BEFORE THE
ILLINOIS COMMERCE COMMISSION

BENCH SESSION
(PUBLIC UTILITY)

Springfield, Illinois
Wednesday, March 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. DOUGLAS P. SCOTT, Acting Chairman

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 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 is Commissioner O'Connell-Diaz. I am Acting Chairman Scott. 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.

(The Transportation portion of the proceedings was held at this time and is contained in a separate transcript.)
ACTING CHAIRMAN SCOTT: Turning now to the Public Utility Agenda, we will start with approval of minutes from the February 23 Special Open Meeting. I understand amendments have been forwarded. Is there a motion to amend the minutes?

COMMISSIONER ELLIOTT: So moved.

ACTING CHAIRMAN SCOTT: Is there a second?

ACTING COMMISSIONER COLGAN: Second.

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

COMMISSIONERS: Aye.

ACTING CHAIRMAN SCOTT: Any opposed say nay.

(No response.)

The vote is four to nothing amending the minutes for February 23.

Is there now a motion to approve the minutes as amended?

COMMISSIONER ELLIOTT: So moved.

ACTING COMMISSIONER COLGAN: Second.

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

COMMISIONERS: Aye.
ACTING CHAIRMAN SCOTT: Any opposed say nay.

(No response.)

The vote is four to nothing approving the minutes for the February 23 Special Open Meeting as amended.

Moving now to the Electric Portion of today's agenda, Items E-1 and E-2 (11-0280, 11-0281) can be taken together. These items are Petitions by MidAmerican to make changes to its Interruptible Service and Curtailment Service Riders, and to make minor changes to its electric rate schedule. With each filing Staff recommends that the Commission allow the company's request by not suspending the filing.

Is there a motion to not suspend these filings?

ACTING COMMISSIONER COLGAN: So move.

ACTING CHAIRMAN SCOTT: Is there a second?

COMMISSIONER ELLIOTT: Second.

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

COMMISSIONERS: Aye.
ACTING CHAIRMAN SCOTT: Any opposed say nay.

(No response.)

The vote is four to nothing, and MidAmerican's proposals are allowed and the filings will not be suspended.

We will use this four to nothing vote for the remainder of the Public Utility Agenda unless otherwise noted.

Item E-3 (11-0282) is a Petition by Ameren for increases in its rates for electric delivery service. In order to determine the reasonableness of the proposed increase in rates, Staff recommends that the filing be suspended and set for hearing through the entry of a Suspension Order.

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the Suspension Order is entered.

Item E-4 is Docket Number 10-0157.

This is Chiku Enterprises' complaint as to billing
and/or charges against GDF SUEZ Energy Resources.

This item will be held today.

   Item E-5 is 10-0489. This is Sergio Cristan's complaint as to billing and/or charges against ComEd. ALJ Sainsot recommends that the Commission dismiss this docket without prejudice for want of prosecution.

   Is there any discussion?

   (No response.)

   Any objections?

   (No response.)

   Hearing none, the docket is dismissed.

   Items E-6 through E-8 (11-0026, 11-0040, 11-0052) can be taken together. These items concern Applications for the Licensure of Agents, Brokers and Consultants under Section 16-115C of the Public Utilities Act. In each case ALJ Yoder recommends that the Commission enter an Order granting the requested Certificate.

   Is there any discussion?

   (No response.)

   Any objections?
Hearing none, the Orders are entered and the Certificates are granted.

Item E-9 is Docket 11-0108. This is Texas Retail Energy's Application for a Certificate of Service Authority to operate as an alternative retail electric supplier. ALJ Tapia recommends that the Commission enter an Order granting the Application.

Is there any discussion?

(No response.)

Any objections?

(No response.)

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

Item E-10 is Docket Number 11-0112. This is Ambit Northeast's Application for a Certificate of Service Authority to operate as a retail electric supplier and request for the confidential treatment of financial information attached to its application. ALJ Tapia recommends that the Commission enter an Order granting the
Application for a Certificate and granting the company's request for confidential treatment for a period of two years.

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the Order is entered.

The Certificate is granted and the request for confidential treatment is granted.

