BEFORE THE
ILLINOIS COMMERCE COMMISSION

BENCH SESSION
(PUBLIC UTILITY)

Springfield, Illinois
Wednesday, May 18, 2011

Met, pursuant to notice, at 10:30 a.m. in
the Audiovisual Conference Room, Second Floor, Leland
Building, 527 East Capitol Avenue, Springfield,
Illinois.

PRESENT:

MR. DOUGLAS P. SCOTT, Chairman

MS. LULA M. FORD, Commissioner
(Via teleconference)

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

MR. SHERMAN J. ELLIOTT, Commissioner

MR. JOHN T. COLGAN, Acting Commissioner

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

Before moving into the agenda, according to Section 1700.10 of the Illinois Administrative Code this is the time we allow members of the public to address the Commission. Members of the public wishing to address the Commission must notify the Chief Clerk's Office at least 24 hours prior to the Bench Session. According to the Chief Clerk's Office, we have no requests to speak at today's session.

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

CHAIRMAN SCOTT: Turning now to the Public Utility agenda, we will start with the Electric portion of today's agenda. Item E-1 (11-0434) concerns a Staff report and a proposed Initiating Order for a tariff investigation of the recently approved Rate GAP concerning municipal aggregation. Staff recommends that the Commission enter an Initiating Order to begin the Rate GAP investigation.

Is there any discussion?

(No response.)

Is there a motion to enter the Initiating Order?

COMMISSIONER ELLIOTT: So moved.

CHAIRMAN SCOTT: Is there a second?

ACTING 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
Initiating Order is entered.

We will use this five to nothing vote for the remainder of the Public Utilities agenda, unless otherwise noted.

Item E-2 concerns proposed ComEd tariffs to revise --

COMMISSIONER FORD: I am sorry, Chairman. I misread something. We can go back to MC-3. I just read something. We can go back to it. I am okay with it.

CHAIRMAN SCOTT: Do we need to get Mr. Matrisch back?

JUDGE WALLACE: It depends.

CHAIRMAN SCOTT: We will see.

COMMISSIONER FORD: I am okay with it.

COMMISSIONER O'CONNELL-DIAZ: I don't think she has any questions.

COMMISSIONER FORD: No, I don't have any questions.

CHAIRMAN SCOTT: We will go back to it.

(Further Transportation proceedings were held at this
time and are contained in the separate Transportation transcript.)


Item E-2 concerns proposed ComEd tariffs to revise its compensation rates under its Rider POG for co-generation facilities. Staff recommends that the Commission allow the Company's proposal by not suspending the filing.

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the filing will not be suspended.

Item E-3 (11-0435) concerns proposed tariff language filed by ComEd related to the purchase of uncollectible receivables and for establishing Rider POU. In order to determine the reasonableness of the proposed language, Staff recommends the filing be suspended and set for hearing through entry of a Suspension Order.
Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the Suspension Order is entered.

Item E-4 is Docket Number 08-0401.

This is Malibu Condominium Association's complaint as to alleged overcharges against ComEd. The parties have apparently settled their differences and brought a Joint Motion to Dismiss which ALJ Sainsot recommends that we grant.

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the Joint Motion to Dismiss is granted.

Items E-5 and E-6 (10-0646, 11-0274) can be taken together. These items are complaints as to billing and/or charges by Earl James and Ricardo and Venus Munoz 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.

Items E-7 and E-8 (10-0359, 10-0667) can be taken together. These items are complaints as
to billing and/or charges by Sara Delatorre and
Patricia Tillman against ComEd. In each case the ALJ
recommends dismissing the proceeding without
prejudice for want of prosecution.

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the matters are
dismissed.

Item E-9 is Docket Number 11-0261.
This is Wrightwood Energy Service's application for licensure as an Agent, Broker and Consultant under Section 16-115C of the Public Utilities Act. ALJ Yoder recommends that the Commission enter an Order granting the requested certificate.

Is there any discussion?

(No response.)

Any objections?

(No response.)

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

Item E-10 is Docket Number 11-0348.

This is Viridian Energy PA's application for a Certificate of Service Authority to operate as an alternative retail electric supplier in Illinois. ALJ Tapia recommends that the Commission enter an Order granting the requested certificate.

Is there any discussion?

(No response.)

Any objections?

(No response.)

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

Item E-11 is Docket Number 11-0326.

This is Green Mountain Energy's application for a Certificate of Service Authority to operate as an alternative retail electric supplier in Illinois.

