BEFORE THE
ILLINOIS COMMERCE COMMISSION

SPECIAL OPEN MEETING

Chicago, Illinois
Wednesday, November 12, 2009

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

PRESENT:

MR. CHARLES E. BOX, Chairman
MS. LULA M. FORD, Commissioner
MS. ERIN M. O'CONNELL-DIAZ, Commissioner
MR. SHERMAN J. ELLIOT, Commissioner

SULLIVAN REPORTING COMPANY, by
Alisa A. Sawka, CSR
License No. 084-004588
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CHAIRMAN BOX: Pursuant to the provisions of the Illinois Open Meetings Act, I now convene a special open meeting of the Illinois Commerce Commission. With me in Chicago our Commissioners Ford, O'Connell-Diaz and Elliot. My name is Chairman Box, and we have a quorum.

I'd like to first wish and acknowledge and congratulate our new Commissioner John Colgan. The Commission looks forward to working with him. I think he starts next week and I think the meeting on the 24th will be his first Commission meeting.

Before moving into the agenda this is the time we allow the 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 the bench session.

According to the Chief Clerk's Office, there have been no requests to speak.

Under the Transportation portion of the agenda Item RR-1 is Docket T09-0042. Tri-City Regional Port District requests authorization to
construct two new at-grade crossings at Bissell Street. No Grade Crossing Protection Funds will be used. Administrative Law Judge Kirkland-Montaque recommends entering the order granting the petition.

Is there a motion to enter the order?

COMMISSIONER O'CONNELL-DIAZ: So moved.

CHAIRMAN BOX: Is there a second?

COMMISSIONER ELLIOT: Second.

CHAIRMAN BOX: It's been moved and seconded.

All in favor say "aye."

(Chorus of ayes.)

CHAIRMAN BOX: Any opposed?

(No response.)

CHAIRMAN BOX: The vote is 4-0. The order is entered. We will use this roll-call vote for the remainder of the Transportation agenda unless otherwise noted.

Item RR-2 is Docket T09-0067. This is a citation order requiring Keokuk Junction Railway Company to reconstruct two crossings to meet code requirements. The Railroad also failed to appear at the hearing or otherwise respond to the citation.
Administrative Law Judge O'Brien recommends entering
the order directing that repairs to the crossings be
made in the interests of public safety.

Is there any discussion?

Mr. Stead, are you available in
Springfield?

MR. STEAD: Yes.

CHAIRMAN BOX: Can you go into what kind of
enforcement powers we have. In reading the record I
think this company ignored four letters we sent to
them and still have not really cooperated. And it's
been going on for quite a few years. What
enforcement powers do we have?

MR. STEAD: Well, to be honest with you,
Mr. Chairman, we've never faced this situation
before. We're kind of entering into a new territory
here. But our intention -- at least my intention, my
recommendation would be if they failed to follow the
order that -- if you pass it, if it's approved today,
we would -- given them time to complete the work, we
find they have not completed it, we would recommend
that the Railroad be compelled to return and meet
with the Administrative Law Judge and discuss possible sanctions against the Railroad.

CHAIRMAN BOX: Thank you.

Any further discussions.

(No response.)

CHAIRMAN BOX: Any objections?

(No response.)

CHAIRMAN BOX: Hearing none, the order is entered.

Items RR-3 through RR-6 will be taken together. These stipulated agreements provide for safety improvements to various railway crossings. Over a million dollars in Grade Crossing Protection Funds will be used. Staff recommends entering the orders approving the stipulated agreement.

Is there any discussion?

(No response.)

CHAIRMAN BOX: Any objections?

(No response.)

CHAIRMAN BOX: Hearing none, the orders are entered.

Items RR-7 and RR-8 will be taken
together. Petitions request -- Petitioners -- I'm sorry -- request extensions of time to complete rail safety projects. Staff recommends entering the orders granting the first supplemental and the sixth supplemental petitions.

Is there any discussion?

(No response.)

CHAIRMAN BOX: Any objections?

(No response.)

CHAIRMAN BOX: Hearing none, the orders are entered.

This concludes the Railroad portion of today's agenda.

