BEFORE THE
ILLINOIS COMMERCE COMMISSION

SPECIAL OPEN MEETING
(PUBLIC UTILITY)

Springfield, Illinois
Wednesday, February 23, 2011

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

PRESENT:

MR. MANUEL FLORES, Acting Chairman
(Via teleconference)

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

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

MR. SHERMAN J. ELLIOTT, Commissioner

MR. JOHN T. COLGAN, Acting Commissioner

SULLIVAN REPORTING COMPANY, by
Carla J. Boehl, Reporter

CSR #084-002710
PROCEEDINGS

ACTING CHAIRMAN FLORES: 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 are Commissioners Ford and Commissioner O'Connell-Diaz. With us in Springfield are Commissioner Elliott and Commissioner Colgan. I am Chairman Flores. We have a quorum.

Before moving into the agenda, according to Part 1700.10 of Title II of the Illinois Administrative Code, 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 Commission meeting. According to the Chief Clerk's Office we have no requests to speak at today's Open Meeting.

Moving into today's agenda we will start with the minutes from previous Commission meetings. Item 1 today is the approval of Minutes from our January 20 Bench Session. I understand that
amendments have been forwarded. I will make a motion to amend the Minutes. Is there a second?

COMMISSIONER O'CONNELL-DIAZ: 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 amending the Minutes from January 20.

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

COMMISSIONER O'CONNELL-DIAZ: 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 from January 20 as amended.

Item 2 is the approval of Minutes from our February 1 Regular Open Meeting. Amendments have
been forwarded. I will make a motion to amend the Minutes. Is there a second?

COMMISSIONER O'CONNELL-DIAZ: 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 amending the Minutes from February 1.

I will make a motion to approve the Minutes as amended. 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 approving the Minutes from February 1 as amended.

Items 3 and 4 are Docket Numbers 10-0136 and 10-0137. These items can be taken
together. These concern Peoples Gas and North Shore
Gas' reconciliation proceedings concerning revenues
collected under the Rider 11 for coal tar clean-up
activities. Administrative Law Judge Teague
recommends that the Commission enter Orders approving
the reconciliations. I will make a motion to enter
the Orders. Is there a second?

COMMISSIONER O'CONNELL-DIAZ: 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 Orders are
entered.

We will use this 5-0 vote for the
remainder of today's Special Open Meeting unless
otherwise noticed.

Item 5 is Docket Number 10-0138. This
is ComEd's PORCB docket, and before us today is an
Emergency Motion for Clarification on an Amendatory
Order that the Commission entered in its last Bench
Session. Administrative Law Judge Sainsot recommends the Commission enter an Order clarifying the February 9 Amendatory Order. Any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the clarifying Order is entered.

Item 6 is Docket Number 10-0157. We will be holding this item for disposition at a future Commission meeting.

Item 7 is Docket Number 10-0682. This is MidAmerican Energy Company's reconciliation proceeding concerning revenues collected under its energy efficiency riders. Administrative Law Judge Hilliard recommends that the Commission enter an Order approving the reconciliation. Any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the Order is entered.

Item 8 is Docket Number 10-0713. This
item concerns a petition by the Illinois Department of Transportation to approve the taking of real estate owned by ComEd via eminent domain.

Administrative Law Judge Hilliard recommends that the Commission enter an Order approving the petition and allowing the Department to acquire the property by eminent domain. Any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the Order is entered.

Item 9 is Docket Number 09-0543. This is Mt. Carmel Public Utility Company's reconciliation proceeding concerning revenues collected under gas adjustment charges. Administrative Law Judge Jones recommends that the Commission enter an Order approving the reconciliation. Any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the Order is entered.

Item 10 is Docket Number 10-0517. We
will be holding this item for disposition at a future Commission meeting.

JUDGE WALLACE: Mr. Chairman, I just want to note that Ameren did file its rate cases on Friday, February 18. That's associated with this matter here, so.

ACTING CHAIRMAN FLORES: Okay, thank you, sir.

Item 11 (11-0168 through 11-0175) concerns an Order initiating an investigation proceeding directing telecommunication carriers who believe they should receive five-year confidential treatment for Annual Reports to justify that five-year treatment. Administrative Law Judge Albers recommends that the Commission enter an Order initiating the proceeding. Any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the Order is entered.

Item 12 is Docket Number 05-0723.

This item concerns Impact Long Distance's application for a Certificate to operate as a reseller of
telecommunication services throughout Illinois. With the company now out of business, Administrative Law Judge Baker recommends that the Commission dismiss this docket with prejudice. Any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the docket is dismissed.

Item 13 is Docket Number 10-0680.

This is Voxbeam Telecommunications' application for Certificates of Authority to operate as a reseller and as a facilities-based carrier of local exchange telecommunication services throughout Illinois. Administrative Law Judge Teague recommends that the Commission enter an Order granting the requested authority. Any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the Order is entered.

Item 14 is Docket Number 10-0703.

This is Illinois Bell Telephone Company's and Midwest
Telecom of America's Joint Petition for approval of the Fourth Amendment to their Interconnection Agreement dated November 29, 2010. Administrative Law Judge Baker recommends that the Commission enter an Order approving the agreement. Any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the Order is entered.

Item 15 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.

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 to go into Closed Session. Springfield, please let me know when we are ready to go.
(Whereupon at this point pages 12 - 24 of the proceedings are contained in a separate closed transcript.)
CONTINUATION OF PROCEEDINGS

COMMISSIONER ELLIOTT: We are all set here.

ACTING CHAIRMAN FLORES: Thank you. In Closed Session the Commission discussed making a filing with FERC in FERC Docket Number RM10-11-000. I will make a motion to grant Commissioner Elliott the authority to sign on to OMS comments as the OMS Comments as presently drafted reflect the Illinois Commerce Commission's position on this matter. Is there a second to my motion?

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 what we will do is allow Commissioner Elliott to sign on to OMS Comments on behalf of the Illinois Commerce Commission.

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

JUDGE WALLACE: No, that is all there is.
ACTING CHAIRMAN FLORES: Very well. Thank you so much, everybody.

MEETING ADJOURNED