ALJ Tapia recommends that the Commission enter an Order granting the requested certificate but denying their request for confidential treatment.

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the Order is entered.

The certificate is granted and the request for confidential treatment is denied.

Item E-12 is Docket Number 11-0337.

This is Clearview Electric's application for a Certificate of Service Authority to operate as an alternative retail electric supplier in Illinois.

The applicant has filed a Motion to Withdraw its petition which ALJ Tapia recommends that we grant.

Is there any discussion?
Any objections?

(No response.)

Hearing none, the Motion to Withdraw is granted.

Items E-13 through E-23 (11-0303, 11-0311, 11-0324, 11-0327, 11-0336, 11-0352, 11-0353, 11-0374, 11-0378, 11-0380, 11-0387) can be taken together. These items concern petitions to protect against the disclosure of confidential and/or proprietary information in the petitioners' reports filed with the Commission. In each case ALJ Albers recommends entry of an Order granting the requested relief.

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the Orders are entered.

Item E-24 is Docket Number 11-0344.

This is the Power Group's petition to protect against the disclosure of confidential and/or proprietary
information in its annual Agent, Broker and Consultant Report. ALJ Albers recommends entry of an Order granting the requested protective relief, but only for a period of two years and not for the five-year period requested by the petitioner.

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the Order is entered.

Item E-25 is Docket Number 10-0527.

This is ComEd's alternative regulation proposal under Section 9-244 of the Public Utilities Act. The Commission plans to enter an Order in this docket at its May 24 Regular Open Meeting, so this item will be held today.

Is ALJ Haines available in Chicago?

JUDGE HAINES: I am.

CHAIRMAN SCOTT: Are there any questions for ALJ Haines?

COMMISSIONER O'CONNELL-DIAZ: You have left us speechless.
CHAIRMAN SCOTT: Seeing none, thank you.

Item E-26 is Docket Number 10-0467.

This is ComEd's proposed general increase in electric rates. The Commission plans to enter an Order in this docket at its May 24 Regular Open Meeting, so this item will be held as well today.

Are the ALJs available in Chicago?

JUDGE DOLAN: We are.

CHAIRMAN SCOTT: Are there any questions for the ALJ's on this matter?

(No response.)

No, okay. Thank you very much.

JUDGE DOLAN: Chairman, we just wanted to point out the 275 comments on e-Docket.

JUDGE SAINSSOT: We have five letters opposing the rate increase that were filed through the Attorney General's Office, 2,038 filed through the Citizens Utility Board, 30 letters also opposing the rate increase, 30 letters generally opposing the rate increase, and one petition with 74 signatures opposing the rate increase.

CHAIRMAN SCOTT: Thank you.
Turning to Gas, Item G-1 is Docket Number 05-0738. This is Atmos Energy's 2005 reconciliation case concerning revenues collected under gas adjustment charges. ALJ Yoder recommends that the Commission enter an Order approving the reconciliation.

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the Order is entered.

Item G-2 is Docket Number 11-0121. This item concerns proposed amendments to Title 83 Part 590 of the Illinois Administrative Code regarding gas pipeline safety. The Commission can now submit the Second Notice of the Proposed Amendments to the Joint Committee on Administrative Rules, and ALJ Albers recommends entry of a Second Notice Order authorizing this submission.

Is there any discussion?

(No response.)

Any objections?
Hearing none, the Second Notice Order is entered and the proposed amendments will be sent to JCAR.

Item G-3 is Docket Number 11-0217.

This is MidAmerican Energy's petition for authority to place into effect revised depreciation rates applicable to gas plant in service. ALJ Gilbert recommends that the Commission enter an Order granting the Company's requested revision to its depreciation calculation.

Is there any discussion?
(No response.)

Any objections?
(No response.)

Hearing none, the Order is entered.

Item G-4 is Docket Number 11-0372.

This is Integrys Energy Service's petition to protect against the disclosure of confidential and/or proprietary information in its Alternative Gas Supplier Certification Report. ALJ Albers recommends entry of an Order granting the requested protective
Is there any discussion?
(No response.)
Any objections?
(No response.)
Hearing none, the Order is entered.

Moving now to Telecommunications, Item T-1 is Docket Number 10-0304. This is MAXSIP Telecom's application for a Certificate of Local and Interexchange Authority to operate as a reseller and facilities-based carrier of telecommunication services. The Applicant has filed a Motion to Withdraw its application, and ALJ Kimbrel recommends granting the withdrawal.