Items E-11 through E-19 (11-0185, 11-0191, 11-0195, 11-0196, 11-0198, 11-0199, 11-0200, 11-0203, 11-0206) can be taken together. All of these items concern Petitions to protect against the disclosure of confidential and/or proprietary information or otherwise seeking confidential and/or proprietary treatment for reports filed with the Commission. In each case the ALJ recommends entry of an Order granting the requested relief for a period of two years.

Is there any discussion?

(No response.)
Any objections?

(No response.)

Hearing none, the Orders are entered and the requested relief is granted for two years.

Item E-20 is Docket Number 11-0192.

This is Ameren's petition for the Commission to declare the provision of electric power and energy to retail customers with peak demands between 150 kilowatts and 400 kilowatts to be a competitive service under Section 16-113 of the Public Utilities Act. ALJ Jones recommends that the Commission enter an Order granting the Petition.

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the Order is entered.

Turning to Gas, Items G-1 and G-2 can be taken together. These items are Petitions by Peoples and North Shore Gas for increases in the rates for natural gas service. In order to determine the reasonableness of the proposed increase in rates,
Staff recommends the filings be suspended and set for hearing through the entry of Suspension Orders.

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the Suspension Orders are entered.

Item G-3 is a petition by Ameren for an increase in its rates for natural gas delivery service. In order to determine the reasonableness of the proposed increase in rates, Staff recommends the filing be suspended and set for hearing through the entry of a Suspension Order.

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the Suspension Order is entered.

Item G-4 is Docket Number 08-0597.

This is Renna Thomas' complaint as to billing and/or
charges against Peoples Gas. ALJ Baker recommends that the Commission enter an Order denying the complaint.

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the Order is entered and the complaint is denied.

Items G-5 through G-7 (11-0184, 11-0186, 11-0204) can be taken together. These items concern Petitions to protect against the disclosure of confidential and/or proprietary information in the petitioners' reports. In each case ALJ Albers recommends entry of an Order granting the requested relief.

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the Orders are entered and the requested protection is granted.
Moving on to Telecommunications, Item T-1 is Docket Number 10-0727. This is FreedomVOICE Systems' Application for a Certificate of Interexchange Authority to Operate as a Reseller of Telecommunications Services throughout Illinois. ALJ Teague recommends that the Commission enter an Order approving the Application.

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the Order is entered.

Item T-2 is Docket Number 11-0005. This is WorldNet Communications Services' Application for a Certificate to become a Telecommunications Carrier. ALJ Teague recommends that the Commission enter an Order granting the requested authority.

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the Order is entered.
Item T-3 is Docket Number 10-0415.

This is Ann Terrell's complaint as to billing and/or charges against Illinois Bell Telephone Company. ALJ Riley recommends that the Commission enter an Order granting the complaint as to local non-toll service and denying the complaint as to all other services.

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the Order is entered and the complaint is in part granted and in part denied.

Item T-4 is Docket Number 09-0382.

This item concerns proposed amendments to Part 732 of Title 83 of the Administrative Code concerning the statutory exemption of Illinois Telephone Cooperatives from requirements concerning customer credits. ALJ Benn recommends that the Commission enter an Order adopting the amendments with an effective date of April 1, 2011.

Is there any discussion?

(No response.)
Any objections?

(No response.)

Hearing none, the Order is entered and the amendments to Part 732 are adopted.

Item T-5 is Docket Number 10-0453.

This is Cricket Communications' Application for Designation as an Eligible Telecommunications Carrier. ALJ Riley recommends entry of an Interim Order granting Cricket the requested ETC designation for the Denali Service Area.

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the Interim Order is entered.

Items T-6 through T-11 (11-0041, 11-0053, 11-0146, 11-0147, 11-0148, 11-0167) each concern Petitions to protect against the disclosure of confidential and/or proprietary information in the petitioners' Annual Reports. In each case the ALJ recommends entry of an Order granting the requested
protective treatment for a period of two years.

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the Orders are entered and the protective treatment is granted.

Item T-12 is Docket Number 11-0193.

This is Illinois Bell Telephone Company's Petition to protect against the disclosure of confidential and/or proprietary information in its 2010 Interconnection Report. ALJ Albers recommends that the Commission enter an Order granting the requested relief for a period of five years.

