BEFORE THE

ILLINOIS COMMERCE COMMISSION

BENCH SESSION

(PUBLIC UTILITY)

Chicago, Illinois

Wednesday, March 6, 2013

Met, pursuant to notice, at 11:45 a.m. in the Main Hearing 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 (by phone)

MS. ANN McCabe, Commissioner

MR. MIGUEL del VALLE, Acting 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: Good.

Pursuant to the provisions of the Open Meetings Act, I now convene a regularly scheduled Bench Session of the Illinois Commerce Commission. With me in Chicago are Commissioner O'Connell-Diaz, Commissioner McCabe, and Acting Commissioner del Valle. I am Chairman Scott. We have a quorum.

I believe Commissioner Colgan was standing by on the phone and is not there any longer. Is that correct?

COMMISSIONER COLGAN: No. I'm here.

CHAIRMAN SCOTT: You are still here? Okay.

Under the Commission's rules, we'll have to vote to allow Commissioner Colgan to participate by phone. I move to allow his participation by phone.

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 four to nothing and Commissioner Colgan may participate in today's meeting by phone.

First of all, I want to apologize to everybody. I don't know if first I am apologizing for the snow, but I am apologizing for getting back into town -- my 3:00 flight yesterday afternoon just landed about an hour ago at O'Hare.

So 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 two -- actually we have three requests to speak at today's Bench Session.

Just a reminder that public speakers
before the Commission have three minutes to make their remarks. We'll begin with Mr. William Barnes from the Illinois Department of Corrections, who I believe is in Springfield. Mr. Barnes?

MR. ATCHISON: Actually, sir, Mr. Barnes is not present. I am here, and my name is Michael Atchison. I am with Illinois Department of Corrections. I am the Deputy Chief of Operations.

CHAIRMAN SCOTT: Michael Atchison?

MR. ATCHISON: Yes, sir.

CHAIRMAN SCOTT: Okay. Mr. Atchison, you have three minutes. Go right ahead.

MR. ATCHISON: Thank you very much. I appreciate the opportunity to speak before the Commission. Like I said, my name is Michael Atchison. I am currently the Deputy Chief of Operations for IDOC. I have got 27 years of experience with the Department ranging from correctional officer through to warden and my current position.

Basically, 12 years of those -- 12 years of my career was as a Deputy Commander of
our intelligence unit, and that's where I draw my experience and my comments that are related to today.

It's my understanding that any finding that inmate calling services constitutes operator services and, of course, 770 will also trigger the requirement of unblocked access to all providers of operator services. IDOC currently does not allow unrestricted access to all service providers. Rather, we contract with specific highly specialized telecommunication providers.

The reason for that, that we impose security restrictions including an approved call list and that all recording -- or all calls are recorded and monitored are for the safety and security of the facilities. We limit the people that the inmates can call. Otherwise, they would have basically open access to make a collect call to anyone in the state or outside the state, for that matter.

The reason we record and monitor these telephone calls is -- in my line of work it almost seems self-evident -- that inmates will and have attempted to use telephone communications to further
criminal activity including -- and I can list a
laundry list of cases that we have -- in which we
have intercepted and stopped from happening including
murder for hire, escape attempts, trafficking drugs
outside of the agency, you know, basically brokering
drug deals through outside entities and people,
arranging for drugs to be brought into the facility
and other contraband.

It's -- it is probably the most
important tool that the Department's intelligence
unit has to impede the criminal activity from the
Department from inside a facility. If the inmates'
family and friends are permitted access to any and
all providers of operator services, they will likely
choose a provider that does not have the ability to
record and monitor phone calls or even restrict the
numbers that are called, and that would have a
devastating affect on the safety and security of our
facilities and the people that live and work there.

As I said, I can't emphasize enough
the importance that this tool -- how important this
tool is to the Department, and I ask for
consideration, and I appreciate your -- the
opportunity to express my concern. Thank you.

CHAIRMAN SCOTT: Thank you, Mr. Atchison. The
next up is Mr. Jay Doherty, who I see is here.

Mr. Doherty, step up to any of the
available mikes, and you have three minutes, sir.

MR. DOHERTY: Thank you, Mr. Chairman. My name
is Jay Doherty, and I am here today on behalf of
Securus Technologies. I am here to address the
detrimental impact of granting Consolidated's
petition. On the agenda it's Item T-12, on providers
of inmate telephone service and on corrections
generally.

