BEFORE THE
ILLINOIS COMMERCE COMMISSION

BENCH SESSION
(PUBLIC UTILITY)

Springfield, Illinois
Wednesday, May 16, 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
(Via audiovisual conference)

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

MR. JOHN T. COLGAN, Commissioner

MS. ANN McCABE, Acting Commissioner
(Via audiovisual conference)

SULLIVAN REPORTING COMPANY, by
Carla J. Boehl, Reporter
CSR #084-002710
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 with us in Chicago are Commissioner Ford and Acting Commissioner McCabe. I am Chairman Scott.

We have a quorum.

We also have Commissioner O'Connell-Diaz available by phone. Per our rules, we will have to vote to allow Commissioner O'Connell-Diaz to participate by phone. Is there a motion to allow Commissioner O'Connell-Diaz to participate by phone?

COMMISSIONER COLGAN: 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 four to nothing, and Commissioner O'Connell-Diaz may participate by phone.

COMMISSIONER O'CONNELL-DIAZ: Thank you.

CHAIRMAN SCOTT: Thank you.

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 one request to speak at today's Bench Session. A request to speak today comes from Allison Fisher and Robert Garcia. Just as a reminder, you will have three minutes for your presentation today.

I believe they are in Chicago?

COMMISSIONER FORD: Yes.

CHAIRMAN SCOTT: Okay. So if you want to maybe take one of the seats by the -- so that we can hear you?

MS. FISHER: Is it possible to wait for Robert?
He is on his way. He just got a little bit lost coming off of the train.

(Pause.)

CHAIRMAN SCOTT: He is here, okay. That was good timing. So take a seat up at the table.

MR. GARCIA: Thank you. Am I on?

COMMISSIONER FORD: Yes.

MR. GARCIA: Good afternoon, ladies and gentlemen. I apologize about the delay. You know, with all the NATO stuff going on, I guess traffic is a bit crazy out there. I hope you guys are doing very good today.

My name is Robert Garcia and I am a resident of the southeast side of Chicago. I was asked to come today to speak to you on behalf of the Environmental Justice Alliance of the Greater Southeast Side of Chicago and thousands of Illinois residents who will be directly impacted by your decisions on the proposed Leucadia, a/k/a Chicago Clean Energy Gasification Plant.

I want to stress the name Leucadia to you because ultimately you are being asked to make a
decision that will force Illinois consumers to foot the bill for increased profits for this company's executives and shareholders. A newly released report suggests this bill will cost each Illinois resident over a thousand dollars a year and the State of Illinois billions of dollars over a single decade.

We have gotten over 6,000 comments against this proposal from my fellow southeast side residents, along with customers of Nicor and Ameren across the State of Illinois, that I am submitting to you today for the record at this time.

You know, this proposal would be laughably absurd if it wasn't for the millions of dollars poured into marketing that has caused some lawmakers into agreeing to it. How in the world can someone ask you with a straight face to pay to build a facility for them so they can charge you a high fixed rate for a product whose price is falling on the open market? How can you rationally trust a volatile company whose main holdings are in telecommunications, timber, plastics and casinos to make us subsidize a new energy venture for them? How
can you allow us to take the risk their shareholders
refuse to take -- excuse me, refuse to take, and pay
more at a time when the State is cutting funding to
utility assistance programs? How can you believe
their coal, with all the scientific evidence showing
otherwise, is somehow now a clean energy source?

Friends and members of the ICC, these
questions are what these professional con artists are
asking you to blind yourself to, just like they are
trying to blind you to the impact that more coal in
our community will have.

I am submitting a collection of photos
to you, which are right here, from our community that
show what we see and breathe on a daily basis. At a
time when our community is making strides towards
reinvigorating itself with work as a site of Illinois
Millennium Reserve, more dirty energy threatens this,
along with other permanent jobs and opportunities
that a clean environment will create. New housing
developments, area tourism, along with local green
entrepreneurship will not succeed with growing coal
piles, trucks, traffic and increased health concerns.
You will be making a decision on this proposal that not only will affect the health and lives of people of Chicago's southeast side residents, but the cost that your children and their children, along with the State of Illinois, will have to pay for a very long time to come.