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the Order is entered and the requested relief is granted for a period of five years.

We have one Water and Sewer item to
address today. Item W-1 is Docket Number 11-0209. This is Sundale's Information Statement filed pursuant to Section 6-102(d) of the Public Utilities Act in connection with the financing of indebtedness of up to $78,194.34. ALJ Tapia recommends that the Commission enter an Order granting the requested relief.

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the Order is entered.

We have two miscellaneous items for today. Item M-1 concerns a Resolution supporting 811 to call before you dig to locate utility lines. Is there someone from Staff to brief us on this resolution? Step up to the plate.

MR. RILEY: I am Bill Riley, Manager of J.U.L.I.E. Enforcement here at the Commission. And pretty much every year what we do around the start of the excavation season is, number one, we seek -- I am trying to look for the word --
from the Governor, a resolution or a proclamation from the Governor regarding April as safe digging month, and the other thing we do is to try to get the same thing from the Commission to support 811 and also to name April as safe digging month in Illinois.

ACTING CHAIRMAN SCOTT: Is there any discussion on the Resolution?

COMMISSIONER O'CONNELL-DIAZ: Chairman, I just would like to thank Staff for again preparing this. This is an important document and especially as we head into the -- for the professional folks that are out there, the excavators that are out doing work and also for our at-home weekend warriors, to know that they need to call J.U.L.I.E. before they start doing some home improvement projects. They can disrupt their whole neighborhood and in fact cause some really bad problems if they don't do that.

So I am pleased to see this. I hope that we will have a space dedicated on our website for this, so that we have that information out there for the public. So thank you very much, Bill, and I know your group is on top of this.
MR. RILEY: Thank you.

ACTING CHAIRMAN SCOTT: Thank you, Commissioner. I absolutely second those comments. So thank you.

Any other discussion?

(No response.)

Any objections to adopting the Resolution?

(No response.)

Hearing no objection, the Resolution on 811 is adopted. Thank you very much.

MR. RILEY: Thank you.

ACTING CHAIRMAN SCOTT: Item M-2 is Docket Number 09-0511. This item concerns a Petition for Rulemaking to amend Part 200 of Title 83 of the Administrative Code to redefine the Administrative Law Judge's role in Interlocutory Review. ALJ Dolan recommends that the Commission enter an Order adopting the proposed amendment with an effective date of April 1, 2011.

Is there any discussion?

(No response.)
Any objections?

(No response.)

Hearing none, the Order is entered and the amendment is adopted.

We have a few Petitions for Rehearing to address today. Item PR-1 is Docket Number 10-0138. This is ComEd's proposal to establish Rider PORCB and to revise other related tariffs. Before us today are Petitions for Rehearing filed by the Retail Electric Supply Association and the Illinois Competitive Energy Association. ALJ Sainsot recommends that the Commission grant rehearing for the purpose of determining the correct uncollectible charge to impose.

Is there any discussion on the Petitions for Rehearing?

(No response.)

Is there a motion to grant rehearing consistent with the ALJ's recommendation?

COMMISSIONER ELLIOTT: So moved.

ACTING CHAIRMAN SCOTT: Is there a second?

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

COMMISSIONERS: Aye.

ACTING CHAIRMAN SCOTT: Any opposed?

(No response.)

The vote is four to nothing, and the rehearing will be granted for the purpose of determining the correct uncollectible charge to impose.

Item PR-2 is Docket Number 10-0286.

This item is Patricia Callion's complaint as to billing and/or charges against ComEd. This complaint was initially dismissed for want of prosecution and since then the complainant has filed a Petition for Rehearing on the decision to dismiss the complaint. ALJ Sainsot recommends that the Commission deny the Petition for Rehearing.

Is there any discussion?

If I could, could I ask ALJ Sainsot to -- very good.

Thank you. My question is whether, since the person has now come back in and asked for
rehearing and we were denying -- the purpose of the
denial is for want of prosecution, does it make more
sense procedurally just to grant the rehearing, keep
the same docket numbers and proceed that way, as
opposed to having the person who apparently is now
re-interested in the case or has come back into the
case, having them re-file and start over?

