BEFORE THE
ILLINOIS COMMERCE COMMISSION

BENCH SESSION
(PUBLIC UTILITY)

Springfield, Illinois
Wednesday, December 15, 2010

Met, pursuant to notice, at 10:30 a.m. in
Hearing Room A, First Floor, Leland Building, 527
East Capitol Avenue, Springfield, Illinois.

PRESENT:

MR. MANUEL FLORES, Acting Chairman
(Via teleconference)

MS. LULA M. FORD, Commissioner

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

MR. SHERMAN J. ELLIOTT, Commissioner

MR. JOHN COLGAN, Acting Commissioner

SULLIVAN REPORTING COMPANY, by
Carla J. Boehl, Reporter
CSR #084-002710
ACTING CHAIRMAN FLORES: Pursuant to the provisions of the Illinois Open Meetings Act, I now convene a regularly scheduled Bench Session of the Illinois Commerce Commission. With us in Springfield are Commissioners Ford, O'Connell-Diaz, Elliot and Commissioner Colgan. Here in Chicago I am Chairman Flores. We have a quorum.

Before moving into the agenda, according to Section 1700.10 of the Illinois 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 the Bench Session. According to the Chief Clerk's Office we have no requests to speak at today's Bench Session.

JUDGE WALLACE: Mr. Chairman?

ACTING CHAIRMAN FLORES: Yes, sir.

JUDGE WALLACE: The four Commissioners in Springfield will need to vote to allow you to participate by telephone before you proceed any
further.

ACTING CHAIRMAN FLORES: I am not on the phone right now. I am actually sitting in the Chicago chamber.

JUDGE WALLACE: But you are not in Springfield, sir.

ACTING CHAIRMAN FLORES: That's fine.

COMMISSIONER ELLIOTT: I would make a motion.

ACTING CHAIRMAN FLORES: I must tell you I was informed otherwise. That's why I didn't ask for the vote. So we will take care of that right now. Is there a motion?

COMMISSIONER ELLIOTT: So move.

ACTING CHAIRMAN FLORES: Is there a second?

COMMISSIONER FORD: Second.

ACTING CHAIRMAN FLORES: Very good.

COMMISSIONER ELLIOTT: All those in favor?

COMMISSIONERS: Aye.

COMMISSIONER ELLIOTT: Opposed?

(No response.)

Motion carried.

ACTING CHAIRMAN FLORES: Thank you for letting
me back into the loop.

So as I was saying before, again, we have no requests to speak at today's Bench Session.

(The Transportation portion of the proceedings was held at this time and is contained in a separate transcript.)

ACTING CHAIRMAN FLORES: Now turning to the Public Utility agenda, we will start with the approval of minutes from the November 23 Open Meeting. I understand amendments have been forwarded.

I will make a motion to amend the minutes. Is there a second?

ACTING COMMISSIONER COLGAN: Second.

ACTING CHAIRMAN FLORES: It's been moved and seconded. All in favor say aye.

COMMISSIONERS: Aye.

ACTING CHAIRMAN FLORES: Any opposed?

(No response.)

The vote is 5-0 and the amendments are
approved.

I will make a motion to approve the minutes as amended. Is there a second?

COMMISSIONER ELLIOTT: Second.

ACTING CHAIRMAN FLORES: It's been moved and seconded. All in favor say aye.

COMMISSIONERS: Aye.

ACTING CHAIRMAN FLORES: Any opposed?

(No response.)

The vote is 5-0 approving the minutes for November 23 as amended.

We will begin with the Electric agenda Item E-1, Docket Numbers 08-0685 and 09-0131 Consolidated. This item concerns petitions for the confidential treatment of transfer documents and a petition for the approval of transfer and assignment agreements by AmerenCILCO. Administrative Law Judge Tapia recommends that the Commission enter an Order granting the requested relief.

I will make a motion to enter the Order. Is there a second?

ACTING COMMISSIONER COLGAN: Second.
ACTING CHAIRMAN FLORES: It's been moved and seconded. All in favor say aye.

COMMISSIONERS: Aye.