Having spent five years working with hundreds of people who are many struggling to pay their utility bills, I urge you to reject this proposal. Temporary jobs at the cost of degrading the Millennium Reserve and all the opportunities this presents to our community, along with growing health risks and, most of all, the increased costs that our fellow Illinois residents will have to pay will not work.

Neither utility companies, the State of Illinois nor any of our friends or family should have to pay a bill that shareholders of the company that is profiting from it refuse to risk themselves.

Ladies and gentlemen, please listen to your hearts, your minds and your reason and not the made-up economic models by a company that has never
done this before. There is more to the cost of a
project than projections of rising gas prices which,
according to gas price indices over the past years,
are still falling.

I thank you very much for your time.

CHAIRMAN SCOTT: Thank you, Mr. Garcia. Thank
you, Ms. Fisher.

MR. GARCIA: We appreciate very much the
opportunity to speak to you.

CHAIRMAN SCOTT: Thank you. That concludes the
public presentation portion of today's Bench Session,
and we will move to the Transportation agenda.

(The Transportation
portion of the proceedings
was held at this time and
is contained in a separate
transcript.)

CHAIRMAN SCOTT: We will move on to the Public
Utility agenda and begin with approval of minutes
from our April 18 Bench Session. I understand
amendments have been forwarded.

Is there a motion to amend the
minutes?

COMMISSIONER COLGAN: 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 amendments are adopted.

Is there a motion to approve the April 18 minutes as amended?

COMMISSIONER COLGAN: 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
April 18 Bench Session minutes as amended are approved.

Turning to the Electric portion of today's agenda, Items E-1 and E-2 can be taken together. These items concern proposed tariff changes by Ameren and ComEd. In each case Staff recommends the Commission grant the company's request by not suspending the filing.

Is there any discussion?

(No response.)

Is there a motion to not suspend the filings?

COMMISSIONER COLGAN: 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, and the filings will not be suspended.
We will use this five to nothing vote for the remainder of today's Public Utility agenda, unless otherwise noted.

Item E-3 is Docket Number 11-0546. This concerns the evaluation of ComEd's experimental residential realtime pricing program. The parties have entered into a Joint Stipulation in this matter, and ALJ Albers recommends entry of an Order directing the continuation of the programs as set forth in the stipulation.

Is there any discussion?

COMMISSIONER O'CONNELL-DIAZ: Mr. Chairman?

CHAIRMAN SCOTT: Yes.

COMMISSIONER O'CONNELL-DIAZ: Mr. Chairman, I am sorry.

CHAIRMAN SCOTT: No, go ahead.

COMMISSIONER O'CONNELL-DIAZ: Could we hold this until next week? I just wanted to look at it a little more closely. I had a few questions and I would benefit from the extra time.

CHAIRMAN SCOTT: Sure. I don't believe there is a deadline issue with it.
COMMISSIONER O'CONNELL-DIAZ: No.

CHAIRMAN SCOTT: That will be fine. Then Item E-3 will be held for further Commission meeting.

Item E-4 is Docket Number 11-0692.

This is ComEd's application for an amendment to a certificate granted to it regarding the construction, operation and maintenance of transmission lines in Cook County. ALJ Kimbrel recommends entry of an Interim Order allowing the company to move forward with a portion of its proposed transmission work.

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the Interim Order is entered.

Item E-5 is Docket Number 12-0244.

This is Ameren's petition for the approval of its Advanced Metering Infrastructure Deployment Plan. Up for consideration today is whether to hold an oral argument in this docket. I know we have received a request from Ameren for oral argument and we may
receive other requests later today.

Should we choose to grant oral argument in this matter, we would be looking at holding oral argument at 11:00 a.m. on May 22 at the Commission's Springfield offices, and as today is May 16 and we would be holding oral argument on less than seven days notice, we need to vote to waive the seven-day notice requirement present in Section 200.850(a) of Title 83 of the Administrative Code. That waiver would be made under Section 200.30 of the Code and would be based on a majority vote.

