BEFORE THE

ILLINOIS COMMERCE COMMISSION

REGULAR OPEN MEETING

(PUBLIC UTILITY)

Chicago, Illinois

Thursday, February 14, 2013

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

PRESENT:

MR. DOUGLAS P. SCOTT, Chairman

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

MR. JOHN T. COLGAN, Commissioner

MS. ANN McCABE, Commissioner

MR. MIGUEL del VALLE, Commissioner

L.A. COURT REPORTERS by

Kari Wiedenhaupt, Reporter, CSR# 084-004725
CHAIRMAN SCOTT: Is everything ready in Springfield?

JUDGE WALLACE: Yes, it is.

CHAIRMAN SCOTT: Thank you. Pursuant to the provisions of the Open Meetings Act, I now convene a Regular Open Meeting of the Illinois Commerce Commission. With me in Chicago are Commissioner O'Connell-Diaz, Commissioner Colgan, Commissioner McCabe and Acting Commissioner del Valle. We have a quorum, and on behalf of all the Commissioners, I would like to welcome Commissioner del Valle to the Commission. Most of you know him. He has a long and dedicated career of public service as a State Senator where I got to know him when I was in the House in the Legislature and as the Clerk for the City of Chicago and also a long career working on educational issues as well. So we are pleased to have you here. Welcome here, Commissioner and we look forward to working with you.

COMMISSIONER del VALLE: Thank you very much.

CHAIRMAN SCOTT: 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 meetings. According to the Chief Clerk's office, we have one timely-received request to speak at today's meeting. Our request to speak today comes from Michael Hayes. Mr. Hayes, you can grab the microphone there. As you know, you will have three minutes to speak, and we won't respond to you or anything like that. So just in case that seems strange to you, I just wanted to let you know that ahead of time. So you have three minutes and begin when you are ready.

MR. HAYES: Well, a lot of things seem strange about this particular matter, but we will live with it. Thank you very much and thanks for the opportunity to speak to you. Good morning, Mr. Chairman and members of the Commission. My name is Michael Hayes. We represent Securus Technology, the winning bidder and now contract partner to the
Illinois Department of Corrections to provide inmate
only telephone communications services at its
correctional facilities throughout the state.

Consolidated, the petitioner in item
No. 20 on the agenda submitted it's losing bid to
the -- for the IDOC contract. Its petition in
essence asks -- filed this petition after submitting
its losing bid -- the Commission to reject nearly
30 years of the Commission's own authority, that
inmate only pay phones do not fall under Section 770
of the Administrative Rules.

This is a last ditch effort to divert
attention from the fact that for 30 years they have
misread the statutes and the law in Illinois, and the
Commerce Commission rules and regs and divert
attention away from that mistake in order to get a
second chance at winning the bid. You are the
fifth -- excuse me -- fourth forum, and this is their
fifth effort, fifth appellate effort to try and
overturn the bid award. They lost in court already.
They lost twice before the chief procurement officer,
and they are losing in front of the procurement
policy board.

We think you should not let them play you for their failure to recognize that their bid had certain limits to it. Consolidated's position requests that the Commission declare for the first time providers of inmate only telephone services in a correctional institution are operator service providers subject to 770 of Title 83. There are a number of problems with this interpretation that Securus could mention and go through today, but in three minutes I can't do it. So I am going to limit myself to really just two of them.

Part 770, which contains the rate caps that Consolidated wants to apply to the bid process that was undertaken by DOC sets out requirements that operator service providers allow customers to use their choice of carriers. For example, can you imagine the havoc in the correctional institutions if these calls, which are highly monitored, scientifically recorded and limited to reach as to who can get calls, who can make calls, were now -- users were allowed to say I want mine carried on
Sprint or some other carrier of their choice. It would be a detriment and will be a detriment to the security in the institutions.

Now, Consolidated's response to that kind of argument, which we have presented in other forums and in this forum before the Administrative Law Judge is that we only want Section 770 to apply to the rate cap part. All the other parts of 770 -- and there is five other parts -- don't apply. We think that's something that you should not get involved with, and we don't think that's the way the rules and regulations are applied. You are either under the reg or you are not. You can't pick and choose parts of it.

There is two cases, two Orders the Commission entered, inmate services and impunity networks, that are cited in our materials that we think amply show that the law has been and continues to be that inmate cell phone -- inmate only pay phones in the institutions are not covered by the tariffs and the rate caps under the Commerce Commission. Your own rules and regs recognize that
when they expressly -- same rule and reg, Section 770, excludes the application of the rule to mental institution phones, phones that service the patients in mental institutions and No. 2, it's all correctional institutions within the state. That's your own rules that do that.