ACTING CHAIRMAN FLORES: Any opposed? The vote is 5-0. The Order is entered. We will use this 5-0 vote for the remainder of the Public Utility agenda unless otherwise noted.

Item E-2 is Docket Numbers 09-0077, 09-0078 and 09-0079 Consolidated. This item is a reconciliation proceeding for the Ameren Illinois electric utilities and concerns revenues collected under power procurement riders reconciled with actual procurement expenditures. Administrative Law Judge Jones recommends that the Commission enter an Order approving the reconciliation.

Is there any discussion? Any objections?

(No response.)

Hearing none, the Order is entered.

Items E-3 through E-5 (10-0131, 10-0132, 10-0134) can be taken together. Each docket concerns a reconciliation proceeding initiated by the
Commission concerning coal tar rider charges reconciled with the actual clean-up expenditures for the Ameren Illinois electric utilities. In each case Administrative Law Judge Tapia recommends that the Commission enter an Order approving the reconciliation.

Any discussion? Any objections?

(No response.)

Hearing none, the Orders are entered.

Item E-6 is Docket Number 10-0138.

This item concerns ComEd's proposal to establish its Rider PORCB and to revise related tariffs. Judge Sainsot recommends that the Commission enter an Order approving the rider with certain specified changes, and I believe the Commissioners have a few revisions with this Order. I would like to begin with revisions submitted by both Commissioners Ford and O'Connell-Diaz.

Commissioners?

COMMISSIONER FORD: Thank you, Chairman.

Because this Commission values the collaborative efforts by the parties in the workshop process and
related discussions, we cannot ignore the fact that multiple parties with different interests all support the fixed charges proposal. So we would like to conclude that ComEd's preferred 50 cents per bill fixed charge is in accord with the General Assembly's articulated purpose.

We also are of the opinion that it will promote the development of a competitive and fair electric market. And I would like for my fellow Commissioners to support us on these changes.

ACTING CHAIRMAN FLORES: Commissioner O'Connell-Diaz?

COMMISSIONER O'CONNELL-DIAZ: Commissioner Ford succinctly stated what the revisions are. Again, we would note it was the product of a collaborative effort, and I also believe that it is more closely tied to the record evidence in this matter than the alternative. So I certainly support the changes and look to all the Commissioners for that support, too.

ACTING CHAIRMAN FLORES: I also want to add that the oral argument you have heard from the various parties, Intervenors, that there was quite a
bit of consensus on this issue and, as Commissioner Ford indicated, is one of the reasons for this revision.

Any further comments or discussion?

COMMISSIONER ELLIOTT: Yes, Mr. Chairman. I will support this. In my review of this I think what weighed most heavily on my mind was, again, the Memorandum of Understanding and Agreement between the parties. However, I did struggle with the difference between the way this was done and the Ameren PORCB. But in this case I think that the weight of the evidence supports the modifications.

I would, however, just on a related issue of the Ameren PORCB, just note that that's been in place for approximately a year now, and we have seen little customer switching that I think was heavily promised by a lot of parties about the PORCB being sort of a ticket to increasing customer switching to the residential classes.

So to the extent that we could have the Office of Retail Market Development take a look at that situation at Ameren and perhaps report back
to the Commission in a couple of months to just let
us know what the status of that is and whether, you
know, the structure of the PORCB in Ameren is
appropriate or if there are other issues, structural
market issues. Perhaps the Federal Energy Programs
Division can take a look at whether there is anything
regarding the various RTOs that may be impediments to
developing competition in these markets.

I am just concerned from my
perspective that, as we are developing these business
rules for ComEd in Chicago, that we are not
neglecting downstate and that we are doing everything
we can to incent competitive actions in that market.

So with that being said, I would hope
that my fellow Commissioners would support that
request to the ORMD and I will be supporting the
fixed charge.

ACTING COMMISSIONER COLGAN: Yeah, I am in a
really similar position as Commissioner Elliott just
articulated. I am not going to go back through it
again. But I think there is something to be said
about consistency in this issue. There are similar
players, if not really the exact same players, and I think the more standardized we can get this, the better it would be.

