BEFORE THE
ILLINOIS COMMERCE COMMISSION

BENCH SESSION
(PUBLIC UTILITY)

Springfield, Illinois
Wednesday, April 18, 2012

Met, pursuant to notice, at 10:30 a.m.
in Hearing Room A, First Floor, Leland Building, 527
East Capitol Avenue, Springfield, Illinois.

PRESENT:

MR. DOUGLAS P. SCOTT, Chairman
MS. LULA M. FORD, Commissioner
MS. ERIN M. O'CONNELL-DIAZ, Commissioner
MR. JOHN T. COLGAN, Commissioner
MS. ANN McCabe, Acting Commissioner

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

Before moving into the agenda, according to Section 1700.10 of Title II of the Administrative Code, this is the time we allow members of the public to address the Commission. Members of the public wishing to address the Commission must notify the Chief Clerk's Office at least 24 hours prior to the Commission meeting. 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.)
CHAIRMAN SCOTT: Moving on to the Public Utility agenda, we will begin with approval of the minutes from our March 21 Bench Session. I understand amendments have been forwarded.

Is there a motion to amend the minutes?

COMMISSIONER O'CONNELL-DIAZ: So moved.

CHAIRMAN SCOTT: Is there a second?

COMMISSIONER COLGAN: Second.

CHAIRMAN SCOTT: It's been moved and seconded.

All in favor say aye.

COMMISSIONERS: Aye.

CHAIRMAN SCOTT: Any opposed?

(No response.)

The vote is five to nothing, and the amendments are adopted.

Is there a motion to approve the March 21 minutes as amended?

COMMISSIONER FORD: 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.

COMMISSIONERS: Aye.

CHAIRMAN SCOTT: Any opposed?

(No response.)

The vote is five to nothing, and the March 21 minutes, as amended, are approved.

Turning to the Electric portion of today's agenda, Item E-1 concerns a filing by MidAmerican to reinstate its Fuel Adjustment Clause. Staff recommends granting the company's request by not suspending the filing.

Is there any discussion?

(No response.)

Is there a motion to not suspend the filing?

COMMISSIONER O'CONNELL-DIAZ: So moved.

CHAIRMAN SCOTT: Is there a second?

COMMISSIONER COLGAN: Second.

CHAIRMAN SCOTT: It's been moved and seconded.

All in favor say aye.

COMMISSIONERS: Aye.

CHAIRMAN SCOTT: Any opposed?
(No response.)

The vote is five to nothing; the 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 Number 10-0711. This is Southern Illinois Power Cooperative's petition for eminent domain authority in connection with the construction of a new transmission line.

Before us today is a Petition for Interlocutory Review brought by Fredric and Connie Beasley regarding an evidentiary ruling made by ALJ Albers in connection with further discovery.

Is there any discussion on this petition?

(No response.)

Are there any objections to denying the Petition for Interlocutory Review?

(No response.)

Hearing none, the Petition for Interlocutory Review is denied.
Item E-3 is Docket Number 11-0498.

This is an investigation of ComEd's supply rate design and non-coincidental peak demand for distribution among its rate classes. ALJ Sainsot recommends entry of an Order addressing these issues.

Is there any discussion?

COMMISSIONER O'CONNELL-DIAZ: Mr. Chairman, I just have one question for Judge Sainsot. Is she there?

CHICAGO: Yes, she is.

COMMISSIONER O'CONNELL-DIAZ: Judge Sainsot, on page 3 of the Order under "Supply Related Issues" you state the "dust to dawn lighting customers." Is the subsidy amount, 57.4 million, with regard to the dust to dawn lighting customers?

JUDGE SAINSOT: Let me just look. Dust to dawn.

COMMISSIONER O'CONNELL-DIAZ: Or is it --

JUDGE SAINSOT: No, I think the dust to dawn is the 7.2.

COMMISSIONER O'CONNELL-DIAZ: The 7.2. And, of course, we are not addressing that in this
proceeding, correct?

JUDGE SAINSOT: Right.

COMMISSIONER O'CONNELL-DIAZ: Okay. I just
wanted to clarify that. Thank you.