The second main area -- so the disruption -- the first main area is the disruption to the Department of Corrections. The second main area is that during this process we have asked for a hearing. This petition was filed as a -- a request for a declaratory ruling. We intervened, were given permission to intervene, have asked for a hearing a number of times in the process on the way up. Each time it's been denied. There is -- our belief is that this is a contested case under the Administrative Procedure Act, or it should be in rulemaking where the actual rule could be changed or edited.

But this is a contested case. We have an absolute right to a hearing. We have been denied that hearing, and we have a pending request that this
matter be heard and so that we can put on a case to show the hearing -- the Administrative Law Judge that she was incorrect. Securus has never waived its right to a hearing and, in fact, continue and I hereby request the hearing.

So I thank you for the time for considering this. For those reasons that I have mentioned and the ones in our briefs that we filed, Securus would ask the Commission to deny this attempt to get into the Department of Corrections and start regulating the phone system. It is a secure system necessary for the Department of Corrections to fulfill its correctional mission, so to speak.

So we ask you that you would deny it outright, and if you don't, we would ask you to remand it back to the Administrative Law Judge so that she can conduct the appropriate hearings and let us prove to this Commission and to the Administrative Law Judge that this is not a matter that should be subject to Section 770. Thank you very much.

CHAIRMAN SCOTT: Thank you, Mr. Hayes.

Moving on to the agenda for today,
Item 1 is the approval of the minutes from our January 24th Bench Session. I understand amendments have been forwarded.

Is there a motion to amend the minutes?

COMMISSIONER McCabe: So moved.

CHAIRMAN Scott: Is there a second?

COMMISSIONER Colgan: Second.

CHAIRMAN Scott: It's been moved and seconded.

All in favor, say aye.

(Chorus of ayes.)

CHAIRMAN Scott: Any opposed?

(No response.)

CHAIRMAN Scott: The vote is five to nothing, and the amendments are adopted. Is there a motion to approve the minutes as amended?

COMMISSIONER Colgan: So moved.

CHAIRMAN Scott: Is there a second?

COMMISSIONER McCabe: Second.

CHAIRMAN Scott: It's been moved and seconded.

All in favor, say aye.
(Chorus of ayes.)

CHAIRMAN SCOTT: Any opposed?

(No response.)

CHAIRMAN SCOTT: The vote is five to nothing and the January 24th minutes as amended are approved. We will use this five to nothing vote for the remainder of today's Regular Open Meeting unless otherwise noted.

Item 2 concerns determining the price index for setting the dollar amounts of any unconditional guarantee, payment bond or letter of credit pursuant to Title 83, Part 451 of the Administrative Code. Staff recommends entry of an Order setting the price index using PJM's locational marginal prices for the Northern Illinois Hub. Is there any discussion on this matter?

(No response.)

CHAIRMAN SCOTT: Are there any objections to entering the Order?

(No response.)

CHAIRMAN SCOTT: Hearing none, the Order is
Item 3 is Docket No. 09-0263. This is ComEd's 2009 petition concerning its advanced metering pilot program. This matter had previously been before the appellate court, which reversed our decision on the use of riders as a cost-recovery mechanism for the program. CUB and the AG now seek to reopen this matter through initiating a remand proceeding, and have also filed a motion to consolidate this proceeding with two others.

We also have a motion from ComEd to submit documents on this matter. ALJs Sainsot and Kimbrel recommend denying these motions, but state that the Commission could potentially open an investigation under Section 9-250 of the Public Utilities Act to address these concerns.

Is there any discussion on this matter?

(No response.)

CHAIRMAN SCOTT: Commissioner del Valle, I understand you wish to abstain from this matter?

COMMISSIONER del VALLE: Yes.
CHAIRMAN SCOTT: I will make a motion that we deny the motions before us, but request that Staff put together an Order initiating an investigation under Section 9-250 of the Public Utilities Act.

Is there a second for this motion?

COMMISSIONER COLGAN: Second.

CHAIRMAN SCOTT: It's been moved and seconded. Is there further discussion?

(No response.)

CHAIRMAN SCOTT: All in favor, say aye.

(Chorus of ayes.)

CHAIRMAN SCOTT: Any opposed?

(No response.)