And I do have some questions and concerns about why the switching has been, you know, really slow, and if we could look into that to see, you know, to get some information about it so that we could take that under consideration and get this thing fine-tuned in a way that we can see a more robust -- a residential small commercial market starting to develop. We have that in the C&I side and I don't see a reason why we can't get it there. It seems like something is holding it up and I would like for us to figure out what that is. But I am going to support your amendment.

ACTING CHAIRMAN FLORES: Very well.

COMMISSIONER O'CONNELL-DIAZ: Just to be clear, we are not putting anything in this Order directing the energy situation. This is like a data information --

COMMISSIONER ELLIOTT: No, just asking the Office of Retail Market Development to take a look
and report back to us in, let's say, February or something, in a couple months.

COMMISSIONER O'CONNELL-DIAZ: And with that caveat, if there is any kind of notice or anything that the Office of General Counsel believes that we have like totally tread on today, that they would let us know that. And if we have to do something more formal, which I don't really think that we probably do, but I certainly will leave that to our General Counsel's office to figure that out. And if the Office of Retail Market Development needs any clarification as to what exactly we are looking for, we would provide that to them so that they are not shooting in the dark as to what we are thinking of and what we want and not really knowing. So I obviously support that, too.

COMMISSIONER FORD: Certainly.

ACTING CHAIRMAN FLORES: Very well. Any other further comments or discussion?

(No response.)

So I will make a motion to adopt that first set of revisions. Is there a second?
COMMISSIONER ELLIOTT: Second.

ACTING CHAIRMAN FLORES: It's been moved and seconded. All in favor say aye.

COMMISSIONERS: Aye.

ACTING CHAIRMAN FLORES: Any opposed?

(No response.)

The vote is 5-0 and the revisions introduced by Commissioners Ford and O'Connell-Diaz are adopted.

Next, Commissioner Elliott also submitted some revisions. Commissioner Elliott, would you like to offer an explanation?

COMMISSIONER ELLIOTT: Sure. Thank you, Mr. Chairman.

I made some revisions to the conclusions on page 38 and 39 of the HEPO, and this was essentially to stay consistent with the Ameren PORCB decision and it doesn't change -- has no substantive change to any outcomes, but it does align the language with our decision in that case, and I would recommend that language.

ACTING CHAIRMAN FLORES: Very well. Any
further discussion or comments on Commissioner Elliott's revisions?

(No response.)

So be it. I will make a motion to adopt these revisions. Is there a second?

ACTING COMMISSIONER COLGAN: Second.

ACTING CHAIRMAN FLORES: It's been moved and seconded. All in favor say aye.

COMMISSIONERS: Aye.

ACTING CHAIRMAN FLORES: Any opposed?

(No response.)

The vote is 5-0 and Commissioner Elliott's revisions are adopted.

COMMISSIONER O'CONNELL-DIAZ: I vote no on that, I am sorry.

ACTING CHAIRMAN FLORES: Okay. Let's do a roll call.

Commissioner Ford?

COMMISSIONER FORD: Aye.

ACTING CHAIRMAN FLORES: Commissioner O'Connell-Diaz?

COMMISSIONER O'CONNELL-DIAZ: No.
ACTING CHAIRMAN FLORES: Commissioner Elliott?

COMMISSIONER ELLIOTT: Aye.

ACTING CHAIRMAN FLORES: Commissioner Colgan?

ACTING COMMISSIONER COLGAN: Aye.

ACTING CHAIRMAN FLORES: Chairman Flores votes aye.

Let the record reflect the roll call vote is 4 to 1 to adopt Commissioner Elliott's revisions.

Lastly, I also introduced some revisions. These revisions constituted a new section at the end of the Order with three paragraphs of new language intended to strongly encourage that our Office of Retail Market Development receive feedback from all of the stakeholders going forward of the effectiveness of the PORCB mechanisms and that this feedback be shared with the Commissioners. The intent of these revisions is to insure that the Commission continues to work to insure that these mechanisms aren't simply available to retail electric suppliers, but that they are truly effective in promoting meaningful retail competition in Illinois.
And this really goes in line with some of the comments that were made earlier as part of what Commissioner Colgan, some of the statements he made, as well as some of the statements that Commissioner Elliott made regarding another case involving Ameren and what has happened during that time frame.