Under the Motor Carrier's Provision Item MC-1 is a transfer of a Public Carrier Certificate and a Certificate of Public Convenience and Necessity from Dalton Transfer, Inc., to Paul M. Brown & Associates, Inc. There are no objections or intervenors. Administrative Law Judge O'Brien recommends entering the order granting the application.

Is there any discussion?
(No response.)

CHAIRMAN BOX: Any objections?

(No response.)

CHAIRMAN BOX: Hearing none, the order is entered.

We have one administrative matter.

Item AM-1 is a resolution to transfer regulatory authority over personal property warehouses to the Commission. Staff recommends adopting the resolution. And I think part of that resolution includes emergency rules to be implemented.

Is there any discussion?

(No response.)

CHAIRMAN BOX: Any objections?

(No response.)

CHAIRMAN BOX: Hearing none, the resolution is adopted.

Miss Kelley, anything else to come before us today?

MS. KELLEY: That's all today. Thank you.

CHAIRMAN BOX: Thank you.

(Whereupon the meeting
concluded matters pertaining to Transportation.)
(Whereupon the meeting

turned to Public Utility

matters.)

CHAIRMAN BOX: Moving on to the Public Utility

agenda. Beginning with the Electric portion of the

agenda we have minutes to approve from the

September 29th regular open meeting.

Is there a motion to approve the

minutes?

COMMISSIONER O'CONNELL-DIAZ: So moved.

CHAIRMAN BOX: Is there a second?

COMMISSIONER ELLIOT: Second.

CHAIRMAN BOX: It's been moved and seconded.

All a favor say "aye."

(Chorus of ayes.)

CHAIRMAN BOX: Any opposed?

(No response.)

CHAIRMAN BOX: The vote is 4-0. The minutes

are approved.

Items E-1 and E-2 will be taken

together. These are orders commencing the

reconciliation proceedings for Mount Carmel's fuel
adjustment charges and the three Illinois Ameren Utilities' Rider EDR and Rider GER. Staff recommends entering the orders commencing the reconciliation proceedings.

Is there a motion to enter the orders?

COMMISSIONER O'CONNELL-DIAZ: So moved.

CHAIRMAN BOX: Is there a second?

COMMISSIONER FORD: Second.

COMMISSIONER ELLIOT: Second.

CHAIRMAN BOX: It's been moved and seconded.

All in favor say "aye."

(Chorus of ayes.)

COMMISSIONER BOX: Any opposed?

(No response.)

CHAIRMAN BOX: The vote is 4-0. The orders are entered commencing the reconciliation proceedings. We will use this 4-0 roll-call vote for the remainder of the agenda unless otherwise noted.

Item E-3 is Docket 09-0165. Integrys Energy Services, Inc., petitions for a declaratory ruling on whether a certain electricity pricing arrangement is prohibited under Subsection
16-115A(e)(i) of the Act or Section 2EE of the CFA.
Secondly, on whether Section 16-115C of the Act applies to an electricity marketing arrangement between IES and the New Illinois Cooperative Energy, a not-for-profit subsidiary of the Southwestern Electric Cooperative. Administrative Law Judge Gilbert recommends entering the attached order granting declaratory relief in part and denying it in part.

Judge Gilbert, would you like to brief us on this matter?

JUDGE GILBERT: I'll try to provide the overall architecture of the case and then I'll try to point you to what seem to me is the principal policy question the case presents. And if at any point I'm going over ground you don't want me to cover anymore, just, please, let me know.

The nominal petitioner is Integrys or IES. They request a declaratory ruling to essentially test the legality of a plan for supplying and marketing gas supply -- retail gas supply to residential and small business customers. The
customers would be members of what's called NICE, which is actually the New Illinois -- it's called New Illinois Cooperative Energy or NICE. NICE would do the marketing of this proposed -- of this proposal. IES approves the marketing materials, and then IES would actually provide the gas service and they would contact -- contract, I should say, directly with NICE members who want this service.

I think, as the chairman said, there's three statutes involved, 16-115A applies to ARES. 16-115C applies to agents, brokers and consultants or ABCs. And Section 2EE of the Consumer Fraud Act applies to electric service providers, which include Integrys.