CHAIRMAN SCOTT: The vote is four to nothing with one abstention, and the two motions are denied and the initiating Order for investigation will be prepared consistent with the procedure described by our ALJs.

Item 4 is Docket No. 12-0213. This is our rulemaking proceeding for Title 83, Part 468 of the Administrative Code concerning the certification process for installers of distributed generation
systems. We have a request for oral argument from IBEW to consider, and ALJ Albers recommends both denying that oral argument request and entering a Second Notice Order authorizing submission of the proposed rule to JCAR.

We'll take the oral argument request first. Is there any discussion on this request?

Commissioner del Valle, I understand you wish to abstain from this matter as well?

COMMISSIONER del VALLE: I will abstain.

CHAIRMAN SCOTT: Any further discussion on the oral argument request?

(No response.)

CHAIRMAN SCOTT: Are there any objections to denying this request?

(No response.)

CHAIRMAN SCOTT: Hearing none, the request for oral argument is denied with Commissioner del Valle abstaining.

On the Second Notice Order is there any discussion?
CHAIRMAN SCOTT: Are there any objections to entering the Second Notice Order?

(No response.)

CHAIRMAN SCOTT: Hearing none, the Second Notice Order is entered with Commissioner del Valle abstaining.

COMMISSIONER del VALLE: Item 5 is Docket No. 12-0913. This is Ted Wrobel's complaint against ComEd. ALJ Baker recommends entry of an Order dismissing the complaint without prejudice for want of prosecution.

Is there any discussion?

(No response.)

COMMISSIONER O'CONNELL-DIAZ: Mr. Chairman, is Judge Baker here?

JUDGE DOLAN: She is in the office today, so if you want me to go get her --

COMMISSIONER O'CONNELL-DIAZ: No. It's just that I recognize this name, and it appears that this gentleman has been at the Commission before and is well-advised of our procedures and, you know, didn't
follow our procedures with regard to attending to the case that he filed here. So I just wanted to chat with her about that, but that's okay. I don't need to hold it.

JUDGE DOLAN: All right. Thanks.

CHAIRMAN SCOTT: Further discussion?

(No response.)

CHAIRMAN SCOTT: Are there any objections?

(No response.)

CHAIRMAN SCOTT: Hearing none, the Order is entered.

Item 6 is Docket No. 12-0321. This is ComEd's formula rate update filing under Section 16.108.5 of the Public Utilities Act. Before us today is an Amendatory Order updating numerical figures in a schedule accompanying the Order, and ALJs Sainsot, Kimbrel and Jorgenson recommend entry of that Amendatory Order.

Is there any discussion? Does Commissioner del Valle wish to abstain from this matter?

COMMISSIONER del VALLE: Yes.
CHAIRMAN SCOTT: Any further discussion?
(No response.)

CHAIRMAN SCOTT: Are there any objections?
(No response.)

CHAIRMAN SCOTT: Hearing none, the Amendatory Order is entered with Commissioner del Valle abstaining.

Item 7 is Docket No. 12-0442. This is Sunrise Continuing Care's complaint against ComEd. The complainant has moved to dismiss its complaint, which ALJ Hilliard recommends we grant.

Is there any discussion?
(No response.)

CHAIRMAN SCOTT: Are there any objections?
(No response.)

CHAIRMAN SCOTT: Hearing none, the matter is dismissed.

Item 8 is Docket No. 12-0475. This is Victoria Glenn's complaint against ComEd. ALJ Jorgenson recommends entry of an Order dismissing this matter without prejudice for want of prosecution.
Is there any discussion?

(No response.)

CHAIRMAN SCOTT: Any objections?

(No response.)

CHAIRMAN SCOTT: Hearing none, the Order is entered.

Item 9 is Docket No. 12-0484. This is ComEd's filing for the approval of tariffs for implementing its Peak Time Rebate Program. We will hold this item for disposition at a future Commission proceeding.

Item 10 is Docket No. 12-0584. This is Pizza World USA's complaint against Ameren. The parties have apparently settled their differences and have brought a Joint Motion to Dismiss, which ALJ Yoder recommends we grant.

Is there any discussion?

(No response.)

CHAIRMAN SCOTT: Are there any objections?

(No response.)

CHAIRMAN SCOTT: Hearing none, the Joint Motion to Dismiss is granted.
Item 11 is 12-0645. This is MidAmerican Company's petition for a waiver concerning the energy efficiency programs it offers under Section 8-408(c) of the Public Utilities Act. ALJ Jorgenson recommends entry of an Order granting that petition. We have some revisions from Commissioner McCabe. Would you like to describe those, Commissioner?