I think the rationale for granting that, should you choose to do that, would be that the 60-day time frame for the docket is incredibly small, and just receiving the request for oral argument, in order to give it, the oral argument, proper weight, you would need to do that fairly quickly so that it could be incorporated into any findings that might be made then and help us in our deliberation.

So the question is whether or not to have oral argument. I am going to move to grant oral argument in this matter and also move to waive the
seven-day requirement for notice of oral argument for the reasons I just stated. In terms of why I would move to grant oral argument, I think what's at issue here is inherently a legal argument, whether the plan as submitted by Ameren comports to the statute or not. And also, since it is a band new statute, oral argument I think could be beneficial to the Commission in sorting through the various legal issues that have been proposed there.

So I am going to move to grant oral argument and also at the same time to waive the seven-day notice requirement.

Is there a second?

COMMISSIONER O'CONNELL-DIAZ: Second.

CHAIRMAN SCOTT: Is there further discussion on the motion?

(No response.)

All in favor of the motion say aye.

COMMISSIONERS: Aye.

CHAIRMAN SCOTT: Any opposed?

(No response.)

The vote is five to nothing. The
motion for oral argument is granted, and the motion
to waive the seven-day notice requirement is granted.
Oral argument will take place at 11:00 a.m. on May 22
at the Commission offices in Springfield.

Item E-6 is Docket Number 10-0520.

This is our investigation into whether ComEd has
complied with Section 8-103 of the Public Utilities
Act regarding meeting energy saving pools through its
energy efficiency programs. ALJ Haynes recommends
entry of an Order finding compliance and allowing
ComEd to bank 39,369 megawatt hours of savings for
compliance with the future years' goals.

Is there any discussion?

(No response.)

I just briefly wanted to say that I
thought this was extremely well done in terms of
setting out the issues and working through them by
Judge Haynes in this matter, a very complicated area,
and I just thought it was very well done and very
well laid out for us.

Further discussion?

COMMISSIONER COLGAN: I will ditto your
comment. You and I both briefly discussed this yesterday. I thought it was well-written and informative and clear and easy to understand, so.

JUDGE HAYNES: Thank you.

CHAIRMAN SCOTT: Thank you.

Further discussion?

(No response.)

Are there any objections?

COMMISSIONER O'CONNELL-DIAZ: Made her job easier.

CHAIRMAN SCOTT: Are there any objections?

(No response.)

Hearing none, the Order is entered.

Item E-7 is Docket Number 11-0787.

This is Shauna Breckenridge's complaint against ComEd regarding low hanging wires and the replacement of utility poles. ALJ Haynes recommends entry of an Order denying the complaint but requiring the company to put up a new pole to maintain clearance over the adjoining road.

Is there any discussion?

(No response.)
Any objections?

(No response.)

Hearing none, the Order is entered.

Items E-8 through E-11 (11-0645, 11-0720, 11-0769, 12-0188) 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.)

Any objections?

(No response.)

Hearing none, the Joint Motions to Dismiss are granted.

Item E-12 is Docket Number 12-0166.

This is Power2Switch's application for the cancellation of its existing Certificate of Service Authority to Operate as an Agent, Broker and Consultant and for the approval of a new certificate. ALJ Albers recommends entry of an Order granting the new certificate and cancelling the prior certificate.
Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the Order is entered.

Items E-13 and E-14 (12-0237, 12-0318) can be taken together. These are applications for licensure as an Agent, Broker and Consultant under Section 16-115C of the Public Utilities Act. In each case ALJ Albers recommends entry of an Order granting the requested certificate.

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the Orders are entered.

Items E-15 and E-16 (12-0308, 12-0317) can be taken together. These items are petitions for confidential and/or proprietary treatment of the petitioners' compliance reports. In each case the ALJ recommends entry of an Order granting the requested treatment.
Is there any discussion?
(No response.)

Any objections?
(No response.)

Hearing none, the Orders are entered.