The order finds that the proposed marketing arrangement does not comply with Section 16-115A. It makes no ruling with respect to the Consumer Fraud Act. In other words, declines to issue a declaratory ruling on the ground that there's no real record from which such a ruling can emanate. And it's -- the order finds that Section 115- -- 16-115C is not applicable to the Petitioner Integrys
because that section applies only to ABCs. It does not apply to ARES. And we can't make a ruling with respect to how that section would apply to NICE because NICE is not a petitioner in the case. And our declaratory rulings can only address the petitioning party, and NICE is not a petitioning party.

There are several procedural deficiencies, in my view, in the petition. I think the petition could have been denied and, therefore, declaratory ruling could have been denied simply on the basis of those procedural deficiencies.

That said, I did go ahead and look at what I thought were the substantive issues framed up for you. And to the extent that I thought the record justified that, recommended a declaratory ruling. And that's principally with respect to 16-115A, having to do with the marketing requirements for an ARES.

And I think this points you to the principal policy question in the case. The proposed price for the retail gas service would be simply
A variable rate. That's all that the contract with customers would provide. And it's the only information provided to customers, and it's the only information alluded to in the marketing -- the sample marketing materials that were presented.

I see a range of possibilities. One of which is to say that pricing as something as general and unquantified as a variable rate cannot be successfully -- or, I should say, lawfully marketed under 16-115A.

There's sort of a middle position, which I did adopt in the order, which is to say that the Company -- the Petitioner needs to go back and try to provide some indicators, some indicia of how the price would be arrived at so the customer has some sense of what it is he or she is purchasing.

The third option, as I see it, is to simply find that a variable rate is a sufficient description of price to meet the statutory standard. My own recommendation is not to do that, but that's the policy question presented for you.

So I'll stop there.
CHAIRMAN BOX: Any questions for the Judge?

(No response.)

CHAIRMAN BOX: Commissioner O'Connell-Diaz.

COMMISSIONER O'CONNELL-DIAZ: So, Judge Gilbert, your finding under 16-115A(e) is with regard to the -- whether, in fact, the variable rate is adequately disclosed as the price to the consumer, that's kind of the linchpin of your determination?

JUDGE GILBERT: Yes.

COMMISSIONER O'CONNELL-DIAZ: Okay.

JUDGE GILBERT: Yes. Exactly.

CHAIRMAN BOX: Is there a motion to enter the order?

COMMISSIONER ELLIOT: So moved.

CHAIRMAN BOX: Is there a second?

COMMISSIONER O'CONNELL-DIAZ: Second.

CHAIRMAN BOX: It's been moved and seconded.

All in the favor say "aye."

(Chorus of ayes.)

CHAIRMAN BOX: Any opposed?

(No response.)

CHAIRMAN BOX: The vote is 4-0. The order is
entered. Thank you, Judge.

Item E-4 is Docket 09-0185.

Constellation New Energy, Inc., seeks protection of portions of its annual net metering report for not less than five years. The order grants the request, but only for two years. Administrative Law Judge Albers recommends entering the order granting the petition in part.

Is there any discussion?

(No response.)

CHAIRMAN BOX: Any objections?

(No response.)

CHAIRMAN BOX: Hearing none, the order is entered.

E-5 is Docket 09-0189. Integrys Energy Services, Inc., requests confidential and proprietary treatment of various aspects of its annual net metering report for two years. The order finds that the applicant failed to justify its entire request and only grants priority treatment of its total peak demand for 2008. Administrative Law Judge Albers recommends entering the order granting the
petition in part.

  Is there any discussion?

  (No response.)

CHAIRMAN BOX: Any objections?

  (No response.)

CHAIRMAN BOX: Hearing none, the order is entered.

  Item E-6 and E-7 will be taken together. They are complaints involving Commonwealth Edison Company that have settled. The Administrative Law Judges recommend granting the stipulations and motions to dismiss.

  Is there any discussion?

  (No response.)

CHAIRMAN BOX: Any objections?

  (No response.)

CHAIRMAN BOX: Hearing none, the motions and stipulations are granted.

  We'll be holding Item E-8, which is Docket 09-0373.

  Item E-9 is Docket 09-0422. The three Illinois Ameren Utility Companies and Commonwealth
Edison jointly petition for approval of a partial service agreement. Administrative Law Judge Benn recommends entering the order approving the partial service agreement.