COMMISSIONER McCabe: I propose changes to the MidAmerican Order given information from the docket that the room air conditioner measure was actually cost-effective. These changes modify the waiver to put the room air conditioner measure back into the efficiency program. Our last Order in Docket No. 12-0132 indicated that MidAmerican should file a waiver requesting that it be permitted to not offer cost-ineffective measures. While staff has pointed out that the room air conditioner measure is not as strong as we would like, and MidAmerican has indicated that they plan to propose a stronger measure in their July 1st filing, the current room air conditioner measure is still cost-effective and
should not be eliminated. We hope that in future
dockets, companies and Staff will pursue important
energy efficiency approaches -- efficiency can be the
cheapest new energy -- and help avoid the need for
new generation, especially as older generators go
offline.

CHAIRMAN SCOTT: Are you moving for the
adoption of that revision?

COMMISSIONER McCabe: Yes.

CHAIRMAN SCOTT: Is there a second?

COMMISSIONER Colgan: Second.

CHAIRMAN SCOTT: It's been moved and seconded.

Is there further discussion on the revisions? All in
favor, say aye.

(Chorus of ayes.)

CHAIRMAN SCOTT: Any opposed?

(No response.)

CHAIRMAN SCOTT: The revisions are adopted.

Commissioner -- excuse me. Is there any further
discussion on the matter? I move for adoption of the
Order as revised.

Is there a second?
Commissioner O'Connell-Diaz: Second.

Chairman Scott: Further discussion?

(No response.)

Chairman Scott: All in favor, say aye.

(Chorus of ayes.)

Chairman Scott: Any opposed?

(No response.)

Chairman Scott: The vote is five to nothing, and the Order as revised as adopted, and the vote was five to nothing as well on the revisions themselves. I forgot to mention that. I appreciate the timely responses to the written inquiries that were given out in that case, both from staff and the company. We really appreciate the speed with which they put those together. So thank you.

Items 12 through 14 can be taken together. These items concern applications for licensure as an agent, broker and consultant under Section 16-115C of the Public Utilities Act. In each case, ALJ Albers recommends entry of an Order granting the certificate.

Is there any discussion?
CHAIRMAN SCOTT: Are there any objections?
(No response.)

CHAIRMAN SCOTT: Hearing none, the Orders are entered.

Item 15 is Docket No. 13-0066. This is a Joint Petition for the approval of a customer release between Ameren Illinois and Illinois Rural Electric Cooperative. ALJ Yoder recommends entry of an Order granting the requested customer release.

Is there any discussion?
(No response.)

CHAIRMAN SCOTT: Are there any objections?
(No response.)

CHAIRMAN SCOTT: Hearing none, the Order is entered.

Item 16 is Docket No. 10-0398. This is the Just Energy audit matter, and this item will be held for disposition at a future Commission proceeding.

Item 17 is Docket No. 12-0347. This is Enbridge's application for the approval of a
pipeline construction project spanning from Pontiac to Quincy and for eminent domain authority in connection with the pipeline route. ALJ Hilliard recommends entry of an Order granting the application.

Is there any discussion?

(No response.)

COMMISSIONER O'CONNELL-DIAZ: Mr. Chairman?

CHAIRMAN SCOTT: Commissioner.

COMMISSIONER O'CONNELL-DIAZ: Well, first of all, I would like to thank Judge Hilliard for an excellent Order in this matter. Obviously, there is a great need for reinforcement of our natural oil supply, and that is what this pipeline will achieve. So when we look at these matters, we look at, you know, the company's request that has to show the need, and I don't have an argument with what is presented here. I think then I get into the fitness of the company, and I think that the record is clear, and there was much investigation by our Staff member, Staff witness Maple with regard to Enbridge's safety issues that -- we are all aware of the Michigan
disaster. Just last week at the NARUC conference I had an opportunity to hear a report about that. It's certainly not in this record. So I don't want to offend Commissioner Ford, because, you know, she always has to tell me everything has to be in the record, but Debbie Hersman talked about the lack of training, lack of understanding of the mechanisms in Wheelhouse of where this disaster occurred. My husband and I happened to be up in that area of Michigan the day that this occurred. People were being evacuated from their homes.