Turning now to Natural Gas, Item G-1 (12-0348) concerns initiating a rulemaking proceeding for Title 83, Part 595 of the Administrative Code concerning gas pipeline safety and accident reporting. Staff recommends entry of an Order re-initiating the rulemaking.

Is there any discussion?
(No response.)

Any objections?
(No response.)

Hearing none, the Initiating Order is entered.

Items G-2 and G-3 can be taken together. These items concern proposed tariff changes filed by Mt. Carmel Public Utility Company. For each item 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 filings will not be suspended.

Item G-4 is Docket Number 10-0565 and 10-0566 Consolidated. This is the Peoples/North Shore reconciliation proceeding concerning revenues collected under Rider EEP and expenditures made on the companies' energy efficiency programs. ALJ Haynes recommends entry of an Order approving the reconciliation as adjusted by Staff.

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the Order is entered.

Item G-5 is Docket Numbers 11-0280 and 11-0281 Consolidated. This is the Peoples/North Shore rate case from 2011, and before us today is another Amendatory Order in connection with motions
for clarification we received from the utilities and
from the Attorney General. ALJs Hilliard and Kimbrel
recommend entry of a Revised Amendatory Order
addressing issues surrounding the utilities' duties
with respect to Rider VBA.

Is there any discussion?

(No response.)

Are there any objections to entering
the Amendatory Order?

(No response.)

Hearing none, the Amendatory Order is
entered.

Item G-6 is Docket Number 11-0771.

This is Dale Martin's complaint against Nicor. The
parties have apparently settled their differences and
have brought a Joint Motion to Dismiss, which ALJ
Riley recommends we grant.

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the Joint Motion to
1  Dismiss is granted.

2  Item G-7 is Docket Number 11-0710.

3  This is a proceeding surrounding approval of the

4  Chicago Clean Energy Project sourcing agreement, and

5  this matter is currently on rehearing. We will hold

6  disposition of this matter on rehearing until a

7  future Commission proceeding. For today we have a

8  request for oral argument brought by CCE which ALJ

9  Wallace recommends we deny.

10  Is there any discussion on the request

11  for oral argument?

12  (No response.)

13  Are there any objections to denying

14  CCE's request for oral argument?

15  (No response.)

16  Hearing none, CCE's request for oral

17  argument is denied.

18  Item G-8 is Docket Number 12-0227.

19  This is Vanguard Energy Services' application for an

20  expansion of its authority to operate as an

21  alternative gas supplier. ALJ Yoder recommends entry

22  of an Order granting the amended certificate.
Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the Order is entered.

Item G-9 is Docket Number 12-0285.

This concerns a filing made by Peoples Gas seeking authorization to issue up to $50 million of bonds or notes to provide funds for capital expenditures and other general corporate utility purposes. ALJ Haynes recommends entry of an Order approving the request.

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the Order is entered.

Moving on to Telecommunications, Item T-1 is Docket Number 11-0225. This is a citation proceeding against Metrotel Communications regarding failure to file its 2009 Annual Report. ALJ Baker recommends entry of an Order cancelling and revoking the company's certificate.
Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the Order is entered, and the company's certificate is revoked.

Items T-2 and T-3 (12-0101, 12-0187) can be taken together. These items concern applications by telecommunication carriers seeking a cancellation or withdrawal of Certificates of Service Authority previously granted by the Commission. In each case ALJ Baker recommends entry of an Order granting the certificate cancellation.

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the Orders are entered, and the certificates are cancelled.

Item T-4 is Docket Number 12-0107.

This is James Paul Miller's complaint against Consolidated Communications. Parties have agreed to
dismiss this matter, and ALJ Von Qualen recommends granting dismissal.

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the Motion to Dismiss is granted.

Item T-5 is Docket Number 12-0265.

This is Union County's petition to modify its 9-1-1 emergency telephone system through opting out some customers and rerouting them to Alexander County. ALJ Haynes recommends entry of an Order granting the petition.

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the Order is entered.

