BEFORE THE

ILLINOIS COMMERCE COMMISSION

BENCH SESSION

(PUBLIC UTILITIES)

Springfield, Illinois

Wednesday, May 15, 2013

Met, pursuant to notice, at 10:30 a.m. at 527 East Capitol Avenue, Springfield, Illinois.

PRESENT:

MR. DOUGLAS P. SCOTT, Chairman

MR. JOHN T. COLGAN, Commissioner

MS. ANN McCabe, Commissioner (by videoconference)

MR. MIGUEL del VALLE, Acting Commissioner

MS. SHERINA E. MAYE, Acting Commissioner (by phone)

L.A. COURT REPORTERS by

Kari Wiedenhaupt, Reporter

CSR# 084-004725
CHAIRMAN SCOTT: Is everything ready in Chicago?

COMMISSIONER MCCABE: Yes.

CHAIRMAN SCOTT: 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 Springfield is Commissioner Colgan and Acting Commissioner del Valle. With us in Chicago is Commissioner McCabe. I am Chairman Scott. We have a quorum. We should also have Acting Commissioner Maye available on the phone.

Are you there, Commissioner?

ACTING COMMISSIONER MAYE: I am here.

CHAIRMAN SCOTT: Very good. Under the Commission's rules, we will have to vote to allow Commissioner Maye to participate by phone.

I move to allow Commissioner Maye's participation by phone. Is there a second?

COMMISSIONER COLGAN: Second.

CHAIRMAN SCOTT: It's been moved and seconded. All in favor, say aye.
(Chorus of ayes.)

CHAIRMAN SCOTT: Any opposed?

(No response.)

CHAIRMAN SCOTT: The vote is four to nothing, and Commissioner Maye may participate in today's meeting by phone.

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 no requests to speak at today's Bench Session.

(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 will begin with the approval of minutes from our April 17th and May 1st Bench Sessions. I understand amendments have been forwarded for both sets of minutes. Is there a motion to amend the minutes?

COMMISSIONER COLGAN: So moved.

CHAIRMAN SCOTT: Is there a second?

ACTING COMMISSIONER DEL VALLE: Second.

CHAIRMAN SCOTT: It's been moved and seconded.

All in favor, say aye.

(Chorus of ayes.)

CHAIRMAN SCOTT: Any opposed?

(No response.)

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

ACTING COMMISSIONER DEL VALLE: So moved.

CHAIRMAN SCOTT: Is there a second?

COMMISSIONER COLGAN: Second.

CHAIRMAN SCOTT: It's been moved and seconded.

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

CHAIRMAN SCOTT: Any opposed?

(No response.)

CHAIRMAN SCOTT: The vote is five to nothing, and the minutes from our April 17th and May 1st Bench Sessions as amended are approved.

Turning now to the Electric portion of today's agenda. Item E-1 concerns a filing by ComEd to revise its Rider POG to modify compensation paid to customers served under this Rider. 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?

ACTING COMMISSIONER DEL VALLE: So moved.

CHAIRMAN SCOTT: Is there a second?

COMMISSIONER COLGAN: Second.

CHAIRMAN SCOTT: It's been moved and seconded.

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

CHAIRMAN SCOTT: Any opposed?

(No response.)

CHAIRMAN SCOTT: The vote is five to nothing, and the 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. 11-0689. This is our proceeding to determine the standard evaluation criteria and methodology of ComEd, Peoples Gas, North Shore, Ameren and Nicor's On-Bill Financing programs. ALJ Haynes recommends entry of an Order approving the evaluation plan as modified by the parties.

Is there any discussion?

(No response.)

CHAIRMAN SCOTT: Any objections?

(No response.)

CHAIRMAN SCOTT: Hearing none, the Order is entered.

Items E3 through E9 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-10 is Docket No. 12-0372. This is Patrick Dillon's complaint against ComEd regarding the removal of a pole on complainant's property. This matter will be held for disposition at a future Commission meeting.

Items E-11 through E-13 can be taken together. These items are applications for certificates of service authority to operate as an ARES in Illinois pursuant to Section 16-115 of the Public Utilities Act or to operate as an agent, broker or consultant pursuant to Section 16-115C of the Act. In each case the ALJ recommends entry of an
Order granting the certificate.

Is there any discussion?

(No response.)

CHAIRMAN SCOTT: Any objections?