And while this will not affect the Ameren Order, I think it certainly lays a pathway or at least a framework that we could possibly adopt in evaluating that particular case. Nonetheless, this set of revisions obviously only applies to the case in chief.

I want to thank all of the Commissioners because all of the Commissioners and Staff have worked on these other revisions of providing feedback. So I would like to open this set of revisions to any additional comments or discussion other Commissioners would like to make.

(No response.)

Hearing none --

COMMISSIONER O'CONNELL-DIAZ: I think there is
comments, but we are just looking at each other down here. If you want to just hold on.

COMMISSIONER ELLIOTT: I think it's an excellent amendment in addition to the Order, and I would support it. I think that to the extent we can get more reporting on customer switching and how these business practices and rules that we are now setting up are helping or hindering, that's important to me.

COMMISSIONER FORD: I don't know what we are voting on.

COMMISSIONER O'CONNELL-DIAZ: There are several versions going around.

COMMISSIONER ELLIOTT: I think it is the one we all collaborated on.

ACTING COMMISSIONER COLGAN: Yeah, I think the version is the one that --

ACTING CHAIRMAN FLORES: It's the version where there was 100 percent consensus among all of the Staff, as I indicated in my remarks. All of the Staff did a great job, and all of the Commissioners, in making sure there was 100 percent collaboration
and 100 percent consensus.

And I do recognize that there were multiple revisions sent, but there is the set of revisions that the Commission Staff, Commission or Staff, agreed upon to insure that all of the concerns shared by all of the Commissioners were addressed.

I can't stress this enough, and this was raised in the oral argument. We are very interested in seeing more enhanced competition, and we want to make sure that we are implementing the various incentives and initiatives that the General Assembly is mandating to help facilitate the retail competition, growth of retail competition, that we indeed track the progress of how these mechanisms are being utilized.

So I want to thank all of the Commissioners and their Staff for their help in working on this in a very collaborative and 100 percent consensus.

COMMISSIONER O'CONNOR-DIAZ: I just want to clarify for the record, Mr. Chairman, there were edits that came out of your office late yesterday
afternoon. That is not the version we are looking at that you are offering, is it?

ACTING CHAIRMAN FLORES: No, it is not.

COMMISSIONER FORD: The only suggestion that I would like to make to my fellow Commissioners is that we don't send anything out the night before we go on the Bench the next day. Because I think it confuses everyone and it does not do a service to the people of this great State of Illinois.

ACTING CHAIRMAN FLORES: I agree. And, unfortunately, in this particular situation there was just an issue of timing. If you wish, we could hold this.

COMMISSIONER FORD: No, no. Everybody agreed, so I will not --

ACTING CHAIRMAN FLORES: Very well. Then I will make a motion. Is there a second?

COMMISSIONER ELLIOTT: Second.

ACTING CHAIRMAN FLORES: All in favor say aye.

COMMISSIONERS: Aye.

ACTING CHAIRMAN FLORES: The vote is 5-0 and the revisions are adopted.
I will make a motion then to enter the
Order in this docket as revised. Is there a second?

ACTING COMMISSIONER COLGAN: Second.

ACTING CHAIRMAN FLORES: Very well. It's been
moved and seconded. All in favor say aye.

COMMISSIONERS: Aye.

ACTING CHAIRMAN FLORES: Any opposed?

(No response.)

Very well. The vote is 5-0 and the
Order as revised is entered.

Item E-7 is Docket Number 10-0157 and
this item will be held for disposition at a future
proceeding.

Item E-8 is Docket Number 10-0439.

This is Seven-Utility Management Consultants'
application for licensure as an Agent, Broker and
Consultant under Section 16-115C of the Public
Utilities Act. Administrative Law Judge Yoder
recommends that the Commissioner enter an Order
granting the requested certificate.

Is there any discussion? Any
objections?
Hearing none, the Order is entered and the certificate is granted.