CHAIRMAN SCOTT: Thank you, Judge.

Is there any further discussion?

(No response.)

Are there any objections to the Order?

(No response.)

Hearing none, the Order is entered.

Item E-4 is Docket Number 11-0655.

This is Jonathon Myalls' complaint against ComEd.
The parties have apparently settled their differences
and brought a Joint Motion to Dismiss which ALJ
Teague recommends we grant.

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the Joint Motion to
Dismiss is granted.

Item E-5 is Docket Number 11-0773.
This is John Hummel Insurance Agency's complaint against RealGY. We will hold this item for disposition at a future Commission proceeding.

Items E-6 through E-8 (12-0100, 12-0029, 12-0157) can be taken together. These items concern customer complaints against ComEd. In each case the parties have apparently settled their differences and brought a Joint Motion to Dismiss which the ALJ recommends we grant.

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the Joint Motions to Dismiss are granted.

Item E-9 is Docket Number 12-0044.

This is One Energy's application for licensure as an Agent, Broker and Consultant under Section 16-115C of the Public Utilities Act. ALJ Albers recommends entry of an Order denying the certificate without prejudice as the company is not yet authorized to do business in Illinois.
Is there any discussion?

(No response.)

Any objections?

(No response.)

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

Item E-10 is Docket Number 12-0167.

This is Public Power's application for a certificate to operate as an alternative retail supplier in Illinois. ALJ Albers recommends entry of an Order granting the certificate. I believe Commissioners O'Connell-Diaz and Colgan have some joint edits on the matter.

Commissioner Colgan, did you want to speak to it first?

COMMISSIONER COLGAN: Well, just briefly to say that we worked together on this, Commissioner O'Connell-Diaz and myself, and the original application that this company filed seemed to be lacking some documents which we asked for and we got those documents, some documents, and it still looked like there were documents missing. We asked for
those and we got those. And we have taken a really
close look at this and we think that they have met
the standards of the Public Utilities Act to get this
certificate.

But I think just in general it is good
to remind everybody that, as we allow people to come
into this competitive market, that we expect good
players coming in and we are going to be taking a
close look at those, all of those, as they apply for
entry into the competitive market here in Illinois so
that we have a good and healthy marketplace.

CHAIRMAN SCOTT: Commissioner O'Connell-Diaz?

COMMISSIONER O'CONNELL-DIAZ: Just with regard
to the edits that we provided to our colleagues and
for the Order, basically it states that the
Commission is mindful of the short time frame that we
have due to the statutory deadline, so that it
therefore is very important that companies that wish
to participate in our marketplace really kind of
front load the information that they provide to the
Commission.

In this instance the Commission had to
go on a, I think I was calling it, an Easter egg hunt
for Easter, and here we are after it and we finally
have the information. But it is incumbent upon the
applicants to provide the relevant information so
that the Commission has a complete record.

So the language really is a conscious
labeling of that for others that are coming into our
marketplace, just as Commissioner Colgan related,
that we want to have good players in the market. And
part of that is giving the Commission the appropriate
information upfront so that we can do our analysis
and review and insure that our ratepayers are
protected due to the complete information in all of
the filings.

So we look to our fellow colleagues
for support of those edits.

CHAIRMAN SCOTT: Further discussion on these
revisions?

(No response.)

Is there a motion to adopt the
revisions?

COMMISSIONER FORD: So moved.
CHAIRMAN SCOTT: Is there a second?

ACTING COMMISSIONER McCABE: Second.

CHAIRMAN SCOTT: It's been moved and seconded.

All in favor say aye.

COMMISSIONERS: Aye.

CHAIRMAN SCOTT: Any opposed?

(No response.)

The vote is five to nothing, and the revisions proposed by Commissioners O'Connell-Diaz and Colgan are adopted.

Is there any further discussion on the matter?

(No response.)

Is there a motion to adopt the Order as revised?

COMMISSIONER COLGAN: 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.

COMMISSIONERS: Aye.

CHAIRMAN SCOTT: Any opposed?
(No response.)

The vote is five to nothing, and the Order as revised is adopted and the certificate is granted.

Item E-11 is Docket Number 12-0203.