This is a self-serving petition filed
to cover for the fact that Consolidated has misread
the law for years. There are two problems here. No.
1, Consolidated has not considered and is not
concerned with the consequences of its request. No.
2, the Administrative Law Judge and the ICC Staff
forgot that these are prison phones with real
security issues for another state agency, as Mr.
Atchison pointed out, the Department of Corrections.
Those consequences are significant.

For Securus and other providers of inmate telephone service to all of the county and state correctional facilities in Illinois, they could find themselves suddenly in a line of business that they have never contemplated. For example, as Mr. Atchison pointed out, if those private inmate telephones are now subject to the same regulation as the public pay phones right down here downstairs and in the basement, over at the 711, over at the county building, No. 1, what does that mean for the Department of Corrections' ability to record inmate telephone conversations; No. 2, to provide those recordings to Corrections; 3, compile data on those phone calls for Corrections; 4, do the providers need to start filing tariffs; 5, do the providers have to make 911 emergency service available; 6, how can the provider allow participants on the calls to choose another provider -- as Mr. Atchison pointed out -- when that provider is not interested or not equipped to meet the Department of Corrections' security needs. Those are the provider issues.
Now, correctional facilities issues.

The consequences are even far more serious. No. 1, how can correctional facilities protect victims or witnesses from harassing phone calls when inmates can simply opt out through carefully selected and secure providers for the institution? How can correctional facilities prevent inmates, No. 2, from using the institution's phones to evade institutional concerns, security concerns, and transact unlawful business? No. 3, can the Department of Corrections get access to phone recordings that may be critical to ongoing -- an ongoing investigation?

Commissioners, granting this petition will hamstring the state of Illinois' Correction Director Godinez's ability to carry out the mission of Corrections. I can only hope that since the matter was last on the agenda that the Commission has used the intervening time to consult with the Department of Corrections to assess that impact. Otherwise, it would be like this Commission authorizing water pollution for Lake Michigan without ever talking to the Environmental Protection Agency.
Finally, to the extent the Commission is concerned with pricing, the new rates by Securus are on average significantly lower than those charged by Consolidated and the total rates allowed under the regulations at issue. The Commission should not issue a ruling on this petition without seriously analyzing the consequences to the Department of Corrections.

If the Commission is not prepared to deny or decline ruling on the petition at this time, then at least I urge you to send us back to the Administrative Law Judge for hearing to develop a record.

Commissioners, please do not allow this to proceed in the clandestine manner that Consolidated and the ICC Staff have pushed for to date. Thank you very much.

CHAIRMAN SCOTT: Thank you, Mr. Doherty. We received one more fax yesterday. Unfortunately the name wasn't -- so I am assuming the person who sent that fax is in the audience today? One more person had asked to speak in Chicago.
(No response.)

CHAIRMAN SCOTT: No? Okay.

That will then conclude the public comment portion of today's meeting.

(Whereupon, the Commission proceeded with the Transportation Agenda, the proceedings of which are enclosed in a separate transcript.)

CHAIRMAN SCOTT: Moving on to the Public Utility agenda. We'll begin with the approval of minutes from our February 14th Regular Open Meeting. 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 O'CONNELL-DIAZ: Second.

CHAIRMAN SCOTT: It's been moved and seconded.

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

CHAIRMAN SCOTT: Any oppose?

(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 O'CONNELL-DIAZ: 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 minutes from our February 14th Regular Open Meeting as amended are approved.

Turning now to the electric portion of today's agenda. Item E-1 concerns a filing by MidAmerican to update its Electric Delivery Service tariff. Staff recommends granting the company's
request by not suspending the filing.

Is there any discussion?

(No response.)

CHAIRMAN SCOTT: Is there a motion to not suspend the filing?

COMMISSIONER MCCABE: So moved.

CHAIRMAN SCOTT: Is there a second?

COMMISSIONER O'CONNELL-DIAZ: 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 filing will not be suspended. We will use this five to nothing vote for the remainder of the Public Utility agenda unless otherwise noted.

Item E-2 is Docket No. 11-0461. This is Joel Harris's complaint against ComEd, and this item will be held for disposition at a future Commission proceeding.

Item E-3 is Docket No. 11-0526. This
is Betty Johnson's complaint against ComEd. ALJ Kimbrel recommends entry of an Order denying the complaint.