COMMISSIONER O'CONNELL-DIAZ: Mr. Chairman, E-7 was held, is that correct?

ACTING CHAIRMAN FLORES: Yes, ma'am.

Item E-9 is Docket Number 10-0563.

This is the IPA Procurement Plan docket, and we will be holding this item for disposition at our meeting on December 21. We do have a request for oral argument made by one of the parties in this case and I would like to make a motion to deny that request.

Is there a second?

COMMISSIONER ELLIOTT: Second.

ACTING CHAIRMAN FLORES: It's been moved and seconded. All in favor say aye.

COMMISSIONERS: Aye.

ACTING CHAIRMAN FLORES: Any opposed?

(No response.)

The vote is 5-0 and oral argument is denied.

Item E-10 is Docket Number 10-0638.
This is Gulf Pacific Natural Gas' application for licensure as an Agent, Broker and Consultant under Section 16-511C of the Public Utilities Act. Administrative Law Judge Yoder recommends that the Commissioner enter an Order granting the requested certificate.

Is there any discussion? Any objections?

(No response.)

Hearing none, the Order is entered and the certificate is granted.

Turning to Gas, Item G-1 (10-0716) concerns a citation proceeding against Peoples Gas with respect to an incident that occurred on March 3, 2010, and Staff conducted an investigation. At issue is whether Peoples Gas has failed to comply with the requirements of the Code of Federal Regulations adopted by the Commission as required by Section 3 of the Illinois Gas Pipeline Safety Act and determining whether civil penalties should be imposed pursuant to Section 7 of the Act. Staff recommends entry of a Citation Order initiating the proceeding.
Is there any discussion? Any objections?

(No response.)

Hearing none, the Order is entered and the proceeding is initiated.

Item G-2 is Docket Number 09-0540.

This item is Illinois Gas Company's reconciliation proceeding for gas adjustment charges collected reconciled with actual costs prudently incurred. Administrative Law Judge Albers recommends that the Commission enter an Order approving the reconciliation.

Is there any discussion? Any objections?

(No response.)

Hearing none, the Order is entered.

Item G-3 is Docket Number 10-0408.

This is Peoples Gas and North Shore Gas' petition for approving an agreement for the provisions of facilities and services and the transfer of assets between affiliates pursuant to Sections 7-101, 7-102 and 7-204A(b) of the Public Utilities Act.
Administrative Law Judge Kimbrell recommends that the Commission enter an Order granting the petition.

Is there any discussion? Any objections?

(No response.)

Hearing none, the Order is entered.

Item G-4 is Docket Number 10-0476.

This is the Ameren Illinois gas utilities' petition for an Order allowing certain changes on how some of its forms are filed in light of the Ameren merger. Administrative Law Judge Albers recommends that the Commissioner enter an Order granting the requested relief.

Is there any discussion? Any objections?

(No response.)

Hearing none, the Order is entered.

Item G-5 is Docket Number 10-0544.

This is Thurston Perkins' complaint as to billing and/or charges against Nicor. The parties have apparently settled their differences and brought a Joint Motion to Dismiss which Administrative Law
Judge Hilliard recommends that we grant.

Is there any discussion? Any objections?

(No response.)

Hearing none, the docket is dismissed.

Item G-6 is Docket Number 10-0611.

This is Consumers Gas Company's petition to allow for the company to lease office space from an affiliated interest. Administrative Law Judge Tapia recommends that the Commission enter an Order granting the approval of the company's lease.

Is there any discussion? Any objections?

(No response.)

Hearing none, the Order is entered.

Item G-7 is Docket Number 10-0628.

This is Vanguard Energy Services' Application for a Certificate of Service Authority to operate as an alternative gas supplier pursuant to Section 19-110 of the Public Utilities Act. Administrative Law Judge Riley recommends that the Commission enter an Order granting the requested certificate.
Is there any discussion? Any objections?

(No response.)

Hearing none, the Order is entered.

Item G-8 is Docket Number 10-0648.

This item is Clara Reed's complaint against Peoples Gas regarding a security deposit. The parties have apparently settled their differences and filed a Joint Motion to Dismiss which Administrative Law Judge Kimbrell recommends that we grant.