We do not want to have a situation like that in our state. So I am very thankful that with regard to that part of our oversight authority that we have done due diligence here, that there are measures that are going to be conditioned for this approval, and that we will be ongoing in our oversight of this company, and that they have properly trained personnel. That was the problem with this. They -- nobody turned -- they saw the warnings and they let the pipe keep on flowing, and so, you know, these are our territories, and
certainly we must look at the fitness and that goes to the fitness. So our jurisdiction does carry here, but given the fact that Staff has done a great job here in ensuring that we will keep that oversight, I will be voting in favor of this petition and the grant of the approval that is requested by Enbridge, with the caveat that our Staff will be looking over their shoulder and requiring those quarterly reports, and also I really want to have a good atmosphere in our state and protect the lands that we have here.

Thank you.

CHAIRMAN SCOTT: Other comments? Commissioner McCabe.

COMMISSIONER McCABE: I will just add that in response to the Marshall, Michigan incident which had great financial and PR impacts for the company and in response to NTSB report, Enbridge is changing a number of their policies and procedures relating to pipeline integrity, leak protection and pipeline control and operations and after providing additional and detailed information that Staff requested, Staff witness, Mark Maple, who is also the case manager
found that Enbridge demonstrated a public need for the pipeline and the services it will provide. The Order also rightly calls for Enbridge to implement all the upgrades and changes listed on Pages 18 to 20 of the Order before operating the pipeline and requires the company to file quarterly reports throughout construction to the ICC's Director of Safety and Reliability on the project's status and related action items. Having worked in the petroleum sector for over 10 years, I know the importance of Canadian crude to Midwest refineries, all of which have retooled to increase their use of this crude and I also note that Enbridge is the largest crude oil and liquid pipeline company in the U.S. and Canada, and Canada is our No. 1 source of crude and natural gas, and that this pipeline will be co-located, to a large extent, with the Spearhead Pipeline, an existing pipeline, which will help minimize the impacts and the footprint of the pipeline.

CHAIRMAN SCOTT: Further discussion?

(No response.)

CHAIRMAN SCOTT: Are there any objections to
entering the Order? Commissioner del Valle, you wish to abstain on this vote as well?

COMMISSIONER del VALLE: Yes.

CHAIRMAN SCOTT: Are there any objections to entering the Order?

(No response.)

CHAIRMAN SCOTT: Hearing none, the Order is entered with Commissioner del Valle abstaining.

Item 18 is Docket No. 12-0531. This is Brent Christensen's complaint against Nicor. Nicor has moved to dismiss this matter on the grounds it is barred by the statute of limitations. ALJ Jorgenson recommends entry of an Order dismissing the complaint.

Is there any discussion?

(No response.)

CHAIRMAN SCOTT: Are there any objections?

(No response.)

CHAIRMAN SCOTT: Hearing none, the Order is entered.

Item 19 is Docket No. 13-0092. This is Integrys Energy Services' petition for the
confidential and/or proprietary treatment of portions of its alternative gas supplier report. ALJ Riley recommends entry of an Order granting the requested treatment.

Is there any discussion?

(No response.)

CHAIRMAN SCOTT: Are there any objections?

(No response.)

CHAIRMAN SCOTT: Hearing none, the Order is entered.

Item 20 is Docket No. 12-0413. This is Consolidated Communications’ seeking a declaratory ruling concerning Section 13-901 of the Public Utilities Act and Title 83, Part 770 of the Administrative Code. ALJ Von Qualen recommends entry of an Order providing a declaratory ruling that the inmate calling services at issue are "operator services" under the law.

Is there any discussion?

COMMISSIONER O'CONNELL-DIAZ: Mr. Chairman, I see this did not have a deadline. I would request that it be held.
CHAIRMAN SCOTT: That would be fine. Thank you.

Item 21 is Docket No. 12-0422. This is a citation proceeding against Pay Phone Company for failure to maintain its corporate status. ALJ Jorgenson recommends entry of an Order revoking the company's certificate of service authority.

Is there any discussion?

(No response.)

CHAIRMAN SCOTT: Are there any objections?

(No response.)

CHAIRMAN SCOTT: Hearing none, the Order is entered.

Item 22 is Docket No. 12-0547. This is INdigital telecom's application for a certificate to operate as a 9-1-1 system provider. ALJ Von Qualen recommends entry of an Order granting the requested authority.

Is there any discussion?

(No response.)

CHAIRMAN SCOTT: Are there any objections?
(No response.)

CHAIRMAN SCOTT: Hearing none, the Order is entered.

