BEFORE THE

ILLINOIS COMMERCE COMMISSION

BENCH SESSION

(TRANSPORTATION)

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.)

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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.

Moving to the transportation agenda, we'll begin with the approval of minutes from our October 2nd bench session. I understand minutes have been forwarded.

Is there a motion to amend the minutes?

COMMISSIONER McCABE: So moved.

CHAIRMAN SCOTT: Is there a second?

COMMISSIONER MAYE: Second.

CHAIRMAN SCOTT: It's been moved and seconded.

All in favor say aye.

(Ayes heard.)

CHAIRMAN SCOTT: Any opposed?
(No response.)

CHAIRMAN SCOTT: Vote -- amendments are adopted.

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

COMMISSIONER MAYE: So moved.

CHAIRMAN SCOTT: Is there a second?

COMMISSIONER DEL VALLE: Second.

CHAIRMAN SCOTT: It's been moved and seconded.

All in favor say aye.

(Ayes heard.)

CHAIRMAN SCOTT: Any opposed?

(No response.)

CHAIRMAN SCOTT: Vote is five to nothing that the minutes from our October 2nd bench session, as amended, are approved.

We also have to approve minutes from the October 23rd bench session.

Is there a motion to approve the minutes?

COMMISSIONER McCABE: So moved.

CHAIRMAN SCOTT: Is there a second?

COMMISSIONER MAYE: Second.

CHAIRMAN SCOTT: It's been moved and seconded.

All in favor say aye.

(Ayes heard.)

CHAIRMAN SCOTT: Any opposed?
CHAIRMAN SCOTT: The vote is five to nothing. The minutes are approved.

Now, on to the railroad portion of today's agenda. Items RR-1 and RR-2 can be taken together. These items concern authorization for -- safety improvements and which parties have filed petitions requesting additional time.

Both cases ALJ (indecipherable) -- a supplemental order granting the requested relief.

Is there any discussion?

(No response.)

CHAIRMAN SCOTT: Is there a motion to enter the supplemental orders?

COMMISSIONER DEL VALLE: So moved.

CHAIRMAN SCOTT: Is there a second?

COMMISSIONER MAYE: 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 supplemental orders are entered.

We will use this five-to-nothing vote for the
remainder of the transportation agenda, unless otherwise noted.

Item RR-3, is docket number T12-0167. It's the Union Pacific Railroad Company decision seeking authority in construction of safety improvements in DuPage County.

(Indecipherable) have requested assistance from -- pension fund. They allocated (indecipherable) supplemental order granting the requested relief.

Is there any discussion?

(No response.)

CHAIRMAN SCOTT: Any objection?

(No response.)

CHAIRMAN SCOTT: Agreed on the supplemental order is entered.

Items RR-4 and RR-5 can be taken together.

These items are stipulated agreements for public safety improvements at highway railroad crossings in Stark and Shelby County.

Petitioners -- petitions have been filed requesting additional time for funding. In both cases, our transportation counsel 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 orders are entered.

Items RR-6 and RR-7 can be taken together. These are the City of Galva and CSX Transportation stipulated agreements for public safety improvements at highway railroad crossings in Henry and Effingham County.

In both cases, staff recommends entry of an order approving the stipulated agreements.

Is there any discussion?

(No response.)

CHAIRMAN SCOTT: Any objections?

(No response.)

CHAIRMAN SCOTT: Hearing none, the orders are entered.

We have one administrative article for consideration today. Item AM-1 concerns the City of Urbana, the City of Champaign, and the County of Champaign, joint petition seeking authorization to construct a highway bridge in Champaign County. Intervenor, Preserve Olympian Farmland, has filed a petition for interlocutory review of a hearing of the examiner's ruling.
Although this item will be held for disposition at a future Commission proceeding, I would note that the petition concerns evidentiary issues, which may impact parties' presentation of their cases and witness testimony and cross-examination.

Thus, I would urge the ALJ to stay any pending hearings, including today's, until such time as the Commission has had a full opportunity to review the petition involved and evidence and issue its decision.

Any further comments on that matter?

(No response.)

CHAIRMAN SCOTT: Is there any further transportation business to come before the Commission today?

COMMISSIONER MAYE: No.

COMMISSIONER COLGAN: No, Chairman.

CHAIRMAN SCOTT: Okay. Hearing none, that concludes today's transportation agenda.

UNIDENTIFIED SPEAKER: Thank you.

END OF TRANSPORTATION AGENDA
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