(No response.)

CHAIRMAN SCOTT: Hearing none, the Orders are entered.

Items E-14 through E-18 can be taken together. These items are petitions for the confidential and/or proprietary treatment of annual and/or compliance reports. In each case the ALJ recommends entry of an Order granting the requested relief.

Is there any discussion?

(No response.)

CHAIRMAN SCOTT: Any objections?

(No response.)

CHAIRMAN SCOTT: Hearing none, the Orders are entered.

Turning now to Natural Gas, Items G-1 and G-2 can be taken together. These items are North Shore and Peoples' petitions to initiate
reconciliation proceedings to determine the accuracy of their Rider UEA Reconciliation Statements. In both cases, ALJ Jorgenson 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-3 is Docket No. 13-0190. This is Ambit Illinois' petition for the confidential and/or proprietary treatment of its 2012 Dekatherm report. ALJ Haynes recommends entry of an Order granting the company's request.

   Is there any discussion?

   (No response.)

CHAIRMAN SCOTT: Any objections?

   (No response.)

CHAIRMAN SCOTT: Hearing none, the Order is entered.

Item G-4 is Docket No. 13-0146. This
is our rulemaking proceeding for Title 83, Part 590 of the Administrative Code for adopting federally-mandated pipeline safety standards. Staff recommends entry of a Second Notice Order submitting proposed amendments to JCAR.

Is there any discussion?

(No response.)

CHAIRMAN SCOTT: Any objections?

(No response.)

CHAIRMAN SCOTT: Hearing none, the Second Notice Order is entered.

Item G-5 is Docket No. 13-0192. This is Ameren's petition for a general increase in gas rates. The Commission previously suspended the proposed general increase in gas rates to and including June 23rd, 2013. However, the Commission's investigation in this matter is not concluded and it is necessary to enter a re-suspension Order extending the period for an additional six months.

Is there any discussion?

(No response.)

CHAIRMAN SCOTT: Any objections?
(No response.)

CHAIRMAN SCOTT: Hearing none, the Order is entered.

Moving on to Telecommunications. Item T-1 is Docket No. 13-0231. This is Norstar's application for a certificate of service authority pursuant to Section 13-404 of the Public Utilities Act. ALJ Riley recommends entry of an Order granting the requested certificate.

Is there any discussion?

(No response.)

CHAIRMAN SCOTT: Any objections?

(No response.)

CHAIRMAN SCOTT: Hearing none, the Order is entered.

Item T-2 is Docket No. 12-0550. This is Sprint's Petition for Arbitration of an interconnection agreement with AT&T. Sprint has requested oral argument in this case, which ALJs Haynes and Jorgenson recommend we deny.

Is there any discussion?
(No response.)

CHAIRMAN SCOTT: Any objections?

(No response.)

CHAIRMAN SCOTT: Hearing none, the request is denied.

Item T-3 is Docket No. 13-0189. This is Gallatin River and Qwest Communications' joint petition for approval of a Traffic Exchange Agreement. The parties have filed a Request for Leave to Withdraw the petition. ALJ Jorgenson recommends we grant that request and dismiss the proceeding without prejudice.

Is there any discussion?

(No response.)

CHAIRMAN SCOTT: Any objections?

(No response.)

CHAIRMAN SCOTT: Hearing none, the Request for Leave to Withdraw is granted, and the proceeding is dismissed without prejudice.

Items T-4 through T-6 can be taken together. These items are joint petitions for the approval of amendments to interconnection agreements.
In each case the ALJ recommends entry of an Order approving the amendment to the agreement.

Is there any discussion?

(No response.)

CHAIRMAN SCOTT: Any objections?

(No response.)

CHAIRMAN SCOTT: Hearing none, the Orders are entered.

Items T-7 and T-8 can be taken together. These are petitions seeking confidential and/or proprietary treatment of 2012 annual reports. In both cases the ALJ recommends entry of an Order granting the requested relief.

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. 13-0288. This is ExteNet's System's petition seeking the confidential and/or proprietary treatment of its 2012
annual report. This item has been withdrawn from today's agenda.

Item T-10 is Docket No. 13-0256. This is Time Warner Cable's petition seeking the confidential and/or proprietary treatment of its 2012 annual report. Time Warner has since filed a Motion to Withdraw its petition, which ALJ Yoder recommends we grant.