Is there any discussion?

(No response.)

CHAIRMAN BOX: Any objections?

(No response.)

CHAIRMAN BOX: Hearing none, the order is entered.

That concludes the Electric portion of the agenda.

Under Natural Gas Item G-1 is an order commencing purchased gas reconciliations for various utilities. Staff recommends entering the order commencing the reconciliation proceedings.

Is there any discussion?

(No response.)

CHAIRMAN BOX: Any objections?

(No response.)

CHAIRMAN BOX: Hearing none, the order is entered.
Item G-2 is Docket 08-0576. John Wichert filed a complaint against Peoples Gas Light and Coke Company regarding a billing dispute. Administrative Law Judge Benn recommends entering the order granting the complaint.

Commissioner O'Connell-Diaz, you circulated some amendments?

COMMISSIONER O'CONNELL-DIAZ: Yes, I have, Chairman.

With all due respect to Judge Benn as I look through this complaint and looked at the record and the information in the complaint as well as the testimony, I believe that this is a situation where we have a landlord who has not had the -- he was the customer of record for all periods of time during the relevant period of the complaint.

I think I would find it hard to not employ our rules which state that the customer of record is the one that is responsible for the billing. Again, this is a landlord situation. He had a month-to-month lease with the tenants. He never took his name off of the account, which is what
1 he should have done when he sold the property. And
to find otherwise would require our companies to have
to be aware of every property transaction that
occurred on a forward-looking basis. I don't think
those are the -- that's the intent of our rules.

So I've circulated language, which,
you know, sets this out and shows that the
complainant in this instance was the customer of
record, remained the customer of record, and what he
failed to do was he failed to contact the company to
advise them that he no longer was the customer of
record until, I think, some two years after he had
sold the property. So his cause of action really is
against the current owners of the building, which I
believe are the family that lived there when he had
the tenancy relationship.

And I think important in this -- and
as we look at it, important in this is that if we
were to decide otherwise, other ratepayers would be
paying for this landlord to not have paid his
responsibility. So I think it's important that we
follow the rules and that all landlords follow the
rules. And so I have circulated language that would
deny the complaint for the reasons that I have stated
and would entertain any comments or questions from my
colleagues.

CHAIRMAN BOX: Questions or comments?

(No response.)

CHAIRMAN BOX: Is there a motion to adopt the
Commissioner O'Connell-Diaz's amendment?

COMMISSIONER FORD: Second.

COMMISSIONER ELLIOT: So moved.

CHAIRMAN BOX: It's been moved and seconded.

Any further discussion?

(No response.)

CHAIRMAN BOX: All in favor say "aye."

(Chorus of ayes.)

CHAIRMAN BOX: Opposed?

(No response.)

CHAIRMAN BOX: The vote is 4-0. The amendment
is adopted. I'm sorry. The amendment is adopted.

Is there a motion to enter the order
as amended?

COMMISSIONER ELLIOT: So moved.
CHAIRMAN BOX: Second? Is there a second?

COMMISSIONER FORD: Second.

CHAIRMAN BOX: Moved and seconded.

All in favor say "aye."

(Chorus of ayes.)

CHAIRMAN BOX: Opposed?

(No response.)

CHAIRMAN BOX: The vote is 4-0. The order as amended is adopted and entered.

Item G-3 is Docket 08-0648. Maurice Perkins filed a complaint against Peoples Gas Light and Coke Company regarding a billing dispute. The order finds that Mr. Perkins failed to meet his evidentiary burden. Administrative Law Judge Hilliard recommends entering the order dismissing the complaint.

Is there any discussion?

(No response.)

CHAIRMAN BOX: Any objections?

(No response.)

CHAIRMAN BOX: Hearing none, the order is entered.
Item G-4 through G-8 will be taken together. These are joint motions to dismiss billing disputes. The parties have resolved their differences. Administrative Law Judges Benn and Gilbert recommend granting the joint motions to dismiss, with prejudice.

Is there any discussion?

(No response.)

CHAIRMAN BOX: Any objections?

(No response.)

CHAIRMAN BOX: Hearing none, the motions are granted.