JUDGE SAINSOT: Well, I guess the difference
between the two, frankly, would only be that if you
granted rehearing, she would have five months
pursuant to the statute, as opposed to re-filing her
complaint because the dismissal was without
prejudice, which would give her a whole other year.

Other than that, it's pretty much the
same. I would point out that she filed her complaint
on April 9, 2010, and she's done nothing about it.
So just because she files a Petition for Rehearing
doesn't necessarily mean that she is going to
actively pursue the matter.

ACTING CHAIRMAN SCOTT: Well, understood. I
was just trying to see procedurally if one way or
another made more sense for us as a body to proceed.
JUDGE SAINSOT: Well, procedurally it really doesn't make that much difference except for the five months versus the 12 months.

COMMISSIONER O'CONNELL-DIAZ: And, Judge Sainsot, there have been five different opportunities for her to come forward, so that we have been ready at the Commission to hear her complaint, as has been the Respondent having filed their answer to her complaint.

JUDGE SAINSOT: Respondent filed a Motion to Dismiss.

COMMISSIONER O'CONNELL-DIAZ: Right.

JUDGE SAINSOT: Yeah, she managed to get -- at least four of those were by agreement with counsel for the other side. So she certainly had ample opportunity.

COMMISSIONER O'CONNELL-DIAZ: And during the time that this is pending, the amount that she is contesting -- she has not had to pay those amounts, correct?

JUDGE SAINSOT: She has -- well, the amount that she is contesting she doesn't have to pay. But
it also appears from the bills that she attached to
the Petition for Rehearing that she hasn't paid a
bill in a long time. It is like $5500.

ACTING CHAIRMAN SCOTT: Mr. Colgan?

ACTING COMMISSIONER COLGAN: Well, I was just
going to say that it looked like, you know, her claim
is that she didn't understand that -- she thought she
had to have an attorney and, you know, it is kind of
troubling that it got extended five different times.

But I guess I was wondering, it seems
like a case of a customer who is pretty uninformed in
terms of what the internal working processes are here
at the Commission. I am wondering, if we denied the
rehearing, if she actually understands that she can
re-file the case or would just, you know, be
exasperated and move on.

JUDGE SAINSOT: She's been in constant contact
with the Clerk's Office.

COMMISSIONER O'CONNELL-DIAZ: Also, I think if
you look at the transcript from the hearing that
initially was had, I think Judge Sainsot explained to
her what the procedures were and, you know, how she
would go forward with her complaint. I think she has been well-advised as to what our rules are from the Clerk's Office as well as the Judge on the day that she showed up.

JUDGE SAINSOT: I would also point out that, while she says that she thought she had to have an attorney, at the first status hearing that we had where settlement negotiations were conducted on an informal basis she appeared without an attorney. So I don't really understand how she could say that.

ACTING COMMISSIONER COLGAN: Okay. So your opinion is that she would understand that she could re-file her complaint if she so desired to do so.

JUDGE SAINSOT: Right. My opinion is that she would call the Clerk's Office and say, "What are my options," yes, and the Clerk's Office is very, very thorough with pro se litigants.

ACTING CHAIRMAN SCOTT: Is there a motion then -- your recommendation then is to deny the request for rehearing?

JUDGE SAINSOT: Yes, sir.

ACTING CHAIRMAN SCOTT: Is there a motion to
that effect?

COMMISSIONER O'CONNELL-DIAZ: So moved.

ACTING CHAIRMAN SCOTT: Is there a second?

COMMISSIONER ELLIOTT: Second.

ACTING CHAIRMAN SCOTT: Moved and seconded to deny the Petition for Rehearing. All in favor say aye.

COMMISSIONERS: Aye.

ACTING CHAIRMAN SCOTT: Opposed say nay.

(No response.)

The vote is four to nothing and the Petition for Rehearing is denied.

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

JUDGE WALLACE: No, that's it.

ACTING CHAIRMAN SCOTT: Thank you, ALJ Sainsot, also. Hearing none, this meeting stands adjourned.

MEETING ADJOURNED