This is RealGY's application for an amendment to its Certificate of Service Authority in order to expand its retail electric supplier operations in Illinois. ALJ Albers recommends entry of an Order granting the requested certificate.

I have some revisions on this matter. My revisions change the conclusion to denying the certificate without prejudice, based not only on the existing complaint cases against the company, but also the way in which the company has handled itself in those cases.

In one matter, facing an allegation of slamming, which is obviously a very serious allegation, switching a customer over to RealGY's services without the customer's consent, something the Commission takes very seriously, obviously the company did not bother to make an appearance at the
initial hearing.

Then the second complaint case against them, the company only appeared by phone from out of state and was unfamiliar and hostile to the process of Commission proceedings, and then hesitantly agreed to retain counsel after being admonished by the ALJ.

These sorts of allegations are not to be taken lightly, and we expect, as Commissioner Colgan and O'Connell-Diaz pointed out in the last case, companies who seek authority to operate here and, in this case, the expansion of existing authority, we expect them to be very serious and diligent in response to such allegations.

I believe that gets right to the heart of what's considered sufficient managerial resources and abilities as recognized by Section 16-115(B) of the Public Utilities Act. That concern is especially strong here with the company now seeking to market to residential customers.

By its conduct, it is clear to me that RealGY has not met that standard and, given the extremely fast growth that we are experiencing in our
retail electric markets in Illinois, we must be
really cautious about insuring that the companies
that come in do not poison the well and prevent all
customers from seeing the benefits of competition.

So my revisions are fairly straight
forward. They are to deny the expansion of the
company's operations without prejudice at this time.
Given the allegations against the company and the
manner in which the company has chosen to respond to
them, I don't believe granting the expansion would be
appropriate.

If the existing complaints are
properly addressed and if RealGY demonstrates a
general change in attitude and approach, I would
certainly be open to reconsideration. But at this
time, based on the conduct of the company, at this
point I believe denial is the correct approach.

Is there any discussion on my proposed
revisions?

COMMISSIONER COLGAN: Well, I am going to
support your revisions to this Order for reasons that
I just cited in the previous application for entry
into the competitive market. I think it is really important, and this is the place where we need to exercise our authority, to make sure that as people enter that market that they are coming in and that they do have the managerial resources to perform well in that marketplace.

So it is without prejudice, and if these complaints are adequately dealt with, they can come back and apply, and then we will take another look at their application. But I support your edits.

CHAIRMAN SCOTT: Further discussion?

COMMISSIONER O'CONNELL-DIAZ: I totally agree with the revisions.

Additionally, it is mindful that, you know, it is a privilege to operate in our state and provide the service to the customers in our state. It is not a right. And it is incumbent upon those that choose to petition this Commission to follow the rules that are on our books. Every state has their respective rules, but we have our rules.

And the conduct of the company relative to our rules, and actually I think kind of
the disrespect that was clear through the transcripts, it really just doesn't have a place in our portfolio of good players.

So, again, this is a message to other companies that are seeking to provide services within our state. The Commission will be looking at every aspect of their application and following through. And their conduct is very important and what they are doing in other states, and we will be looking at that to insure that our consumers are protected.

Thank you.

CHAIRMAN SCOTT: Further discussion?

COMMISSIONER FORD: Certainly, I won't beat a dead horse. And since it is without prejudice, they will have another chance to come back before us.

CHAIRMAN SCOTT: I would move for the adoption of these revisions.

Is there a second?

COMMISSIONER COLGAN: Second.

CHAIRMAN SCOTT: It's been moved and seconded.

All in favor say aye.

COMMISSIONERS: Aye.
CHAIRMAN SCOTT: Any opposed?

(No response.)

The vote is five to nothing, and the Chairman's revisions are adopted.

Is there any further discussion on this matter?

(No response.)

I would move for adoption of the Order as revised.

Is there a second?

COMMISSIONER FORD: Second.

CHAIRMAN SCOTT: It's been moved and seconded.

All in favor say aye.

COMMISSIONERS: Aye.

CHAIRMAN SCOTT: Any opposed?

(No response.)