Item 23 is Docket No. 12-0642. This is Birch Communications' petition for designation as an eligible communications carrier for lifeline service. The company has moved to withdraw its petition, and ALJ Riley recommends granting that Motion to Withdraw.

Is there any discussion?

(No response.)

CHAIRMAN SCOTT: Are there any objections?

(No response.)

CHAIRMAN SCOTT: Hearing none, the Motion to Withdraw is granted.

Item 24 is Docket No. 12-0676. This is a Joint Petition for the approval of an interconnection agreement and an amendment to that agreement between telecommunications carriers. ALJ Riley recommends entry of an Order granting the requested relief.

Is there any discussion?
CHAIRMAN SCOTT: Are there any objections?

(No response.)

CHAIRMAN SCOTT: Hearing none, the Order is entered.

Items 25 through 35 can be taken together. These items are petitions by telecommunications carriers seeking the confidential and/or proprietary treatment of their annual reports. In each case, the ALJ recommends entry of an Order granting the requested relief.

Is there any discussion?

(No response.)

CHAIRMAN SCOTT: Are there any objections?

(No response.)

CHAIRMAN SCOTT: Hearing none, the Orders are entered.

Item 36 is Docket No. 12-0290. This is a joint application for approval of the reorganization between Forestview Utilities Corporation, North Forestview Properties and Central Illinois Land Incorporated. Staff has requested that
the deadline in this proceeding be extended an additional five months, and ALJ Von Qualen recommends granting that request.

Is there any discussion?

(No response.)

CHAIRMAN SCOTT: Are there any objections?

(No response.)

CHAIRMAN SCOTT: Hearing none, the deadline is extended.

Item 37 is Docket No. 12-0570. This is our investigation of Nunda Utilities Company under Section 8-102 of the Public Utilities Act, and this item has been withdrawn.

And last, but certainly not least, Item 38 is a Resolution honoring Commissioner Lula Ford. As we welcome Commissioner del Valle today, it is unfortunate that we have to say goodbye to somebody and that's Commissioner Ford. I have a Resolution that I would like to read. I know we will have some comments, and then afterwards we will ask Commissioner Ford to come forward and address the Commission, which is probably something she has been
dying to do for a while.

Resolution

. By the Commission:

Whereas, Commissioner Lula M. Ford dutifully served with dignity and compassion on the Illinois Commerce Commission from 2003 until 2013; and

Whereas, Commissioner Ford worked diligently throughout her life and was appointed as the first African American woman to serve on the ICC in its 95-year history; she has been a leader, champion and beacon for legions of women and most notably for her daughter, Charisse, as evidenced by Charisse's stellar success as one of America's nationally and internationally recognized corporate leaders; and

Whereas, prior to joining the ICC, Commissioner Ford served as an elementary schoolteacher, administrator and principal in the Chicago School System for nearly 35 years; and

Whereas, Commissioner Ford received the Principal of Excellence Award and Principal of the Year Award and has won accolades from President Clinton and Chicago Mayor Richard Daley for her
excellent job performance and contribution to Chicago's inner city schools; and

Whereas, Commissioner Ford consistently established and maintained strong working relationships with her ICC colleagues, with consumers and industry representatives; and

Whereas, Commissioner Ford has earned the unqualified respect of her colleagues at the ICC and has been held in high regard by numerous organizations on the national stage; and

Whereas, Commissioner Ford has always displayed an upbeat, collegial, positive outlook and pleasant manner even under the most trying circumstances; and

Whereas, during her tenure at the ICC, Commissioner Ford served as chair of the ICC's Gas Policy Committee; and

Whereas, Commissioner Ford has served on the U.S. Department of Transportation's Technical Pipeline Safety Standards Committee; and

Whereas, Commissioner Ford was one of the original signatories to the documents creating the Organization of PJM States and is the last of the
founding Board members to leave the organization; and

   Whereas, Commissioner Ford served as President
of the Organization of PJM States from January 2008
through December 2008 and represented the state of
Illinois throughout her tenure at the ICC; and

   Whereas, Commissioner Ford earned a bachelor's
degree from the University of Arkansas at Pine Bluff,
a master's degree in urban studies from Northeastern
Illinois University and a master's degree in career
education from the University of Illinois;

   Now, therefore, be it resolved, that
the Illinois Commerce Commission hereby gratefully
acknowledges Lula Ford's years of exemplary public
service during her ten years of employment with the
Illinois Commerce Commission and expresses its deep
appreciation for her public service and dedication on
the occasion of her departure.