Is there any discussion? Any objections?

(No response.)

Hearing none, the docket is dismissed.

Moving to the Telecommunications section, Items T-1 and T-2 (TRM#484, TRM#485) will be taken together. These items concern filings by Frontier surrounding increases in rates for additional telephone directories. In each case Staff recommends that the Commission grant the company's request by not suspending the filings.

Is there any discussion? Any
objections?

(No response.)

Hearing none, the filings will not be suspended.

Items T-3 and T-4 (09-0082, 10-0503) will be taken together. These items are petitions by TelCentris Communications and Metro Communications Company for a Certificate of Local and Interexchange Authority to operate as a reseller and/or facilities-based carrier of telecommunication services throughout the State of Illinois. In each case Administrative Law Judge Tapia recommends that the Commission enter an Order granting the requested certificate.

Any discussion? Any objections?

(No response.)

Hearing none, the Orders are entered and the certificates are granted.

Item T-5 is Docket Number 10-0528.

Hang on, hang on, I want to make sure I get this right.

Again, T-5 is Docket Number 10-0582.
This is Easton Telecom Services' Application for a Certificate of Service Authority to operate as a reseller of wireless communication services throughout the State of Illinois. Administrative Law Judge Riley recommends that the Commission enter an Order granting the certificate.

Is there any discussion? Any objections?

(No response.)

Hearing none, the Order is entered and the certificate is granted.

T-6 is Docket Number 10-0595. This is Telco Experts' Application for a Certificate of Local and Interexchange Authority to operate as a reseller of telecommunication services in LATAs 358, 366, 368, 370, 374 and 376 in the State of Illinois. Administrative Law Judge Teague recommends that the Commission enter an Order granting the certificate.

Any discussion? Any objections?

(No response.)

Hearing none, the Order is entered and the certificate is granted.
Item T-7 is Docket Number 10-0669.

This is ATX Licensing's Petition for Withdrawal of its Certificate of Interexchange Service Authority and Certificate of Service Authority previously issued in Docket 04-0470. Administrative Law Judge Teague recommends that the Commission enter an Order granting the withdrawal.

Any discussion? Any objections?

(No response.)

Hearing none, the Order is entered and the withdrawal is granted.

T-8 is Docket Number 10-0580. This is Sage Spectrum's Petition for Cancellation of Certificate of Service Authority to operate as a reseller of telecommunication services previously issued in Docket Number 08-0520. Administrative Law Judge Tapia recommends that the Commission enter an Order granting the cancellation.

Any discussion? Any objections?

(No response.)

Hearing none, the Order is entered and the cancellation is granted.
Items T-9 through T-10 (10-0550, 10-0551) can be taken together. These items concern joint petitions surrounding resale and interconnection agreements under 47 U.S.C. 252. In each docket the Administrative Law Judge recommends entering an Order approving a new agreement or amending an existing agreement.

Any discussion? Any objection?

(No response.)

Hearing none, the Orders are entered.

Item T-20 (10-0717) concerns setting new maximum rates and charges for operator service providers due to annual inflation pursuant to --

JUDGE WALLACE: Mr. Chairman?

ACTING CHAIRMAN FLORES: Yes, sir.

JUDGE WALLACE: Could you back up a minute? I think that you didn't -- you mentioned T-9 and T-10 instead of maybe through T-19.

ACTING CHAIRMAN FLORES: Yes, thank you. Items T-9 through T-10 -- excuse me. Pardon me.

JUDGE WALLACE: Too many Ts there.

ACTING CHAIRMAN FLORES: Yeah, Items T-9
through T-19 (10-0550, 10-0551, 10-0552, 10-0553, 10-0575, 10-0576, 10-0577, 10-0604, 10-0605, 10-0619, 10-0620) can be taken together. All of these items concern joint petitions concerning resale and interconnection agreements under 47 U.S.C. Section 252. In each docket the Administrative Law Judge recommends entry of an Order approving a new agreement or amending an existing agreement.

Any discussion? Any objections?

(No response.)