The vote is five to nothing, and the Order as revised is entered and the changes to the Certificate of Service Authority of RealGY are denied without prejudice.

Items E-12 through E-18 (12-0225, 12-0228, 12-0151, 12-0236, 12-0232, 12-0249, 12-0251)
can be taken together. These are petitions for confidential and/or proprietary treatment of petitioners' reports. In each case the ALJ recommends entry of an Order granting the requested protective relief.

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the Orders are entered.

Turning now to Natural Gas, Items G-1 through G-4 can be taken together. These items are filings by North Shore, Peoples, Ameren, Atmos Energy Corporation seeking tariff changes. In each case Staff recommends granting the company's request by not suspending the filing.

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the filings will not be suspended.
Item G-5 is Docket Number 11-0415.

This is John W. Franko's complaint against Nicor.

ALJ Kimbrel recommends entry of 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-6 and G-7 (11-0741, 12-0026) can be taken together. These are customer complaints against Peoples Gas and Nicor. In each case the parties have apparently settled their difference and brought a Joint Motion to Dismiss which the ALJ recommends we grant.

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the Joint Motions to Dismiss are granted.
Item G-8 is Docket Number 12-0145.

This is RealGY's application to operate as an alternative gas supplier under Section 19-110 of the Public Utilities Act. ALJ Yoder recommends entry of an Order granting the requested certificate.

I have some changes on this item as well which have been circulated. My revisions here largely mirror the changes from E-11 today, the prior RealGY matter, and they are driven by the same rationale. So I will keep those very brief.

Based on the nature of the complaints against the company, based on the company's conduct in addressing these complaints, I do not believe that we should be granting this company expansion of its authority. Therefore, my revisions call for denying the certificate without prejudice. Section 19-110(E) of the Public Utilities Act calls for an inquiry of potential gas suppliers that is very similar to Section 16-115(B). So the grounds on which we previously found the company's managerial resources are insufficient are the same grounds for denial here.
Is there any discussion on these revisions?

(No response.)

I would move to adopt these revisions. Is there a second?

COMMISSIONER O'CONNELL-DIAZ: Second.

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

COMMISSIONERS: Aye.

CHAIRMAN SCOTT: Any opposed?

(No response.)

The vote is five to nothing, and the revisions are adopted. Is there further discussion on this matter?

(No response.)

I would move the adoption of the Order as revised. Is there a second?

COMMISSIONER O'CONNELL-DIAZ: Second.

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

CHAIRMAN SCOTT: Any opposed?

(No response.)

The vote is five to nothing, and the Order as revised is entered and the alternative gas supplier certificate sought by RealGY is denied without prejudice.

Item G-9 is Docket Number 12-0149.

This is Nicor Advanced Energy's petition for confidential and/or proprietary treatment of its 2011 Dekatherm Report. ALJ Sainsot recommends entry of an Order granting the requested relief.

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the Order is entered.

Item G-10 was Docket Number 12-0162, but that item has been withdrawn.

Moving to Telecommunications, Items T-1 and T-2 can be taken together. These items are filings for tariff changes brought by Frontier
affiliates. In each case Staff recommends granting the company's request by not suspending the filing.

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the filings will not be suspended.

Item T-3 is Docket Number 12-0131.

This is NTI Talk's application for a Certificate of Prepaid Calling Service Provider Authority. ALJ Riley recommends entry of an Order granting the requested certificate.

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the Order is entered.

Items T-4 and T-5 (12-0209, 12-0210) can be taken together. These items are petitions by the City of Elgin System Board and QuadCom 911 Joint Emergency Telephone System Board seeking
authorization to modify their 9-1-1 systems. In each case ALJ Haynes recommends entry of an Order granting the requested modification.

Is there any discussion?
(No response.)

Any objections?
(No response.)

Hearing none, the Orders are entered.

Item T-6 is Docket Number 12-0069.

This is a joint petition for the approval of an amendment to an Interconnection Agreement brought by Illinois Bell and Zayo Group. ALJ Baker recommends entry of an Order approving the amendment.

Is there any discussion?
(No response.)

Any objections?
(No response.)

Hearing none, the Order is entered.

