)

CHAIRMAN SCOTT: Hearing none, the Order is entered.

Item T-3, is docket number 13-0518. This is Jolt Mobile and Expo Mobile's Application for a certificate to become a telecommunications carrier.

ALJ Riley recommends entering an Order granting the certificate.

Is there any discussion?

(No response.)

CHAIRMAN SCOTT: Any objections?

(No response.)

CHAIRMAN SCOTT: Hearing none, the Order is entered.

Item T-4, is docket number 13-0580. This is the Village of Westchester's Petition for Modification of a 9-1-1 Emergency Telephone Number System.

ALJ Haynes recommends entry of an Order
approving modification.

Is there any discussion?

(No response.)

CHAIRMAN SCOTT: Any objections?

(No response.)

CHAIRMAN SCOTT: Hearing none, the Order is entered.

On to water and sewer. Item W-1, is docket number 13-0206. This is Aqua Illinois' Petition for Initiation of a Reconciliation Hearing.

ALJ Hilliard recommends entry of an Order approving reconciliation.

Is there any discussion?

(No response.)

CHAIRMAN SCOTT: Any objection?

(No response.)

CHAIRMAN SCOTT: Hearing none, the Order is entered.

We have to two miscellaneous items on today's agenda. Item M-1 is docket number 06-0703. This is our rulemaking revising 83 Illinois Administrative Code 280, procedures for gas, electric, water, and sanitary sewer utilities governing eligibility for service deposits, payment practices, and discontinuation of services.

ALJ Hilliard recommends entry of a First
Notice Order and proposed rule.

And this item will be held for disposition at a future Commission proceeding. I know all the offices have been working diligently on this rulemaking and have proposed edits within their offices.

I'd like to take this opportunity, though, to see if any Commissioners had questions that they wanted to ask Judge Hilliard.

Before I do that, first, Commissioner Colgan, did you want to make a brief statement on this?

COMMISSIONER COLGAN: Yes, I would.

I'd like to say, for the record, that I'm going to recuse myself on the discussion of this rulemaking. And, in fact, as I have in the past, I've recused myself from voting or participating in the discussion. And also, for the record, my office is not working diligently on this rulemaking.

CHAIRMAN SCOTT: Correct. Very good.

Thank you, sir.

COMMISSIONER COLGAN: Yeah.

CHAIRMAN SCOTT: Any questions for ALJ Hilliard?

Commissioner McCabe?

COMMISSIONER McCABE: According to the PEPO, the utilities will be implementing the new 280 requirement as soon as practicable, but no later
than 18 months from the effective date.

Is there any Commission oversight over how they prioritize the implementation?

ALJ HILLIARD: The short answer is no. The -- according to the utilities, they'll -- the difficulty right now, it is possible it is going to take a little longer.

I mean, essentially, some of these tasks are more labor-intensive, depending on how many employees they have that need to be retrained. There are computer systems, there are all sorts of things. And it -- no one really suggested that it was a good idea for the Commission to prioritize what happened first, but, you know, that's certainly subject to your review and oversight.

COMMISSIONER McCabe: Thanks.

CHAIRMAN SCOTT: Commissioner del Valle?

COMMISSIONER DEL VALLE: I have a question regarding the time for reconnection and the method of payment.

If an individual --

ALJ HILLIARD: Is your mic on?

COMMISSIONER DEL VALLE: Yes. Can you hear me?

ALJ HILLIARD: Yeah.

COMMISSIONER DEL VALLE: If an individual makes a
payment, in Order to get reconnected, by way of a currency exchange, on a Saturday night or a Sunday, is there a difference in the amount of time that it would take to reconnect between the individuals who paid by credit card, for example, and those that pay through a third-party?

ALJ HILLIARD: The issue regarding the third-party vendors was in regard to who should pay for the service charge.

In terms of whether it would take longer or not, you know, there were low-income advocacy groups that were part of the proceeding, and they, to my recollection, had no problem with this language.

I think, you know, the rules provide that disconnections don't happen between, like, 3:00 or 4:00 p.m. on a Friday or until a Monday.

There are also other rules -- you know, they don't turn the utilities off in cold weather. They don't turn things off in hot weather.

I think we have to take into account that these people are existing customers of the utility, and they're probably aware, if there is a time-lag, what the time-lag is. But there was no evidence in the record regarding whether or not there was a time-lag for these types of payments.
I don't think that specifically they were -- I think that we're talking about on telephone or online third-party vendors, as opposed to currency exchanges. Currency exchanges you're going to get a physical document that you're going to have to -- I mean, at least the way I understand it -- that you might have to send to the utility. Maybe they can do it electronically too. But the time period really wasn't a matter that was discussed by anyone.