Turning to Telecommunications, Item T-1 is a filing by Illinois Bell Telephone Company amending the wholesale CompleteLink 2.0 optional access and usage volume discount plan. Staff recommends not suspending the filing.

Is there any discussion?

(No response.)

CHAIRMAN BOX: Any objections?

(No response.)

CHAIRMAN BOX: Hearing none, the filing will
not be suspended.

Items T-2 through T-5 will be taken together. These are applications for certificates to provide various telecommunications services. The Administrative Law Judges recommend entering the orders.

Is there any discussion?

(No response.)

CHAIRMAN BOX: Any objections?

(No response.)

CHAIRMAN BOX: Hearing none, the orders are entered granting the applications.

Item T-6 is Docket 09-0366. This is an amendatory order correcting the applicant's name throughout the order. Administrative Law Judge Haloulos recommends entering the amendatory order.

Is there any discussion?

(No response.)

CHAIRMAN BOX: Any objections?

(No response.)

CHAIRMAN BOX: Hearing none, the amendatory order is entered.
Item T-7 is Docket 09-0404. SNG Communications, LLC, petitions to cancel certificates. Administrative Law Judge Benn recommends entering the order granting the petition. Is there any discussion? (No response.)

CHAIRMAN BOX: Any objections? (No response.)

CHAIRMAN BOX: Hearing none, the order is entered.

Item T-8 is Docket 08-0668. Illinois Bell Telephone Company moved to dismiss Ron J. Krush's complaint due to want of prosecution. The order finds that Mr. Krush refused to show up for a continuance. Administrative Law Judge Haynes recommends entering the order granting the motion to dismiss, without prejudice. Is there any discussion? (No response.)

CHAIRMAN BOX: Any objections? (No response.)

CHAIRMAN BOX: Hearing none, the order is
entered.

Item T-9 is Docket 09-0430. This is a complaint by Carlos Reyes against Illinois Bell Telephone Company that has been resolved. Administrative Law Judge Riley recommends dismissing the complaint, with prejudice.

Is there any discussion?

(No response.)

CHAIRMAN BOX: Any objections?

(No response.)

CHAIRMAN BOX: Hearing none, the complaint is dismissed with prejudice.

Item T-10 is Docket 09-0425. White County petitions for approval to modify its 911 emergency telephone number system. Administrative Law Judge Benn recommends entering the order granting the petition.

Is there any discussion?

(No response.)

CHAIRMAN BOX: Any objections?

(No response.)

CHAIRMAN BOX: Hearing none, the order is
entered.

Items T-11 through T-16 will be taken together. These are interconnection agreements or amendments to interconnection agreements. The Administrative Law Judges recommend entering the orders approving the agreements or the amendments to the agreements.

Is there any discussion?

(No response.)

CHAIRMAN BOX: Any objections?

(No response.)

CHAIRMAN BOX: Hearing none, the orders are entered.

Item T-17 initiates a citation proceeding against GEH Technologies, LLC. The Illinois Secretary of State has revoked the Company's admission to conduct business in the State. Staff recommends entering the order initiating a citation proceeding.

Is there any discussion?

(No response.)

CHAIRMAN BOX: Any objections?
(No response.)

CHAIRMAN BOX: Hearing none, the order is entered.

Item T-18 is Docket 09-0300. Illinois Bell Telephone Company petitions for a waiver of deposit requirement regulation that requires an Applicant with unsatisfactory credit history to proffer a deposit to AT&T. Administrative Law Judge Sainsot recommends entering the order granting the waiver.

Is there any discussion?

(No response.)

CHAIRMAN BOX: Any objections?

(No response.)

CHAIRMAN BOX: Hearing none, the order is entered.

Item T-19 is Docket 09-0352.


JUDGE WALLACE: Mr. Chairman?
CHAIRMAN BOX: Yes.

JUDGE WALLACE: This is Judge Wallace. Could we pull this off, please?

CHAIRMAN BOX: T-19?

JUDGE WALLACE: Yes, sir.

CHAIRMAN BOX: Just hold it?

JUDGE WALLACE: Yes.

CHAIRMAN BOX: Okay. Once again, Item T-19 is Docket 09-0352, and we will hold that as requested by Chief Judge.