Hearing none, the Orders are entered.

Thank you very much, Judge, for catching that.

Item T-20 (10-0717) concerns setting new maximum rates and charges for operator service providers due to annual inflation. Pursuant to Part 770.40(e) of the Administrative Code, Staff recommends entering an Order setting the new maximum rates and charges for usage charges and for operator surcharges.

Any discussion? Any objections?

(No response.)

Hearing none, the Order is entered.
Item T-21 (10-0718) concerns the adoption of a resolution to adopt the revised Form 23A as the Annual Report Form for telecommunication carriers that are not required to file reports with the FCC on an Illinois jurisdictional basis. Staff recommends that the resolution be adopted.

Any discussion? Any objections?

(No response.)

Hearing none, the resolution is adopted.

We now move to the Water and Sewer portion of today's agenda. Item W-1 is Docket Number 10-0220. This is the Harbor Ridge Utilities' petition for issuance of a Certificate of Public Convenience and Necessity to provide water service and sanitary sewer collection and disposal service to a parcel in Unincorporated Lake County. Administrative Law Judge Kimbrell recommends that the Commission enter an Order granting the certificate.

Any discussion? Any objections?

(No response.)

Hearing none, the Order is entered and
the certificate is granted.

Item W-2 is Docket Number 10-0224.
This is the Lake Wildwood Utilities Corporation's Petition for a Certificate of Public Convenience and Necessity to provide water service to parcels of land in Unincorporated Marshall County. Administrative Law Judge Kimbrell recommends that the Commission enter an Order granting the certificate.

Any discussion? Any objections?

(No response.)

Hearing none, the Order is entered and the certificate is granted.

Item W-3 is Docket Number 10-0280.
This is the Galena Territory Utilities' petition for an increase in water and sewer rates. Administrative Law Judge Benn recommends that the Commission enter an Order reflecting an increase in the company's water and sewer service rates.

Any discussion? Any objections?

(No response.)

Hearing none, the Order is entered.

We have two miscellaneous matters for
today. Item M-1 (10-0719) concerns setting the interest rate that public utilities and telecommunication carriers must pay on deposit that customers have placed with these entities. Staff recommends entry of an Order adopting a rate of .05 percent on these deposits.

Any discussion? Any objections? (No response.) Hearing none, the Order is entered and that rate is adopted.

Item M-2 (10-0720) concerns a Resolution surrounding the forms for annual report filings by public utilities. The Financial Analysis Division has made some minor changes to the report, and Staff recommends that the Commission adopt a Resolution adopting these new forms.

Any discussion? Any objections? (No response.) Hearing none, the Resolution is adopted.

We have three additional items on today's agenda. The first concerns recent ComEd and
Ameren Long-Term Renewable Energy RFPs. I will make a motion to accept the results of the Long-Term Renewable RFPs. Is there a second?

ACTING COMMISSIONER COLGAN: Second.

ACTING CHAIRMAN FLORES: It's been moved and seconded. All in favor say aye.

COMMISSIONERS: Aye.

ACTING CHAIRMAN FLORES: Any opposed?

COMMISSIONER ELLIOTT: No. Chairman, this is Commissioner Elliott. Just to be consistent with my decision in the original procurement case, I will vote no.

ACTING CHAIRMAN FLORES: Let's just take a roll call vote. Commissioner Ford?

COMMISSIONER FORD: Aye.

ACTING CHAIRMAN FLORES: Commissioner O'Connell-Diaz?

COMMISSIONER O'CONNELL-DIAZ: Aye.

ACTING CHAIRMAN FLORES: Commissioner Elliott?

COMMISSIONER ELLIOTT: No.

ACTING CHAIRMAN FLORES: Commissioner Colgan?

ACTING COMMISSIONER COLGAN: Aye.
Chairman Flores votes aye. The vote is 4 to 1 and the results are accepted.

I would also like to thank all our Staff for all their work throughout this process. Based off of a previous schedule they were probably expecting to be done with this back in September. So we recognize the overtime that they have put into this and we really appreciate all their hard work.