Is there any discussion?
(No response.)
Any objections?
(No response.)
Hearing none, the Motion to Withdraw is granted.

Item T-2 is Docket Number 11-0201. This item concerns a Joint Petition filed by Illinois
Valley Cellular RSA 2-I Partnership and RSA -- 2-1 Partnership, I should say, and RSA 2-II Partnership requesting that we allow the petitioners to continue submitting Annual Reports and plan information to the director of the Telecommunications Division in the same manner as ordered in Docket Numbers 04-0450, 04-0455 and 04-0456. ALJ Riley recommends that the Commission enter an Order granting the requested relief.

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the Order is entered.

Item T-3 is Docket Number 11-0219.

This is Megatel International's application for a Certificate of Prepaid Calling Service Authority. ALJ Riley recommends that the Commission enter an Order granting the requested certificate.

Is there any discussion?

(No response.)

Any objections?
Hearing none, the Order is entered and the certificate is granted.

Item T-4 is Docket Number 11-0259.

This is Conectado's application for a Certificate of Interexchange Authority to operate as a reseller of telecommunication services throughout Illinois. ALJ Teague recommends that the Commission enter an Order granting the requested certificate.

Is there any discussion?

(No response.)

Any objections?

(No response.)

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

Item T-5 is Docket Number 11-0299.

This is Assist Wireless' application for a Certificate of Wireless Authority to operate as a reseller of telecommunication services throughout Illinois. ALJ Riley recommends that the Commission enter an Order granting the requested certificate.

Is there any discussion?
(No response.)

Any objections?

(No response.)

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

Item T-6 is Docket Number 11-0078.

This is Woodstock School District 200's complaint as to billing and/or charges against Illinois Bell Telephone Company. The school district has brought a motion to voluntarily dismiss its complaint, and ALJ Sainsot recommends that the Commission grant this Motion to Dismiss.

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the matter is dismissed.

Items T-7 and T-8 (11-0346, 11-0347) can be taken together. These items concern Joint Petitions by Illinois Bell Telephone Company and XO Communications Services seeking approval of the 22nd and 23rd Amendments to their Interconnection
Agreement dated April 11, 2011. ALJ Tapia recommends that the Commission enter Orders approving amendments to the Interconnection Agreement.

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the Orders are entered.

Items T-9 and T-10 (11-0235, 11-236) can be taken together. These items concern citation proceedings against MAKE-A-CALL and Metro Payphone Services regarding each company's failure to submit its 2009 Annual Report. In each case ALJ Riley recommends entry of an Order cancelling and revoking the companies' certificates.

Is there any discussion?

(No response.)

Any objections?

(No response.)

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

Moving on to Water and Sewer, Item W-1
(11-0436) concerns a general increase in water and sewer rates filed by Aqua Illinois. In order to determine the reasonableness of the proposed increase, Staff recommends that the filing be suspended and set for hearing through entry of a Suspension Order.

Is there any discussion?

(No response.)

Any objection?

(No response.)

Hearing none, the Suspension Order is entered.

Items W-2 and W-3 (11-0141, 11-0142) can be taken together. These are proposed general increases in water rates filed by Camelot Utilities and Lake Holiday Utilities. Tariffs were filed in this matter on December 30, 2010, and we need to enter Resuspension Orders to continue these rate cases for another six months time.

Is there any discussion?

(No response.)

Any objections?
Hearing none, the Resuspension Orders are entered.

We have one miscellaneous item posted for today. This item is Docket Number 10-0281, and it concerns a proposed amendment to Title 83, Part 300 of the --

JUDGE WALLACE: Let's hold that. We don't have any --

CHAIRMAN SCOTT: I was just going to get to that. We are on the right page. I was just going to get to that.

A proposed amendment to Title 83, Part 300 of the Administrative Code that we will have to hold this item and address at our next Commission meeting.

Lastly, we have one item of other business for today. This item is Commission consideration of the ComEd's standard products RFP results.

Is there any discussion?

(No response.)
Is there a motion to approve the results?

COMMISSIONER ELLIOTT: So moved.

CHAIRMAN SCOTT: Is there a second?

ACTING 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 results from the ComEd's standard products RFP are approved.

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

JUDGE WALLACE: No, that's all.

CHAIRMAN SCOTT: Thank you, sir. Hearing none, this meeting stands adjourned.

MEETING ADJOURNED