That concludes the Telecommunications portion of the agenda.

Under Water and Wastewater Item W-1 is a tariff filing by Illinois-American Water Company.

The Company wants to revise certain rules, regulations and conditions of service. Staff recommends not suspending the filing.

Is there any discussion?

(No response.)

CHAIRMAN BOX: Any objections?

(No response.)

CHAIRMAN BOX: Hearing none, the filing will
Item W-2 is Apple Canyon Utility Company's proposed general rate case. Staff recommends entering the order suspending the filing.

Is there any discussion?

(No response.)

CHAIRMAN BOX: Any objections?

(No response.)

CHAIRMAN BOX: Hearing none, the suspension order is entered.

Item W-3 is a Lake Wildwood Utilities Corporation proposed general rate case. Staff recommends entering the order suspending the filing.

Is there any discussion?

(No response.)

CHAIRMAN BOX: Any objections?

(No response.)

CHAIRMAN BOX: Hearing none, the suspension order is entered.

Item W-4 is Docket 08-0335. This is an amendatory order that corrects the date from 2008 to 2009. Administrative Law Judge Haloulos -- I'm
Administrative Law Judge Hilliard recommends entering the amendatory order.

Is there any discussion?

(No response.)

CHAIRMAN BOX: Any objections?

(No response.)

CHAIRMAN BOX: Hearing none, the amendatory order is entered.

Item W-5 is Docket 09-0427.

Illinois-American Water Company petitions to issue $39 million of long-term debt to an affiliated interest. Administrative Law Judge Hilliard recommends entering the order approving the petition.

Is there any discussion?

(No response.)

CHAIRMAN BOX: Any objections?

(No response.)

CHAIRMAN BOX: Hearing none, the order is entered.

And that concludes the Water and Wastewater portion of the agenda.

There are several miscellaneous items.
First is the Fourth Triennial Report on Retail and Wholesale Competition in the Illinois Electric Utility.

Commissioner Elliot has circulated some revisions to the report.

COMMISSIONER ELLIOT: Yes, I did. Thank you, Mr. Chairman.

Most of the revisions were related to, I think, better explaining the history of the Customer Choice Act and where we've come from since 1996, particularly with the --

COMMISSIONER O'CONNELL-DIAZ: I think that could be a movie.

COMMISSIONER ELLIOT: If you weren't there -- you had to be there.

In addition, I made some changes to some of the legislative recommendations, and I have a lot of work with the assistants.

And I would move the amendments to the Triennial Report for your approval.

CHAIRMAN BOX: Is there a second?

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

(Chorus of ayes.)

CHAIRMAN BOX: Any opposed?

(No response.)

CHAIRMAN BOX: The vote is 4-0. The amendments are adopted.

Is there a motion to accept the Triennial Report as amended and submit it to the General Assembly?

COMMISSIONER FORD: So moved.

CHAIRMAN BOX: Is there a second?

COMMISSIONER O'CONNELL-DIAZ: Second.

CHAIRMAN BOX: It's been moved and seconded. All in favor say "aye."

(Chorus of ayes.)

CHAIRMAN BOX: Opposed?

(No response.)

CHAIRMAN BOX: The vote is 4-0. The Triennial Report as amended is adopted and will be submitted to the Illinois General Assembly.

Next we have Liberty Consulting's
Third Quarter Report on the verification of the Peoples Gas' implementation of recommendations. Staff recommends adopting the report.

COMMISSIONER FORD: I had a --

CHAIRMAN BOX: Commissioner Ford.

COMMISSIONER FORD: I think Mr. Burk is -- was it Burk who gave us the review? Darin Burk, or was that with the pipeline? I think it was Burk. Is he available to go through this with us?

MR. BURK: Yes, I'm here in Springfield, Commissioner Ford.

COMMISSIONER FORD: Thank you. Would you just walk us through this for me.

MR. BURK: Yes. This would be the Third Quarter Report ending in August of 2009. Liberty verification has been completed for 11 recommendations. That's up from 3 the last quarter. Liberty has checked progress toward implementation of 36 recommendations, up from 22 last quarter. Liberty has determined unacceptable progress toward implementation of 5 recommendations. That is up from 3 last quarter. Liberty has not determined progress
toward implementation of 30 recommendations, which is down from 38.