COMMISSIONER DEL VALLE: Okay. I'm concerned about that time frame.

ALJ HILLIARD: Sure.

COMMISSIONER DEL VALLE: So can they look into that for the --

ALJ HILLIARD: You know, it's the kind of thing that if you wanted to reopen the record and maybe get some -- ask the utilities what their experience has been, you know, I would imagine we can supplement the record with that.

COMMISSIONER DEL VALLE: All right. Thank you.

On the fines for missing, reconnection time frames are -- or original connection time frames. These fines, are they based off of the customer charge only?

ALJ HILLIARD: Can you give me a section?

COMMISSIONER DEL VALLE: I don't have a section
before me.

THE ALJ HILLIARD: All right. Let me see if I can find it. I thought --

COMMISSIONER DEL VALLE: The questions are all proposed findings based only on the customer charge.

THE ALJ HILLIARD: There's two things. If they miss the deadline, they -- there's no charge for the reconnection. And if they miss it by two more calendar days, then the -- what happens is they're supposed to issue a credit equal to the monthly customer charge.

All right. And I think part of your question was whether the customer charged for usage utility to utility and it does.

It's a part of the -- what the charge is as part of the rate-making process, and it's not a great deal of money.

The initial proposal by the utilities in regard to, at least some of these things, where the compensation is customer charges, they wanted to prorate the customer charge, and that rule was amended to make it a whole customer charge. But it's not a great deal of money.

The -- I happen to be involved with a ComEd case right now and for a multi-family, no heat customer. The customer charge is $6.71 a month. Plus, I would
imagine, there's some lessening of taxes, if you don't
pay the customer charge. It might come out to $7 or
something.

COMMISSIONER DEL VALLE: Okay. Thank you.
CHAIRMAN SCOTT: Commissioner Maye?
COMMISSIONER MAYE: Thank you.

Good morning, Judge. How are you?

ALJ HILLIARD: Fine. How are you?

COMMISSIONER MAYE: Phenomenal. Thank you.

Section 280.140 regarding the disconnection
for lack of access to multimeter premises, that section
totally gives me pause.

And my question to you is, how often the
utility actually disconnects a multimeter premises under
the circumstances under this section.

ALJ HILLIARD: The rule now doesn't provide for
disconnection for nonpayment. The rule for multi-family
provides that for failure to allow a safety inspection
or for failure to allow access after four estimated
bills, that they can -- they can do that.

The -- I think the utility's point is they
don't want to disconnect anybody, but that under certain
circumstances they want to have the threat to being able
to do it. And they want to be able to provide people
with a notice telling them that within a certain amount
of time, if somebody doesn't give us access, this is
what they want to do.

I -- as to what happens now in those
circumstances regarding safety and estimated bills, it's
really a long time since I was involved with this
record, but it's my recollection that it doesn't happen
very often.

COMMISSIONER MAYE: So just to make sure -- as
follow-up, excuse me, just to make sure that I fully
understand it.

If there's a condo building with 200 units and
four of them have not been given access, they can't get
access to four of those units for three months, then
under this rule all 200 would be disconnected?

ALJ HILLIARD: Well, I think there's that
possibility. I think that utilities can see the forest
from the trees and disconnecting 196 people for four
people probably isn't what they want to do, but I -- you
know, the --

COMMISSIONER MAYE: Is the rule just a safety
measure like -- I mean, I just ...

THE ALJ HILLIARD: Well, I think it's -- it's an
extreme measure. It's one, I suspect, that they don't
want to implement. But they want to be able to tell
people that if somebody doesn't give us access to these
meters, you could lose your power, you could lose whatever, and I -- everybody seems to agree that's an extreme measure. And I can't speak, you know, for any party in this proceeding, but I don't think that it's something that would happen often.

COMMISSIONER MAYE: Okay.

ALJ HILLIARD: But certainly your -- the scenario you propose sounds like it's covered by the rule.

COMMISSIONER MAYE: It does.

Thank you.

CHAIRMAN SCOTT: Commissioner del Valle?

COMMISSIONER DEL VALLE: Yeah, a follow-up question on the same issue.

If the lack of access to meters, regardless of the number of meters, is not the customer's fault, does the utility -- is it required that the utility contact the management of the building that is responsible for providing that access, prior to taking the drastic measures?