Is there any discussion?

(No response.)

CHAIRMAN SCOTT: Any objections?

(No response.)

CHAIRMAN SCOTT: Hearing none, the Order is entered.

Items E-4 and E-5 can be taken together. These items are customer complaints against ComEd and Ameren. In each case, the parties have apparently settled their differences and have brought a Joint Motion to Dismiss, which the ALJ recommends we grant.

Is there any discussion?

(No response.)

CHAIRMAN SCOTT: Any objections?

(No response.)

CHAIRMAN SCOTT: Hearing none, the Joint Motions to Dismiss are granted.

Item E-6 is Docket No. 11-0709. This
is a citation proceeding against Utilitech for a failure to file its compliance recertification report. Staff has filed a Motion to Dismiss the proceeding due to the company having now filed its report, and ALJ Kimbrel recommends granting dismissal.

Is there any discussion?

(No response.)

CHAIRMAN SCOTT: Are there any objections?

(No response.)

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

Item E-7 is Docket No. 12-0673. This is a joint petition for a customer release filed by Ameren and Western Illinois Electrical Cooperative. ALJ Von Qualen recommends entry of an Order granting the customer release.

Is there any discussion?

(No response.)

CHAIRMAN SCOTT: Any objections?

(No response.)

CHAIRMAN SCOTT: Hearing none, the Order is
Item E-8 is Docket No. 13-0115. This is Ameren's petition related to the construction of a new transmission line in Peoria County. Staff has made a motion to extend the deadline in this matter by 75 days, and ALJ Von Qualen recommends granting that motion.

Is there any discussion?

(No response.)

CHAIRMAN SCOTT: Any objections?

(No response.)

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

Turning now to Natural Gas, Item G-1 is Ameren's filing for a proposed general increase in its gas rates. Staff recommends that the filing be suspended for investigation and set for a hearing through the entry of a Suspension Order.

Is there any discussion?

(No response.)

CHAIRMAN SCOTT: Any objections?
(No response.)

CHAIRMAN SCOTT: Hearing none, the Suspension Order is entered.

Item G-2 is Docket No. 10-0567. This is Nicor's reconciliation proceeding for revenues collected under its energy efficiency rider in parts of 2009 and 2010. This matter was recently reopened by the Commission, and ALJ Hilliard recommends entry of an Amendatory Order providing for a credit to customers.

Is there any discussion?

(No response.)

CHAIRMAN SCOTT: Any objections?

(No response.)

CHAIRMAN SCOTT: Hearing none, the Amendatory Order is entered.

Item G-3 is Docket No. 11-0667. This is Nicor's reconciliation proceeding for revenues collected under its energy efficiency rider in parts of 2010 and 2011. ALJ Kimbrel recommends entry of an Order approving the reconciliation.

Is there any discussion?
(No response.)

CHAIRMAN SCOTT: Any objections?

(No response.)

CHAIRMAN SCOTT: Hearing none, the Order is entered.

Items G-4 and G-5 can be taken together. These items concern reconciliation proceedings for revenues collected under coal tar riders by North Shore and Peoples Gas. In each case, ALJ Teague recommends entry of an Order approving the reconciliation.

Is there any discussion?

(No response.)

CHAIRMAN SCOTT: Any objections?

(No response.)

CHAIRMAN SCOTT: Hearing none, the Orders are entered.

Item G-6 is Docket No. 12-0536. This is Ameren's petition for the approval of revised gas depreciation rates. ALJ Albers recommends entry of an Order approving the rates.

Is there any discussion?
(No response.)

CHAIRMAN SCOTT: Any objections?

(No response.)

CHAIRMAN SCOTT: Hearing none, the Order is entered.

Item G-7 is Docket No. 13-0100. This is Interstate Gas Supply's petition for the confidential and/or proprietary treatment of portions of its continued compliance report. ALJ Von Qualen recommends entry of an Order granting the requested treatment.

Is there any discussion?

(No response.)

CHAIRMAN SCOTT: Any objections?

(No response.)

CHAIRMAN SCOTT: Hearing none, the Order is entered.

Items G-8 through G-10 can be taken together. These items are petitions filed by North Shore and Peoples Gas under Section 6-102(d) of the Public Utilities Act related to debt issuances. In each case, ALJ Hilliard recommends entry of an Order
approving the request.

Is there any discussion?

(No response.)