Is there any discussion?

(No response.)

CHAIRMAN SCOTT: Any objections?

(No response.)

CHAIRMAN SCOTT: Hearing none, the motion is granted.

On to Water and Sewer. Item W-1 is Docket No. 09-0319. This is Illinois American's proposed general increase in water and sewer rates, which has returned to us on remand from the Appellate Court with direction to specifically address legal and expert fees as is required under Section 9-229 of the Public Utilities Act. ALJ Jones recommends entry of an Order on Remand.
Is there any discussion?
(No response.)

CHAIRMAN SCOTT: Any objections?
(No response.)

CHAIRMAN SCOTT: Hearing none, the Order on Remand is entered.

Item W-2 is Docket No. 12-0690. This is a customer complaint by Jeannine Greene against Illinois American as to an inaccurate meter. The parties have apparently settled their differences and have brought a Joint Motion to Dismiss, which ALJ Von Qualen recommends we grant.

Is there any discussion?
(No response.)

CHAIRMAN SCOTT: Any objections?
(No response.)

CHAIRMAN SCOTT: Hearing none, the Order is entered.

We have two Petitions for Rehearing to consider today. Item PR-1 is Docket No. 11-0696. This is Cbeyond's Petition for Rehearing in its complaint proceeding against AT&T. ALJ Sainsot
recommends entry of an Order denying the request for hearing in its entirety.

Is there any discussion?

(No response.)

CHAIRMAN SCOTT: Is there any objection to denying the request?

(No response.)

CHAIRMAN SCOTT: Hearing none, the Order is entered, and the request is denied.

Item PR-2 is Docket No. 13-0077. This is our proceeding initiated to adopt policies concerning the Illinois Statewide Technical Reference Manual for Energy Efficiency. The petitioners, the Attorney General and CUB have all filed motions for rehearing which ALJ Kimbrel recommends we grant in their entirety.

Is there any discussion?

(No response.)

CHAIRMAN SCOTT: Are there any objections?

(No response.)

CHAIRMAN SCOTT: Hearing none, the requests for rehearing are granted.
We would urge the parties to limit the scope of the rehearing to the evidence that's in the three issues that are articulated in the petitions and not to open this up beyond that. We think those three issues are good for rehearing, but would not encourage them to expand that beyond that particular scope. The requests for rehearing are granted.

We have one item of other business to consider today, which is a FERC matter concerning pending litigation. So we will go into closed session to address it.

Is there a motion to go into closed session?

ACTING COMMISSIONER DEL VALLE: So moved.

CHAIRMAN SCOTT: Is there a second?

COMMISSIONER COLGAN: Second.

CHAIRMAN SCOTT: It's been moved and seconded.

All in favor, say aye.

(Chorus of ayes.)

CHAIRMAN SCOTT: Any opposed?

(No response.)

CHAIRMAN SCOTT: The vote is five to nothing.
The Commission will now go into closed session.

Please let me know when the room is ready in Chicago.

COMMISSIONER MCCABE: We are ready --

CHAIRMAN SCOTT: Very good.

COMMISSIONER MCCABE: -- in Chicago.

MS. ROLANDO: I'm sorry. Hearing Room A here in Springfield is not completely cleared yet.

MR. WALLACE: It's another hearing, the Illinois Rivers Transmission hearing.

MS. ROLANDO: We are clear in A. Thank you.

(Whereupon, the meeting went into closed session.)
CHAIRMAN SCOTT: In closed session the Commission discussed the ICC's request for rehearing of FERC's May 2nd, 2013 Order regarding PJM's Minimum Offer Price Rule revisions.

Is there a motion to file the request for rehearing with FERC?

COMMISSIONER COLGAN: So moved.

CHAIRMAN SCOTT: Is there a second?

ACTING COMMISSIONER DEL VALLE: 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 be made with FERC. Thanks very much, Mark. I appreciate it.

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

JUDGE WALLACE: Well, you can go down and have cheesecake in a little bit, but that's probably not official business.
CHAIRMAN SCOTT: Explain more.

COMMISSIONER MCCABE: Did Judge Wallace make the cheesecake?

JUDGE WALLACE: I did, yes.

CHAIRMAN SCOTT: If there is nothing else to come before the body, this meeting stands adjourned. Thanks, everyone.

(END OF PROCEEDINGS.)