Item T-6 (12-0349) concerns initiating a rulemaking proceeding for Title 83, Part 725 of the Administrative Code for implementing an Emergency
Telephone System Act. Staff recommends entry of an Order initiating the rulemaking proceeding.

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the Initiating Order is entered.

Item T-7 is Docket Number 11-0688.

This is a rulemaking proceeding for Title 83, Part 735 of the Administrative Code. ALJ Riley recommends entry of an Order authorizing submission of proposed amendments to the Joint Committee on Administrative Rules.

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the Order is entered.

Items T-8 through T-11 (11-0325, 12-0173, 12-0294, 12-0297) can be taken together. These items are petitions for confidential and/or
proprietary treatment of the petitioners' reports.

In each case the ALJ recommends entry of an Order granting the requested treatment for a period of two years.

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the Orders are entered.

Moving on to Water and Sewer, Item W-1 is Docket Numbers 11-0561 through 11-0566 Consolidated. We will hold this item for disposition at a future Commission meeting. But before we do, I know, Judge Dolan, you have to update us on comments we have received.

JUDGE DOLAN: Yes, Chairman. We have -- I will go through each docket. In 11-0561 we have 17 comments. 11-0562 we have -- I am sorry, we have 17 on the first one, 11 on the second one. 11-0563 we also have 17. 11-0564 we have 66 comments. 11-0565 we have 22 comments. And 11-0566 we have one comment.
CHAIRMAN SCOTT: Okay. Thank you, Judge.

Again, that item will be held for
disposition at a future Commission proceeding.

We have one Petition for Rehearing
today. Item PR-1 is Docket Number 11-0434, and this
is the investigation of ComEd's Rate GAP pursuant to
Section 9-250 of the Public Utilities Act. The Retail
Energy Supply Association and Interstate Gas Supply
have requested rehearing concerning the definition of
the term "retail customer." ALJ Baker recommends
denying the Petitions for Rehearing.

Is there any discussion?

(No response.)

Are there any objections to denying
the Petitions for Rehearing?

(No response.)

Hearing none, the Petitions for
Rehearing are denied.

We have two procurement related items
to discuss today. These concern the acceptance of
the Procurement Administrator's selection of winning
bids in the recent Ameren and ComEd renewable energy
credit RFPs.

Is there any discussion?

(No response.)

Are there any objections to approving the procurement results?

(No response.)

Hearing none, the procurement results are approved.

We have three FERC items up for consideration today. As those concern pending litigation, we will address them in Closed Session.

Is there a motion to go into Closed Session?

COMMISSIONER COLGAN: So moved.

CHAIRMAN SCOTT: Is there a second?

COMMISSIONER FORD: Second.

CHAIRMAN SCOTT: It's been moved and seconded.

All in favor say.

COMMISSIONERS: Aye.

CHAIRMAN SCOTT: Any opposed?

(No response.)

The vote is five to nothing, and the
Commission will now go into Closed Session. Please let me know when we are ready in Chicago.

(Whereupon at this point pages 31 - 41 of the proceedings are contained in a separate closed transcript.)
1 CONTINUATION OF PROCEEDINGS

2 CHAIRMAN SCOTT: In Closed Session the
3 Commission discussed filing comments in FERC Docket
4 Numbers ER12-1564, ER12-1577 and ER12-1593. Is there
5 a motion to file comments in these three matters with
6 FERC?

7 COMMISSIONER COLGAN: So moved.

8 CHAIRMAN SCOTT: Is there a second?

9 ACTING COMMISSIONER McCabe: Second.

10 CHAIRMAN SCOTT: It's been moved and seconded.

11 All in favor say aye.

12 COMMISSIONERS: Aye.

13 CHAIRMAN SCOTT: Any opposed?

14 (No response.)

15 The vote is five to nothing, and the
16 comments will be filed in these three matters with
17 FERC.

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

20 JUDGE WALLACE: No, Mr. Chairman.

21 CHAIRMAN SCOTT: Thank you, sir. Hearing none,
22 the meeting stands adjourned. Thanks, everyone.

BENCH SESSION CONCLUDED