CHAIRMAN SCOTT: Any objections?

(No response.)

CHAIRMAN SCOTT: Hearing none, the Orders are entered.

Moving on to Telecommunications.

Items T-1 through T-3 can be taken together. These items are applications for certificates of service authority under Title XIII of the Public Utilities Act. In each case, the ALJ recommends entry of an Order granting the requested certificates.

Is there any discussion?

(No response.)

CHAIRMAN SCOTT: Any objections?

(No response.)

CHAIRMAN SCOTT: Hearing none, the Orders are entered.

Item T-4 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 Amendatory Order making a minor change to the Final Order in this matter.

Is there any discussion?

(No response.)

CHAIRMAN SCOTT: Any objections?

(No response.)

CHAIRMAN SCOTT: Hearing none, the Amendatory Order is entered.

Items T-5 through T-8 can be taken together. These items are joint petitions for the approval of amendments to interconnection agreements between telecommunications carriers. In each case, ALJ Baker recommends entry of an Order approving the amendment.

Is there any discussion?

(No response.)

CHAIRMAN SCOTT: Any objections?

(No response.)

CHAIRMAN SCOTT: Hearing none, the Orders are entered.

Item T-9 is Docket No. 12-0689. This
is a joint petition by telecommunications carriers for the approval of an amendment to an interconnection agreement. Before us today is a Motion to Withdraw the petition, which ALJ Baker recommends we grant.

Is there any discussion?

(No response.)

CHAIRMAN SCOTT: Any objections?

(No response.)

CHAIRMAN SCOTT: Hearing none, the petition was withdrawn.

Item T-10 is Docket No. 12-0691. This is also a joint petition by telecommunications carriers for approval of an amendment to an interconnection agreement. ALJ Baker recommends entry of an Order approving the amendment.

Is there any discussion?

(No response.)

CHAIRMAN SCOTT: Any objections?

(No response.)

CHAIRMAN SCOTT: Hearing none, the Order is entered.
Item T-11 is Docket Nos. 11-0210 and 11-0211. This is a petition filed by Geneseo Telephone Company, Cambridge Telephone Company, and Henry County Telephone Company to update the Illinois Universal Service Fund and to implement Intrastate Switched Access Charge reform. ALJ Jones recommends entry of an Order granting the petitions in part.

Is there any discussion?

COMMISSIONER O'CONNELL-DIAZ: Mr. Chairman, I will be voting in concert with what the ALJ has recommended in this Order. However, the issue of getting 21st century service to the people in the state of Illinois I know is a mission that the current governor jumped on when he was lieutenant governor.

I am a person that lives in a rural area. I understand what it's like not to have those services. So I would suggest that the Commission as we move forward open up some workshops to figure out how do we -- you know, this is a cost issue obviously for our companies. The USF Fund that is at issue in this case or has bearing on this case, there is a lot
of money that's been washing around in that USF Fund, and it's not clear to me that that money has been deployed in the manner that would help those rural areas get this type of service that is so needed.

So I would encourage our office to open up a workshop and see really what the -- what's going on on the ground. The FCC has danced around this. They have not ordered that our companies provide this service. They are very loquacious in their Order with regard to how this is great, but they do not -- they fall short in requiring it.

So I think it's incumbent upon us to move that forward so that everyone in our state can get those services at a fair and reasonable -- and actually even just get them, because in some communities you cannot.

CHAIRMAN SCOTT: Commissioner del Valle?

ACTING COMMISSIONER DEL VALLE: I wholeheartedly -- I agree totally, and I want to go on record as supporting the request. We have community colleges, universities throughout the state that are offering online courses. Our assessment system for our K
through 12 programs is going to end up being all online throughout the entire state, and so in voting on this measure, I think that it is important for us to follow through.

Obviously, there is a need for broadband services out there, and we are not meeting that need, and I happen to agree that we need to look at the universal Services Fund to see how we can support and make sure that we reach the goal of access for everyone in the state of Illinois that wants that access.

CHAIRMAN SCOTT: I completely agree with both those sentiments, and I think Judge Jones did a really nice job of kind of walking through where the state of the law is that really doesn't allow us to do that right now, but I wholeheartedly agree with both of your sentiments, because times have certainly changed and technology changes and how people need to access the world has changed. And I think something like the USF needs to keep up with that as well. So I agree with your sentiments.

Commissioner Colgan, were you trying
to jump in there?