Item T-7 is Docket Number 12-0087.

This is a joint petition for the approval of an Interconnection Agreement brought by Frontier North and Cygnus Telecommunications Corporation. ALJ Baker
ALJ Riley recommends entry of an Order approving the agreement.

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the Order is entered.

Item T-8 is Docket Number 12-0169.

This is a joint petition brought by CenturyLink and QuantumShift Communications seeking approval of a resale agreement. ALJ Riley recommends entry of an Order approving the agreement.

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the Order is entered.

Item T-9 is Docket Number 12-0071.

This is Illinois Bell's petition under Section 7-102 of the Public Utilities Act for the approval of a revolving credit note for making loans to its affiliate AT&T. ALJ Von Qualen recommends entry of an Order granting the petition.
Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the Order is entered.

Items T-10 and T-11 (12-0247, 12-0253) can be taken together. These items concern petitions for confidential and/or proprietary treatment of the petitioners' Annual Reports. In each case the ALJ recommends entry of an Order granting the requested protective relief.

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the Orders are entered.

We have one Water and Sewer item up for consideration today. Item W-1 concerns a filing by Aqua Illinois to consolidate its Kankakee Division into its new tariffs pursuant to the directives in Docket Number 11-0436. Staff recommends allowing the company's request by not suspending the filing.
Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the filing will not be suspended.

We have two miscellaneous items today and they are both Resolutions. Item M-1 (12-0286) concerns a Resolution acknowledging and expressing our great appreciation for Bonnie Cook's many years of public service here at the Illinois Commerce Commission. No one has served longer at the ICC than Bonnie has. So while we are very sad to see her go, we are also honored by the opportunity to express our public admiration for her many years of service.

I am told that there is a friendly rivalry going on between the third and eighth floors for who has the number one employee in terms of years of service at the ICC. Bonnie is currently number one, and the ALJ division is chomping at the bit to be number one at the end of April when Larry Jones will take over the title. In fact, there is a big
sign on the door that says, "Accounting is number one for eight more days." I think there are daily updates on that sign.

I have a Resolution that I would like to read in and then would like to get comments from other Commissioners.

"WHEREAS, Bonnie Cook joined the Illinois Commerce Commission on October 21, 1969, as an assistant in the Motor Carrier Division's Docket Section; and,

"WHEREAS, Bonnie worked many long hours processing transportation decals the old fashioned way -- by hand; and,

"WHEREAS, her second Commission assignment was in the mailroom where she mastered all of the machines for processing the Commission's paperwork and where, on at least one occasion, was responsible for filling an order for 100 copies of a certain railroad map large enough to require it be copied in sections and manually taped together; and,

"WHEREAS, Bonnie demonstrated extreme patience and empathy in each of her Commission roles,
but especially when she worked in the Consumer Services Division, answering questions and referring troubled consumers with utility problems to counselors for help; and,

"WHEREAS, Bonnie singlehandedly provided assistance as the administrative assistant to the entire Financial Analysis Division for 12 years, where she is best known for her calm and professional approach to her work and for being a good friend to many, many people at the ICC; and,

"WHEREAS, Bonnie has earned the deep respect of her co-workers during her long career at the Commission;

"THEREFORE, BE IT RESOLVED that the Illinois Commerce Commission, on this day, April 18, 2012, commends Bonnie Cook for her dedication to the work of the Commission, extends sincere appreciation for nearly 43 years of service to the people of Illinois, and offers best wishes for a long and happy retirement."

Comments, Commissioner?

COMMISSIONER COLGAN: Well, I just would like
to say to Bonnie that I am sure you are going to be missed here. Somebody that has been here that long and has performed all those different functions in this organization, I am sure you are such a valuable asset and treasure to this agency that I am sure that in your absence we will be scrambling to figure out how to cover.

I see that you are planning on spending time with your daughter and your grandson. I like the idea that you are planning on relaxing. I am definitely glad to hear that. And I hope you find a lot of happiness in your retirement and you find some activities and maybe some volunteer work to do out there that I am sure you can help out a lot with.

So congratulations on your retirement and good luck to you. Don't forget where you came from. You can come back here any time.