   Discussion? Commissioner Colgan?

   COMMISSIONER O'CONNELL-DIAZ: I am going to
save mine for rebuttal.

   COMMISSIONER COLGAN: Well, I just ditto
everything that just got said there. I wrote some of
it, but, you know, I -- Lula, I just want to thank you for your life service to the people of Illinois and to the thousands of children whose lives you have touched and have provided a strong example for others as they move into their adult lives and pursue careers. I thank you for your pleasant attitude and your ability to work with other people and to disagree with me without being disagreeable, which happened not so many times, but there have been some times when we have had to work under a lot of pressure, and I have always appreciated your ability to keep your head and to make sound decisions with resolve.

So I wish you the very best for your future and thank you again for your service.

CHAIRMAN SCOTT: Commissioner McCabe or Commissioner O'Connell-Diaz?

COMMISSIONER McCABE: I want to thank Commissioner Ford also. Thank you for your collegiality, for being a mentor to assistants, Staff and many others and for helping guide me in my first 11 months on the Bench.
CHAIRMAN SCOTT: I will just add in addition to everything that I read that everybody had a hand in this Resolution, because everybody thinks the world of you and wanted to include some things that they knew about you and ways that you had helped them or influenced them on the Commission.

I obviously agree with everything that's in the Resolution, but also with what's been said, and I think part of the -- you can tell part of the impact that you have had by the number of folks who showed up today. I'm guessing they didn't show up, you know, for some of the Orders that we had here earlier. I think they showed up for you, and I think that's a testament to you. And as John said, there are thousands of people whose lives you touched that aren't here today, whose lives you have made either through education or through the Commission process, and I appreciate working with you and being able to work with you for the last two years and the help you gave me when I came in as well, for always having a smile on your face, and it's not there yet, but as soon as we vote on this, as Commissioner
O'Connell-Diaz said, this will be in the record. So you can refer to it after that.

Commissioner del Valle?

COMMISSIONER del VALLE: Lula. I have known Lula for many, many, many years, and I very much respect the work she did in education. She was a tough leader, an effective leader in our schools and to this day is talked about as one of the most successful principals in the City of Chicago in the history of the Chicago Public Schools. I have some big shoes to fill here, and I wish you were here to help me out, but I wish you the best, and it's really an honor now to serve on this Commission having known -- knowing that while you were here you did a tremendous job, and I do have your old office. So maybe some of that luck will rub off on me. Thank you.

CHAIRMAN SCOTT: Commissioner O'Connell-Diaz?

COMMISSIONER O'CONNELL-DIAZ: I don't know where to start. I remember the first day that Lula came on the Bench. I did not know her. I did notice that she was very well dressed. I immediately went
back to my office and called my mother and said, "She has a Missoni jacket on." It's a very fancy Italian designer, but I do know that she came on the Bench, and we had a -- I think it was an Illinois Bell case. I'm not really quite sure, but she voted correctly, and that won me over right away, because she did the right thing. It was the difficult thing, but she did the right thing.

As many of you know, we have served side by side. You know, as the line from the Godfather goes, we had to go to the mattresses a lot, and I can't count on how many times we had to go to those mattresses; you know, letters from governors that were going to fire us, cartoons that were not complimentary to us, headline news. We were on the front page of the Tribune I don't know how many weeks in a row.

I, too, am going to be departing here. So I was busy cleaning my office out and I came up in my office the other day with a list of state senators and state representative with regard to the Fumigation Act, because many of our folks at the
Commission were on the list of potentially being fired under that drafted legislation. So she and I spent the weekend of Memorial Day on the phone to those people pleading the case for -- I think we had about 95 employees that were on that list.

So that's the kind of person she was, and there was not a lot of recognition that was going on behind the scenes, but it was about protecting the people that were here at the Commission, and that is something that she has always done, and whatever group she is in, she is always willing to, you know, pull in the troops and make things happen.

One funny story I can recall is we were doing -- as many of you know, we started a consumer outreach program, and we were -- we would be riding in the backseat of the ICC police going down to kind of a rough neighborhood at night to do consumer outreach to folks that were challenged with regard to their natural gas bills, and we had just revoked a certificate of a moving company like that week, and here we come up next door to this truck, and I can see the cop on the phone, and he is talking
into the microphone, and I look over and I said,
"Didn't we take that guy's certificate away?" And he
was calling into base, and he didn't know what to do,
because he had these two Commissioners in the
backseat, and we were like, "Book him, Dan-o." So
she and I sat in the back seat of the squad while he
pulled over and someone else came, and sure enough,
the guy was doing an illegal move.