COMMISSIONER COLGAN: Yeah. I agree with the comments that the other three Commissioners have made. This is an interim Order as the IITA has made it clear that they are going to come back for a -- for a long-term Order on this very issue, and I think it is a good idea that we continue to have these discussions. Commissioner O'Connell-Diaz said workshops. I would also be in support of that.

And the other comments are, you know, about how important these services are. It's just becoming more and more important for people to have fair and equal access to these services. So -- but I think that the argument for the broadband services was not made. It was a pretty confusing presentation that was in the record, and so I am going to support the Order, but I think it's worthy of a very close look to figure out how to best move this issue forward.

COMMISSIONER O'CONNELL-DIAZ: And most importantly, I want everybody in the state of Illinois to be able to come to our Commerce
Commission website and actually use it. If you have
dialup, you cannot get a lot of what's featured on
our website.

And, you know, it goes for --

Commissioner del Valle just mentioned, you know,
access to governmental services. You can't go to
your Clerk's office in your county or your city,
because the landline cannot feed it properly. So
dialup just doesn't quite cut it, and we need to --
and you got to the education part, but that is a
whole other place that is -- we are not providing it
for our young people if they don't have access to
these services.

So we really need to not wait for the
FCC to figure this out. We need to figure out how we
do it in our state and how do we incent that and
actually pay for it, and so thank you.

CHAIRMAN SCOTT: Again, ALJ Jones has
recommended entry of an Order granting the petitions
in part.

Is there any discussions?
(No response.)

CHAIRMAN SCOTT: Are there any objections?

(No response.)

CHAIRMAN SCOTT: Hearing none, the Order is entered.

Item T-12 is Docket No. 12-0413. This is Consolidated Communications' petition 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.

COMMISSIONER O'CONNELL-DIAZ: If I might, could we just have Judge Von Qualen go through her conclusions in this, and I just have a couple questions as to -- and I think it's appropriate to hold it, because I think there is some issues that are not clear to me.

Is Judge Von Qualen there?

JUDGE VON QUALEN: Yes, I am here.

COMMISSIONER O'CONNELL DIAZ: Could you just
give us a briefing with regard to your conclusions, you know, and just run us through the case?

Additionally, is the Department of Corrections a party to this matter?

JUDGE VON QUALEN: No, they are not.

Consolidated filed a Petition for a Declaratory Ruling regarding just two specific provisions in Part 770. They ask for a declaratory ruling that Section 770.20, Standards of Service, Subsection A apply and 770.40, restrictions on billing and charges applying to operator services as they described them in their petition and are provided for inmate calling services in the Department of Corrections.

Basically, what Consolidated stated was that the services that are provided at inmate -- for inmate calling services include operator services, because the phone calls cannot be connected without the person who is being called accepting the charges.

And I don't know. I can't recall exactly technically what they do, but they have to
take certain actions on the telephone to accept the
charges and operator services are required to connect
the two calls. So Consolidated argued because
operator services are used within these calls, these
rules requiring the limits on prices should apply to
the calls.

Staff agreed with that. They said
that they are operator services as defined in the
Act, and that the limitation restrictions on billing
and charges should apply to the calls. The matter
came up with Consolidated because they had bid on the
services being provided to the Department of
Corrections. They did not receive the bid, and
another company received the bid, a company that was
charging higher rates than the CAF provided for under
the code, and would thus provide a higher commission,
I guess, to the Department of Central Management
Services.

Securus was the party that actually
received the contract or won the bid, and they did
intervene in the matter. They were present at the
prehearing conference when we set the schedule of the
matter and at that point the parties agreed that this
should be done by briefing and not by testimony. So
that is the way that the matter proceeded.

COMMISSIONER O'CONNELL-DIAZ: And Judge Von
Qualen, so hence that's the reason that there were no
hearings built into the schedule, because the
parties, as I read the record, was that there was an
off-the-record discussion. And you went back on the
record and suggested that everyone was in agreement
that there did not need to be testamentary evidence
introduced into the record, and that it was a legal
question that would be dealt with with briefs; is
that correct?

JUDGE VON QUALEN: Yes.

COMMISSIONER O'CONNELL-DIAZ: Okay. Thank you.

JUDGE VON QUALEN: So the matter was dealt with
in briefs. When I issued the proposed Order, then
Securus then decided that they would have preferred
to have a hearing, but as Commissioners are aware,
that request for a hearing and for discovery was
denied.