Our next item concerns a letter from OPSI to PJM stating that OPSI supports the Public Utilities of Ohio's, PUCO, letter expressing PUCO's support of improvements in PJM's electricity markets to better insure reasonable prices consistent with maintaining system reliability, and reasonable and cost-effective revisions to PJM market rules and tariffs to allow the integration of price-responsive demand into PJM markets.

Commissioner Ford, is there anything you would like to say here?

COMMISSIONER FORD: Well, the only thing that I did read or saw and Randy can -- Members of the
Committee, didn't we get something from Whitehead that said that that did not come out, the response to this letter on the price response? Am I mixing them up? You sent so many letters out.

MR. RIS MILLER: This is Randy Rismiller. The status of this issue is that within the PJM stakeholder process, PJM had developed a PRD proposal. It went through some of the voting, committees at PJM, and did not receive the threshold number of votes that that process would require to enable PJM to make a stakeholder-approved filing at FERC.

So PJM has stated that they plan to work on the issue within their staff with an expectation of taking a proposal to the PJM Board of Directors at their February meeting and making a FERC filing in February with PJM's proposal for price responsive demand. This would be a slightly, somewhat unusual, procedure that PJM does not generally use but will be using in this case because of the vote at the stakeholders' session.

COMMISSIONER FORD: And I think they are trying
to be collaborative with the OPSI vote on that issue.

MR. RISMILLER: Yes, I think PJM staff is willing to hear from the state commissions and from OPSI as a collective on the elements of the package that they expect to file at FERC in February.

COMMISSIONER FORD: Thank you.

ACTING CHAIRMAN FLORES: Any further discussion? Comments?

(No response.)

Commissioner Ford, would you like to make a motion?

COMMISSIONER FORD: I would like to move this letter to the OPSI Board.

COMMISSIONER ELLIOTT: Second.

ACTING CHAIRMAN FLORES: I am sorry, I was going to second that.

COMMISSIONER ELLIOTT: I did it before you.

ACTING CHAIRMAN FLORES: I will make a third. It's been moved and seconded and thirded. All in favor say aye.

COMMISSIONERS: Aye.

ACTING CHAIRMAN FLORES: Any opposed?
The vote is 5-0 and the letter from OPSI has the Illinois Commerce Commission's support.

Thank you very much, Commissioner Ford, on that.

The final item today is a FERC matter that concerns pending litigation so we will go into closed session to address it. I will make a motion to go into closed session. Is there a second?

COMMISSIONER O'CONNELL-DIAZ: Second.

COMMISSIONER FORD: Second.

ACTING CHAIRMAN FLORES: Very well. It's been moved and seconded. All in favor say aye.

COMMISSIONERS: Aye.

ACTING CHAIRMAN FLORES: Any opposed?

(No response.)

The vote is 5-0 to go into closed session. If you will just please let me know when we are ready to go down there in Springfield.

(Whereupon at this point pages 40-57 of the proceedings are contained in a separate closed transcript.)
CONTINUATION OF PROCEEDINGS

COMMISSIONER O'CONNELL-DIAZ: We are ready.

ACTING CHAIRMAN FLORES: Very well. In closed session the Commission discussed filing comments with FERC in FERC Docket Number ER11-2140-000 regarding Transmission Cost Allocation. I will make a motion to file the Comments with FERC. Is there a second?

ACTING COMMISSIONER COLGAN: Second.

ACTING CHAIRMAN FLORES: It's been moved and seconded. All in favor say aye.

COMMISSIONERS: Aye.

ACTING CHAIRMAN FLORES: Any opposed?

(No response.)

The vote is 5-0. The Comments will be filed with FERC.

Judge Wallace, are there any other matters?

JUDGE WALLACE: Nothing further. Next week is our last regularly scheduled meeting of the year.

ACTING CHAIRMAN FLORES: Very well, very well. I do want to say to everyone down there, unfortunately I was not able to make it to
Springfield, but I certainly want to wish everyone a happy holiday season. I know that there is a little event that I am missing so, please, again I regret not being there to share the celebration with you. But I want to thank the entire Staff and we will see each other next week. Thank you.

MEETING ADJOURNED