COMMISSIONER FORD: John, you sound like you are trying to give her some additional responsibilities.

I have seen your name so many times, Bonnie. I am so happy that you are leaving in good
health, and I wish you the best, and enjoy your grandson.

COMMISSIONER O'CONNELL-DIAZ: Forty-three years, my goodness. It is just amazing. We do keep people here that do good work for a long, long time. And I know especially in Springfield it is a family atmosphere that is part of the halls that you walk here, and it seems like you probably know where all the bodies are buried. Maybe you will be writing a screen play or something.

But wishing you the best, and it sounds like you are just going to go out and have a lot more time to do those special things. But I am sure you will still keep in contact with the ICC family because especially in Springfield it is part of your life.

So congratulations and thank you so much for all your years of service. You have made the Commission tick like a clock with your work that you have done, and thank you very much.

COMMISSIONER McCabe: I'll just thank you for your years of service and congratulations and best
CHAIRMAN SCOTT: Bonnie, would you like to come forward, please?

MS. COOK: This is very hard for me, but I have some people I need to thank. And I want to thank Gene for directing me to come to the third floor and for Joy accepting me in that position and for Mary Selvaggio giving me a goal that I wanted to achieve, and that was an administrative assistant. I want to thank the Accounting Department. They are very much my family. And then along the lines my family grew to the whole fifth floor, and I am going to miss everyone.

I want to thank you all for giving me a challenge, for bringing me love and support throughout my years here at the Commission. But now it is time for me to go to another journey. I will miss you all. But I have a recliner and it is calling my name.

Thank you very much.

CHAIRMAN SCOTT: I move to adopt the resolution. Is there a second?
COMMISSIONER FORD: Second.

CHAIRMAN SCOTT: All in favor say aye.

COMMISSIONERS: Aye.

CHAIRMAN SCOTT: The resolution is adopted five to nothing.

Bonnie, thank you again and good luck to you and best wishes.

MS. COOK: Thank you, all.

CHAIRMAN SCOTT: And enjoy that recliner, too.

Next up is Item M-2 (12-0287), acknowledging and expressing our appreciation for Commissioner Sherman Elliot's many years here at the ICC, both as a member of Staff and recently as a Commissioner.

And I know a lot of people have a lot of things to say about Sherman, so I will keep mine brief. But I really -- I want to thank you, Sherman, very much. Because when I came on last year, interesting times at the Commission, and I really appreciated all the time that you spent with me, talking about, not only the issues as they were coming up in front of us, but some of the bigger
picture issues, some of the market issues, some of
the things that are for an old EPA guy with a little
more esoteric to try to understand. But you were
very patient and spent a lot of time talking to me
about those issues.

And the more I got to know you, the
more I really thought that they should have done a
beer commercial about you as the most interesting man
in the world, given not only all of your work as an
economist and your work on the Commission, but also
had the great opportunity, as did all of us, to see
you play in the blues band and play very extremely
well. I know it is a lot of fun to watch, and also
to know about your other pursuits as well.

And you are just the kind of a person
that I am sure we all are better for having gotten to
know, other than the fact that you are a Cardinal
fan. But we could agree to disagree with that one as
well. And I look forward in the time to come to
continue to talk to you about these issues that I
know you care about very much, as do I, and also to
just have a good time doing it.
So, again, thank you very much for everything that you did and I will let everybody else speak and then I will read the Resolution that we have for you.

Commissioner?

COMMISSIONER FORD: Thank you. I came to the Commission in 2003, and Sherman was Mary Frances' assistant. So he knew that I was green behind the ears and he offered always to assist in anything that I needed. And it has been a joy.

And oftentimes when I come down, Mary Fran, Sherman and I would go to Steak & Shake because there are no Steak & Shakes near me, and then Mary Fran and I would go to TJ Maxx. Marshall -- is it TJ Maxx or Marshall? TJ Maxx.

And I also enjoyed the Mojo Cats when we come to the State Fair and dance around. So I am looking forward to coming again, Sherman, and my Resolution should be coming soon.

Have a good time and I know I will see you often.