I discussed this issue with Ed Doerk of Peoples Gas Vice President of Operations. He considers 44 recommendations per completed, which is up from 29. Liberty has left several of the recommendations open for further review and follow-up, and that accounts for the discrepancy in the completed numbers.

I would be able to ask -- answer any questions the Commission may have at this time.

CHAIRMAN BOX: Any questions?

COMMISSIONER FORD: Thank you, Mr. Burke.

MR. BURK: Thank you.

CHAIRMAN BOX: Is there a motion to accept the Liberty's Third Quarter Report?

COMMISSIONER ELLIOT: So moved.

CHAIRMAN BOX: Is there a second?

COMMISSIONER O'CONNELL-DIAZ: Second.

CHAIRMAN BOX: It's been moved and seconded.

All in favor say "aye."

(Chorus of ayes.)
CHAIRMAN BOX: Any opposed?

(No response.)

CHAIRMAN BOX: The vote is 4-0. The Liberty's Third Quarter Report is adopted.

And we have three FERC items on the agenda requiring the Commission to go into closed session.

But before I do, I'd just like to acknowledge some people who spent a lot of time down here who decided to come back and visit us. We have former Commissioner -- what's his name -- Commissioner Stanley Ryan -- he hasn't been gone that long. And also we have another member of the Staff -- former member of the Staff and a former assistant to Commissioner Lieberman, we have Sean who joined us again today. We appreciate it.

Is there a motion to go into closed session?

COMMISSIONER FORD: So moved.

COMMISSIONER ELLIOT: So moved.

CHAIRMAN BOX: Is there a second?

COMMISSIONER O'CONNELL-DIAZ: Second.
CHAIRMAN BOX: It's been moved and seconded to go into closed session.

   All in favor say "aye."

   (Chorus of ayes.)

CHAIRMAN BOX: Any opposed?

   (No response.)

CHAIRMAN BOX: 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.

CHAIRMAN BOX: In the closed session we discussed three items. The first was FERC Docket EL10-6-000 ICC Comments on FirstEnergy Company's October 19th, 2009 complaint.

Is there a motion to file comments with the FERC today?

COMMISSIONER ELLIOT: So moved.

CHAIRMAN BOX: Is there a second?

COMMISSIONER O'CONNELL-DIAZ: Second.

CHAIRMAN BOX: It's been moved and seconded.

All in favor say "aye."

(Chorus of ayes.)

CHAIRMAN BOX: Opposed?

(No response.)

CHAIRMAN BOX: The vote is 4-0. The comments will be filed with the FERC today.

The second item is FERC Docket EL05-121-000 ICC Answer to Exelon's October 29th, 2009 motion.
1 Is there a motion to submit an answer
to the FERC?

2 COMMISSIONER ELLIOT: So moved.

3 CHAIRMAN BOX: Is there a second?

4 COMMISSIONER O'CONNELL-DIAZ: Second.

5 CHAIRMAN BOX: It's been moved and seconded.

6 All in favor say "aye."

7 (Chorus of ayes.)

8 CHAIRMAN BOX: Opposed?

9 (No response.)

10 CHAIRMAN BOX: The vote is 4-0. The answer

11 will be submitted to the FERC.

12 The last item is FERC Docket

13 AD09-8-000 Comments to the FERC on Commission

14 Planning Processes under Order No. 890. And Staff is

15 not requesting any action at this time.

16 Judge Wallace, anything else to come

17 before the Commission today?

18 JUDGE WALLACE: No, Mr. Chairman, not today.

19 CHAIRMAN BOX: Okay. Just to once again remind

20 everyone that the NARUC Annual Meeting starts here in

21 Chicago next Saturday for some and then Sunday

22
through Wednesday.

Hopefully we'll have -- my understanding is we'll have a great number of people there. I think people are really looking forward to coming to the City of Chicago and really -- not only learning a lot but also enjoying themselves. So I'll have my police scanner working. Tell them to have a good time, but not too good a time.

Anything further?

(No response.)

CHAIRMAN BOX: This meeting stands adjourned.