It's notable and it's mentioned in the
Order, there is really no dispute as to the facts of how the service is provided and what is included within inmate calling services, and the Order that I drafted tries to be very careful that the Order itself only applies to the facts as they are presented in this case. As I note in the memorandums, there has been a previous Commission Order which found that inmate calling services do not include operator services, but in that Order, that was just something that was stated and there was no factual basis for that finding, and there was no discussion of the finding. In this case, the entire case is about the facts regard inmate calling services and the operator services that are included within them.

COMMISSIONER O'CONNELL-DIAZ: So you are satisfied that what you have recommended to us is limited to this case and this case alone and has no value with regard to moving forward should someone try to cite it as authority; is that --

JUDGE VON QUALEN: Well, no. What I am satisfied about is that if -- I think it would apply
for inmate calling services unless somebody filed another petition and said, wait a minute. On the facts that were in -- before the Commission in 12-0413 you found that there were operator services included, but the facts are different now. Here are different facts and we don't believe that inmate calling services as we provide them include operator services.

COMMISSIONER O'CONNELL-DIAZ: Okay.

JUDGE VON QUALEN: Do you understand that?

COMMISSIONER O'CONNELL-DIAZ: Yeah. I get what you are saying there.

CHAIRMAN SCOTT: Commissioner McCabe?

COMMISSIONER MCCABE: Were the Department of Corrections or CMS parties in this docket?

JUDGE VON QUALEN: No. Securus was the only intervener. Securus participated and we had Staff participate and Consolidated Communications.

COMMISSIONER MCCABE: And would this Order as written prevent Corrections from getting taped calls?

JUDGE VON QUALEN: No. The only thing -- the only declaratory ruling that the petitioner requested
was that Sections 770.20(a) and 770.40, the
restrictions on billing and charges, apply.

COMMISSIONER MCCABE: Thank you.

CHAIRMAN SCOTT: Further questions for the
Judge? Thank you, Judge.

And as I said, this will be held for
disposition at a future Commission meeting.

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

COMMISSIONER O'CONNELL-DIAZ: I just have one
question.

CHAIRMAN SCOTT: Sure.

COMMISSIONER O'CONNELL-DIAZ: Judge Von Qualen,
based upon your ruling, could the party in this
instance that is not successful request rehearing in
this docket?

JUDGE VON QUALEN: Yes.

COMMISSIONER O'CONNELL-DIAZ: Is that a yes to
my answer -- question?

JUDGE VON QUALEN: Yes.

COMMISSIONER O'CONNELL-DIAZ: So after the
Commission gets done ruling then we would entertain
this in accordance with our rehearing provisions,
which would suggest that they would need to cite to
evidence that was new or not considered fully by our
determination in this matter, correct?

JUDGE VON QUALEN: Yes.

COMMISSIONER O'CONNELL-DIAZ: Okay. Thank you.

CHAIRMAN SCOTT: Now, Judge Wallace, were there
any other matters to come before the Commission
today?

JUDGE WALLACE: No. That's all today.

COMMISSIONER O'CONNELL-DIAZ: I just have one
thing.

CHAIRMAN SCOTT: Commissioner O'Connell-Diaz.

COMMISSIONER O'CONNELL-DIAZ: I'm not into
trying to advertise anything, but as many of you
know, Brandy Bush Brown, my assistant who we lost
very, very untimely a short while ago, her family
has -- you know, Brandy was very involved in her
community, and her family has started a school for
education and arts of our young folks, and they are
starting that up, and it is -- they are going to have
a gathering at the Ray Kroc Foundation on the south
side on March 15th at 7:00 p.m. So you can go on the web and check that out. And it is -- the name of the school is the Brandy Bush Brown Arts and Education School. So it's just such a wonderful thing to see her legacy and her -- what she stood for in her life going forward. That will be a gift to many of our young people in these challenging times. So I would just encourage everyone to go check that out on the website. It's a little free plug, but I figure she is family. So I am just going to say it anyway.

CHAIRMAN SCOTT: Very good.

COMMISSIONER O'CONNELL-DIAZ: You can check it out. Thank you.

CHAIRMAN SCOTT: If there is nothing further to come before the Commission, this meeting stands adjourned, and again, thank you everyone for indulging us today.

(END OF PROCEEDINGS.)