ALJ HILLIARD: The rule provides that all the customers will get notice, and, I believe, it's at least 10 days' notice. And if the -- if management is a customer, then management's going to get a notice. You know, I can -- I would imagine almost every building has
got a common area account, and that's going to go to
management. So that management's going to get the
notice, all the customers that aren't part of management
get a notice also.

Another thing you might want to be aware of is
that like Peoples Gas, many of their meters are now
remotely read, and this doesn't come up at all. And
with the smart meter, we are in the process of
implementing for some other utilities, it's not going to
happen either.

But, you know, this --

COMMISSIONER DEL VALLE: -- proposed --
ALJ HILLIARD: This is a proposed rule.
COMMISSIONER DEL VALLE: Right.
ALJ HILLIARD: And the consensus was this was
something that was not inappropriate.
COMMISSIONER DEL VALLE: All right.
Thank you.
CHAIRMAN SCOTT: Just to follow up on a couple more
pieces of that.

So was there testimony as to the -- something
new that's coming in, was there testimony about the
frequency of this and, therefore, why there's a need for
it? Because if the other ones don't happen that often,
the safety and the other rationale for it, is -- you
know, to add something to the rule, I'm guessing, that there was some kind of evidence put forward --

ALJ HILLIARD: Yeah, I don't recall.

CHAIRMAN SCOTT: Okay. Okay.

ALJ HILLIARD: I -- I think that the idea is that there are situations that arise from time to time that don't leave the utility with any options.

And what they would like to do is have a hammer that they don't have to hit anything with, but that's my impression of the evidence, rather than my actual recollection of what it was.

CHAIRMAN SCOTT: So -- so just to take pieces of the questions that both Commissioner Maye and Commissioner del Valle, and go back to Commissioner Maye's example, the 196 people, if none of them have access to allow the person that -- A, that doesn't factor into how the rule is read and that it would still apply to them in this case --

ALJ HILLIARD: Theoretically, it would. But I really have trouble believing that ComEd or somebody like ComEd is going to go to war with 196 people paying their bills, because they've got four delinquent customers.

They have other options --

CHAIRMAN SCOTT: Right.
ALJ HILLIARD: -- which are collection actions and things like that.

But this all came across my desk a long time ago, and I can't tell you how often it's going to come up --

CHAIRMAN SCOTT: Right.

ALJ HILLIARD: -- or whether or not what -- you know, what they would do with each scenario.

CHAIRMAN SCOTT: Well, we'd almost be relying on the 196 to all call their -- all call the property owner and say, Look, you've got to provide access, because --

ALJ HILLIARD: And that's what the utility wants them to do.

CHAIRMAN SCOTT: Yeah. Okay.

Okay. Thanks.

Any further questions?

(No response.)

CHAIRMAN SCOTT: Thank you very much, Judge.

ALJ HILLIARD: Sure.

CHAIRMAN SCOTT: Appreciate it.

With that, we will hold this for disposition at a future Commission proceeding, unless there's any more comment, before we go on.

(No response.)

CHAIRMAN SCOTT: And, finally, item M-2, is docket
number 13-0420, which concerns our amendment of 83
Illinois Administrative Code, Section 285.

ALJ Jorgensen recommends entry of an
Order authorizing the Second Notice Period, and the
Commission of the proposed amendments to JCAR.

Is there any discussion?

(No response.)

CHAIRMAN SCOTT: Any objections?

(No response.)

CHAIRMAN SCOTT: Hearing none, the Order is
entered.

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

Judge Wallace: No,

that's all, Mr. Chairman.

CHAIRMAN SCOTT: Okay. Hearing none, the meeting
stands adjourned.

Thanks everyone.

MEETING ADJOURNED
April M. Metzler, being first duly sworn, on oath says that she is a Certified Shorthand Reporter, Registered Professional Reporter, and Certified Realtime Reporter, and Notary Public, doing business in the City of Chicago, County of Cook and the State of Illinois;

That she reported in shorthand the proceedings had at the foregoing Meeting;

And that the foregoing is a true and correct transcript of her shorthand notes so taken as aforesaid and contains all the proceedings had at the said Meeting.

___________________________
APRIL M. METZLER, CSR, RPR, CRR
CSR No. 084-004394

SUBSCRIBED AND SWORN TO
before me this 14th day of November, A.D., 2013.

___________________________
NOTARY PUBLIC