BEFORE THE
ILLINOIS COMMERCE COMMISSION

BENCH SESSION

(TRANSPORTATION)

Springfield, Illinois

Wednesday, December 21, 2011

Met, pursuant to notice, at 10:30 a.m.
in the Audiovisual Conference Room, Second Floor,
Leland Building, 527 East Capitol Avenue,
Springfield, Illinois.

PRESENT:

MR. DOUGLAS P. SCOTT, Chairman

MS. LULA M. FORD, Commissioner
(Via audiovisual teleconference)

MS. ERIN M. O'CONNELL-DIAZ, Commissioner
(Via audiovisual teleconference)

MR. SHERMAN J. ELLIOTT, Commissioner

MR. JOHN T. COLGAN, Acting Commissioner

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

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

CHAIRMAN SCOTT: On the Transportation agenda, we will begin with the Railroad Section. Item RR-1 is Docket Number T11-0131. This item concerns a citation proceeding against Dakota, Minnesota &
Eastern Railroad Corporation for failure to comply with prior Commission Orders requiring rail crossing safety improvements. Staff has filed a Motion to Dismiss the citation based on compliance by the company, and ALJ Duggan recommends entry of an Order dismissing the citation.

Is there any discussion?

(No response.)

Is there a motion to enter the Order dismissing the citation?

COMMISSIONER ELLIOTT: So moved.

CHAIRMAN SCOTT: Is there a second?

ACTING COMMISSIONER COLGAN: Second.

CHAIRMAN SCOTT: It's been moved and seconded.

All in favor say aye.

COMMISSIONERS: Aye.

CHAIRMAN SCOTT: Any opposed?

(No response.)

The vote is five to nothing; the Order is entered and the citation is dismissed.

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

Item RR-2 is Docket Number T11-0140. This is a petition by the Norfolk Southern Railway Company seeking a variance from Title 92 Part 1500.270 of the Administrative Code concerning clearances related to the company's railroad track work in Chicago. ALJ Kirkland-Montaque recommends entry of an Order granting a variance from the rule.

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the Order is entered.

Item RR-3 is Docket Number T11-0148. This item concerns a Stipulated Agreement regarding public safety improvements at multiple Illinois Central Railroad Company crossings across central Illinois. Staff recommends entry of an Order approving the Stipulated Agreement.

Is there any discussion?

(No response.)

Any objections?
(No response.)

Hearing none, the Order is entered.

Items RR-4 through RR-6 (T06-0012, T09-0055, T09-0056) can be taken together. These items concern petitions for the authorization of construction projects at Metra rail crossings in Chicago. In each case ALJ Kirkland-Montaque recommends entry of a Supplemental Order granting an extension of time associated with the project's completion.

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the Supplemental Orders are entered.

Item RR-7 is Docket Number T10-0163.

This concerns a Stipulated Agreement regarding public safety improvements at a highway-rail grade crossing in Union County. Staff recommends entry of a Supplemental Order granting an extension of time for the project's completion.
Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the Supplemental Order is entered.

On to Motor Carriers, MC-1 concerns a Stipulated Settlement Agreement concerning alleged violations of the Illinois Commercial Transportation Law by Sergio Cabrales and SCM Trucking. Our Transportation counsel recommends entry of an Order approving the Settlement Agreement.

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the Order is entered.

Item MC-2 is Hector & Sons' application for a new household goods property motor carrier authority. ALJ Duggan recommends entry of an Order approving the application.

Is there any discussion?
(No response.)

Any objections?

(No response.)

Hearing none, the Order is entered, and the application is approved.

Item MC-3 is Elk Grove Service and Towing's application for a Commercial Relocator's License. ALJ Kirkland-Montaque recommends entry of an Order dismission the application without prejudice for failure to prosecute.

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the Order is entered, and the matter is dismissed.

Items MC-4 and MC-5 can be taken together. These are applications for the renewal of a relocator's licenses, and in each case Staff recommends entry of an Order granting the application for renewal.

Is there any discussion?
(No response.)