So we have had a really great time,
and despite what was going on in Illinois, what has
always been a caveat of Commissioner Ford and myself
is to make it look good like Illinois is always doing
great things, and we really have done great things
despite having almost both hands tied behind our back
on many an occasion, and in the regulatory community,
Illinois is still known as a leader, and part of that
is due to the leadership of Commissioner Ford for
these ten years that she has been here.

What I didn't know then is that this
woman would become the second sister that I didn't
know I had, but I had to wait up until later in life
to meet up with her. So I will just close real
quickly with a quote from Eleanor Roosevelt. "Many people will walk in and out of your life, but only true friends will leave footprints in your heart."

And she has got a lot of footprints in my heart. So I wish her well. I know we will continue our friendship, and we will be on the task of something else and charging -- maybe we will have to go to the mattresses again. I don't know, Lula. But I wish you very, very good fortune.

COMMISSIONER FORD: Thank you. Good morning, everyone. It is indeed an honor and a privilege to have served on this Commission, and Senator del Valle, I have worked with you and you had some words for me sometimes to set me on the right path when we were in education, but I am pleased to see that the governor appointed a person of your stature.

And to all of you in the audience, it has certainly been an honor and a privilege to look out and see so many faces who are servants of this great state of Illinois. And I have been a servant for this great state for 47 years. So it's time for me to go, and I think I have had six Chairmen, Scott
and all of them except one have been Democrats. Who
was the Republican? Kevin? And everyone has been
wonderful to work with, such bright people, and this
is certainly a learning curve. It was a learning
curve for me, Senator del Valle, and I don't know if
I ever got up to the top of it, but I tried.

And I am just so happy to be leaving
here, not in the manner -- it's just time to go.
It's time for me to go and to let younger people come
on like Ann and Doug and John and you, del Valle. So
you young people, keep on working, and Erin, I
want -- Erin and I have sat side-by-side for 10
years, and I call her the green-eyed Irishman --
Irish lady and her mother, Peg, was just dear to me,
with that red hair. And our Erin has her temper, I
think. I won't tell you some of the cartoons she has
drawn, and I have had to sit there with a straight
face and look at them, but it has certainly been a
privilege.

And I see another one of our former
Commissioners in the audience, Sherman Elliott.
Sherman was a staffer when I came on, and he was very
helpful to me. So everyone in this Commission are very professional people, Senator. So you will have an excellent staff to work with, and your Chairman, as you know, is a very bright former legislature. So you will have good people to work with.

And I do thank all of you for coming out today, and I certainly, certainly -- what is the song from -- "It's So Hard to Say Goodbye to Yesterday," but I am saying goodbye. So have a good day, everyone, and I look forward to seeing you all in another light. Erin, I know we will be somewhere having a good time soon. Thank you. Thank you.

CHAIRMAN SCOTT: Commissioner O'Connell-Diaz, would you like to move the adoption of the Resolution?

COMMISSIONER O'CONNELL-DIAZ: Yes, sir. I move for the adoption of the Resolution regarding my good friend and colleague, Commissioner Lula Ford.

COMMISSIONER COLGAN: I will second that motion.

CHAIRMAN SCOTT: Very good. All those in favor, say aye.
(Chorus of ayes.)

CHAIRMAN SCOTT: I'm assuming nobody is opposed. The vote is five to nothing, and the Resolution honoring Commissioner Ford is adopted.

Commissioner, we have a paper copy of it for you, and then we will get you the more formal one a little bit later on.

I do have to also make a couple of other announcements of folks that are leaving us here. Chris Vaughn, a policy advisor for Commissioner Ford is here. Chris, good to see you. He is moving into the private sector, and we really enjoyed working with you and look forward to seeing you again in the future. So thank you for all of your service as well. Thanks, Chris.

And Anthony Star is hiding in the back, one of my policy advisors. He is leaving the Commission as of Monday. He will take a new job heading up the Illinois Power Agency, and so we want to wish Anthony good luck. We are sure he is going to need it in that position, and we know we are going to see Anthony again and look forward to working with
them. It's been a pleasure to work with you, Anthony, as well. So thank you for all of your service.

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

JUDGE WALLACE: No, Mr. Chairman.

CHAIRMAN SCOTT: Very good. Thank you, sir. Hearing none, this meeting stands adjourned.

(END OF PROCEEDINGS.)