CHAIRMAN SCOTT: Commissioner O'Connell-Diaz?
COMMISSIONER O'CONNELL-DIAZ: Sherman and I go way back. As an ALJ, were you on Staff when I first met you? Probably. Then you came up and were a Commissioner's assistant. Then you went to MISO. Then you came back. And so Sherman has always been like in the tableau of usual suspects that one deals with at the Commission. And, of course, as a Commissioner was right next to my office in Chicago and next to my office in Springfield. And it's been great working with you all those years on really pivotal issues, going through the wars, getting our marketplace up and running.

And just as Commissioner Ford noted, the fun times we have had out at the fair. I had never heard your band play, so we went out there and you just could not sit down because you would have to get up and move around to that great sound that you make. I say to everyone that asks me about your band, I am like, well, I think they should be playing on Lincoln Avenue in Chicago. That's how good they are. They are not like some garage band. They are really excellent mojo, Mojo Cats.
And also your poker ability. I did not know anything about that until one time we were at a Harvard electric policy group meeting and he was talking about how he was going to the big poker stuff out in Las Vegas. That really takes a lot of skill to be able to do that.

So I know you will be going on to other things in our area. You will still be a usual suspect, and wish you the best and thank you very much for all your service to the State. You have been very helpful to making our regulatory picture a positive one.

Thank you.

COMMISSIONER COLGAN: I don't have words. We are just going to miss you so much, man, like, ooh! Although, you know, over the time that I have been around and there has been a couple of years spent with you that, in addition to being colleagues, we have become friends. So I know where you live and I know that the Mojo Cats are playing this weekend. So there is no chance that we are going to miss each other all that much. We are going
to continue with that friendship.

But, you know, I thought about doing
like a litany of things with quotes from famous blues
songs, but I think I will just say what's done is
done. I am going to tell you, you had yourself way
too much fun, but I think there is still a lot of fun
that you can still have. I echo a number of things
that the Chairman said about how when I came here how
you worked with me and in a lot of ways mentored me.
We didn't always agree on everything, even the issue
of who your baseball team is. But you are an
agreeable person and it was fun to debate and discuss
things with you.

If you are going to do a beer
commercial, I have never seen you drink, though, but
I have seen you drink Stella, so there might be an
opportunity for you there.

So as you move into your future life
and career, and I know you have a lot of good years
left in you, so then to use kind of a poker analogy,
you wait until your deal comes around and don't let
your deal go down.
So best wishes to you and I know you are going to be doing fine, and I look forward to continuing our friendship.

CHAIRMAN SCOTT: Commission McCabe?

COMMISSIONER McCABE: Best wishes. You leave some big shoes for me to fill, and I hopefully have the large feet you have.

CHAIRMAN SCOTT: Very good. I also want to thank -- this is the kind of thing that goes unnoticed a little bit. We have been talking a lot about how all the different areas in the energy world are kind of siloed, and the energy people and the regulators don't talk to the environmental people and vice a versa, and that's all true.

But there, back when I was at EPA, in fact just a few months before I came here when neither one of us knew that I was going to end up here, Sherman had sent over the NARUC resolutions that had to do with the EPA regulations and said, "What do you think about these? I know you are doing a lot of work on them; what do you think about them?" And we talked about them and suggested some
alterations which eventually got them adopted.

I can't tell you how much I appreciate that and how much more of that needs to go on. So that's the kind of thing that, all kidding aside, just from a business and a work standpoint, how good and how valuable Sherman's service was here.

So, again, thank you very much. And I am going to read this because it is actually pretty good. A lot of work went into this.

"WHEREAS, Sherman J. Elliot on January 1, 2008, began a noteworthy tenure as Commissioner of the Illinois Commerce Commission; and,

"WHEREAS, throughout Commissioner Elliott's years with the Commission, he remained on course, undeterred and true in his objective to strike an even balance between the utilities and the ratepayers, and strived to achieve legally sustainable Orders and was not afraid to dissent when he thought the Commission strayed from that course..."

COMMISSIONER FORD: Which he did often.