Any objections?

(No response.)

Hearing none, the Orders are entered, and the license renewals are granted.

We have one other item for consideration at today's Transportation agenda.

That's the resolution honoring Odie Carpenter. These are difficult moments for us as we say thanks and good-bye, but we are very happy for the retirees, both for Odie and for two other resolutions that we will do later on in our agenda today.

I have a resolution that I would like to read for Mr. Carpenter. And it reads:

"By the Commission,

WHEREAS, Odie Carpenter who has been in the Police Section of the Illinois Commerce Commission's Transportation Division since January 1998, is retiring on December 30, 2011; and

WHEREAS, throughout his 23 years and eleven months of service to the Commission Odie has displayed his loyalty and conscientiousness by his
actions and deeds daily; and

WHEREAS, Odie has consistently demonstrated his interest and concern for the benefit of the Commission by his attitude and the quality of his work;

WHEREAS, Odie's retirement will create a void with respect to his knowledge and his ability to serve the people of the state of Illinois;

THEREFORE BE IT RESOLVED that the Illinois Commerce Commission therefore extends its deepest appreciation and gratitude to Odie Carpenter for his dedication and outstanding service to the Commission and conveys its best wishes to him."

So are there any other Commissioners who would like to say anything? Commissioner Ford, go ahead.

COMMISSIONER FORD: I appreciate Odie's work and I know he does a good job and I certainly know that he will be missed. And I enjoyed working with Odie. And certainly when he could, I did get to ride in his police car, but not for a bit.

Thank you again, Odie, for your
service to the Illinois Commerce Commission.

MR. CARPENTER: Thank you.

ACTING COMMISSIONER COLGAN: I just echo what Commissioner Ford just said and everything in that resolution. And, Mr. Carpenter, I wish you the very best for a happy retirement.

MR. CARPENTER: Thank you, Commissioner.

COMMISSIONER ELLIOTT: Here, here. Twenty some years I have been hanging around this place and seeing your smiling face, and yours has been a great joy. It is going to be missed.

MR. CARPENTER: I will miss you guys as well.

CHAIRMAN SCOTT: Commissioner O'Connell-Diaz?

COMMISSIONER O'CONNELL-DIAZ: Chief, I just want to thank you so much. I always felt very safe when I walked into the Commission in Springfield and I saw your squad roll out there and I knew things were shipshape because you were around. You are indeed an example of a wonderful public servant, an officer, a gentleman, and wish you the best in this next chapter of your life and I am sure you will go forth and do other good things. And please don't
forget that we are still here and come back and visit us, and wish you the best.

MR. CARPENTER: Thank you, Commissioner.

CHAIRMAN SCOTT: And Commissioner Elliott mentioned on the way in, he didn't mention it now, but with your retirement our dress is going to go down significantly because you are not here any more.

But, Chief, would you like to come up and say a few words or stand and say a couple words?

MR. CARPENTER: Well, I truly will miss everyone here at the Commission. I enjoyed it. I got a total of 39 years in law enforcement and I worked in other departments but none like the Commission. You have a great group of guys that are going to be here, and I will just ask that you lend them the same support that you lend me and I am sure everything will work out for the benefit of the people of the state of Illinois.

Thank you.

CHAIRMAN SCOTT: Thank you, Chief.

MR. CARPENTER: Now, I truly thank Steve Matrisch, my boss, a great guy. Thank you.
MR. MATRISCH: Thank you.

CHAIRMAN SCOTT: Thank you, Chief.

Mr. Matrisch, is there anything further on the Transportation agenda to come before us today?

MR. MATRISCH: Nothing further, Chairman.

Thank you.

CHAIRMAN SCOTT: Hearing none, that concludes today's Transportation agenda. Again, Chief, congratulations and good luck.

MR. CARPENTER: Appreciate it. Thank you.

CHAIRMAN SCOTT: We are going to do a picture.

COMMISSIONER ELLIOTT: Quick recess.

TRANSPORTATION AGENDA CONCLUDED