CHAIRMAN SCOTT: "And, WHEREAS, Commissioner
Elliott's academic training as an economist has led him to be well known as an expert in energy markets, and as a result he is never afraid of sharing his views at length with anyone at any time or anyplace; and,

"WHEREAS, Commissioner Elliott served as the Commissioner representative for the Organization of MISO States, the Eastern Interconnection States Planning Council, the National Association of Regulatory Utility Commissioners Energy Resources and the Environment Committee, the Joint National Association of Regulatory Utility Commissioners/Federal Energy Regulatory Commission's Smart Response Collaborative, and also served as an Advisory Board Member of the Financial Research Institute; and,

"WHEREAS, Commissioner Elliott was named one of the Top 100 Movers and Shakers of the Smart Grid by Greentech Media; and,

"WHEREAS, Sherman J. Elliott, a former Manager of Regulatory Affairs for the Midwest ISO, a Senior Energy Policy Advisor to Commissioners Mary
Frances Squires, Brent Bohlen and Chairman Edward Hurley; and Senior Economist at the Illinois Commerce Commission, has utilized his diverse knowledge base in serving the People of the State of Illinois in his capacity as Commissioner; and,

"WHEREAS, his skills at the poker table took him to the World Series of Poker; and,

"WHEREAS, Sherman J. Elliott entertained audiences at the Illinois State Fair and elsewhere as a pianist with the Mojo Cats;

"NOW, THEREFORE BE IT RESOLVED, that the Illinois Commerce Commission hereby acknowledges Sherman J. Elliott's years of public service during his employment with the ICC and expresses its deep appreciation for his public service and dedication on the occasion of his departure."

And I would move the adoption of that resolution.

COMMISSIONER COLGAN: Second.

CHAIRMAN SCOTT: It is moved and seconded.

All in favor say aye.

COMMISSIONERS: Aye.
CHAIRMAN SCOTT: Any opposed?

(No response.)

The ayes have it by a five to nothing vote. Commissioner Elliott, come forward, please.

COMMISSIONER ELLIOTT: Well, I will be brief.

It's been an amazing 20 years. I also have a recliner calling me, but I intend to get up and out and stay busy and involved in this crazy world that we are in, in regulation energy.

So thank you much to the Commission and thanks to you.

COMMISSIONER O'CONNELL-DIAZ: And just so we don't miss anybody, thanks to Mary for lending Sherman to us for all this time. You were a good support system for him and enabling him to do all the work that he did.

CHAIRMAN SCOTT: We have three additional items of business to address today. We will take the first two items together. These items concern the approval of benchmarks for the upcoming April 2012 ComEd and Ameren electric energy product procurement.

Is there any discussion?
(No response.)

Is there a motion to adopt the procurement administrator's proposed benchmarks?

COMMISSIONER FORD: 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.

COMMISSIONERS: Aye.

CHAIRMAN SCOTT: Any opposed?

(No response.)

The vote is five to nothing, and the benchmarks are adopted.

The last item today concerns pending litigation, so we will address it in Closed Session.

Is there a motion to go into Closed Session?

COMMISSIONER O'CONNELL-DIAZ: So moved.

CHAIRMAN SCOTT: Is there a second?

COMMISSIONER FORD: Second.

CHAIRMAN SCOTT: It's been moved and seconded.

All in favor say aye.

COMMISSIONERS: Aye.
CHAIRMAN SCOTT: Any opposed?

(No response.)

The vote is five to nothing; the Commission will now go into Closed Session. Please let me know when the room is ready in Chicago.

(Whereupon at this point pages 47 - 54 of the proceedings are contained in a separate closed transcript.)
CONTINUATION OF PROCEEDINGS

CHAIRMAN SCOTT: In Closed Session the Commission discussed authorizing action with respect to the ongoing appeal of our Order in Docket 09-0263.

Is there a motion to authorize the action in this matter as described in Closed Session?

COMMISSIONER FORD: 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.

COMMISSIONERS: Aye.

CHAIRMAN SCOTT: Any opposed?

(No response.)

The vote is five to nothing, and the authorization is granted.

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

JUDGE WALLACE: No, that's it.

CHAIRMAN SCOTT: Thank you, sir. Hearing nothing more, this meeting stands adjourned.

BENCH SESSION ADJOURNED