BEFORE THE
ILLINOIS COMMERCE COMMISSION

PUBLIC UTILITY BENCH SESSION

Chicago, Illinois
May 2, 2012

Met, pursuant to notice, at 10:30 a.m.

BEFORE:

MR. DOUGLAS P. SCOTT, Chairman

MS. LULA M. FORD, Commissioner

MS. ERIN M. O'CONNELL-DIAZ, Commissioner

MS. ANN McCabe, Acting Commissioner

MR. JOHN T. COLGAN, Commissioner

SULLIVAN REPORTING COMPANY, by
Auhdikiam Carney, CSR
License No. 084-004658
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 Chicago are Commissioner Ford and Acting Commissioner McCabe. With us in Springfield is Commissioner Colgan. I'm Chairman Scott.

We have a quorum.

We will also have Commissioner O'Connell-Diaz available by phone. Per our rules, we'll 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 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."

(Chorus of ayes.)

Any opposed?

(No response.)
The vote is 4-0 and Commissioner O'Connell-Diaz may participate by phone.

Before moving into the agenda, according to Section 1700.10 of the Administrative Code, this is the time we allow member 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.

Moving on to the Public Utility agenda. We will begin with the approval of minutes from our April 4th Bench Session. I understand amendments have been forwarded.

Is there a motion to amend the minutes?

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."
(Chorus of ayes.)

Any opposed?

(No response.)

The vote is 5-0 and the amendments are adopted.

Is there a motion to approve the April 4th minutes as amended?

ACTING COMMISSIONER McCABE: So moved.

CHAIRMAN SCOTT: Is there a second?

COMMISSIONER FORD: Second.

CHAIRMAN SCOTT: It's been moved and seconded.

All in favor say "aye."

(Chorus of ayes.)

Any opposed?

(No response.)

The vote is 5-0 and the April 4th Bench Session minutes as amended are approved.

Up next is the approval of the minutes from our April 10th Regular Open Meeting. I understand amendments have been forwarded.

Is there a motion to amend the minutes?
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."

(Chorus of ayes.)

Any opposed?

(No response.)

The vote is 5-0 and the amendments are adopted.

Is there a motion to approve the April 10th Regular Open Meeting minutes as amended?

ACTING COMMISSIONER McCABE: So moved.

CHAIRMAN SCOTT: Is there a second?

COMMISSIONER FORD: Second.

CHAIRMAN SCOTT: It's been moved and seconded.

All in favor say "aye."

(Chorus of ayes.)

Any opposed?

(No response.)

The vote is 5-0 and the April 10th Regular Open Meeting minutes as amended are approved.
And last up is the approval of the April 10th Emergency Special Open Meeting.

Is there a motion to approve the minutes?

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."

(Chorus of ayes.)

Any opposed?

(No response.)

The vote is 5-0 and the April 10th Emergency Special Open Meeting minutes are approved.

Turning to the Electric portion of today's agenda.

Item E-1 concerns the adoption of a methodology for calculating the solar resource expense exclusion from retail electric suppliers' renewable energy resource standard alternative compliance payments. Staff recommends entry of an Order adopting the methodology outlined in the Staff
Report.

Is there any discussion?

(No response.)

Is there a motion to enter the Order?

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."

(Chorus of ayes.)

Any opposed?

(No response.)

The voted is 5-0 and the Order is entered. We will use this 5-0 vote for the remainder of the Public Utility agenda unless otherwise noted.

Item E-2 concerns initiating a proceeding regarding ComEd's annual formula rate update and revenue requirement reconciliation. Staff recommends entry of an Order initiating the proceeding.

Is there any discussion?

(No response.)
Any objections?

(No response.)

Hearing none, the Initiating Order is entered.

Items E-3 through E-5 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 filings.

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the filings will not be suspended.

Item E-6 is Docket No. 10-0698. This is Robert Spehn's complaint regarding estimated billing against ComEd. ALJ Baker recommends entry of and Order granting the Company's Motion to Dismiss the complaint. I have some revisions on this item that have been forwarded. My revisions maintain the conclusion of granting the Motion to Dismiss, but
help to clarify the grounds for granting the motion.

In addition to those substantive revisions, these revisions also include a series of nonsubstantive edits to the Order. I know we've gotten input from each of the Commission's offices on these revisions, so this has been a collaborative effort, which I really appreciate.

So I would move for the adoption of these revisions.

COMMISSIONER FORD: So moved.

ACTING COMMISSIONER McCABE: Second.

CHAIRMAN SCOTT: Is there a discussion on these revisions?

(No response.)

It's been moved and seconded.

All in favor say "aye."

(Chorus of ayes.)

Any opposed?

(No response.)

The vote is 5-0 and the revisions are adopted.

Is there further discussion on this
matter?

(No response.)

If not, I would move to adopt the Order as revised.

Is there a second?

COMMISSIONER FORD: Second.

CHAIRMAN SCOTT: It's been moved and seconded.

All in favor say "aye."

(Chorus of ayes.)

Any opposed?

(No response.)

The voted is 5-0 and the Order as revised is adopted.

Item E-7 is Docket No. 11-0144. This is Peter Fletcher's complaint against ComEd. As we had indicated in our March 7th Bench Session, we will be folding this item into a larger investigation on these matters, so we will be holding this item for now.

Item E-8 is Docket No. 11-0614. This is Ken Patel's complaint against MidAmerican. We had originally entered an Order in the matter on April
4th and ALJ Riley recommends entry of an Amendatory Order making a change to the last ordering paragraph.

Is there any discussion?
(No response.)

Any objections?
(No response.)

Hearing none, the Amendatory Order is entered.

Items E-9 through E-15 can be taken together. These are customer complaints against ComEd, and one against RealGY. 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-16 is Docket No. 12-0092. This is 220 Energy's application for licensure as an Agent
Broker and Consultant under Section 16-115C of the Public Utilities Act. ALJ Yoder 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 E-17 and E-18 can be taken together. These items are applications for licensure as an alternative retail electric supplier. In each case the ALJ 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.

Item E-19 is Docket No. 12-0217. This is Santana Energy Services' application for licensure as an alternative retail electric supplier and for confidential treatment of items related to its
application. After a Proposed Order was issued denying the certificate, the Company filed a Motion to Withdraw its application and ALJ Albers recommends entry of an Order dismissing the application without prejudice and granting the requested protective agreement.

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the Order is entered.

Items E-20 and E-21 can be taken together. These items are petitions for a withdrawal of previously issued Certificates of Service Authority. In each case ALJ Baker recommends entry of an Order granting the certificate withdrawal.

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the Orders are entered.

Items E-22 and E-23 can be taken
together. These items are petitions for confidential and/or proprietary treatment of the petitioner's reports. In each case ALJ Haynes 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.

Item E-24 is Docket No. 12-0263. This is a Joint Petition for the approval of a commercial customer release brought by Ameren and Southern Illinois Electric Cooperative for their Southern Illinois stone quarry. ALJ Von Qualen recommends entry of an Order granting the customer release petition.

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the Order is entered.

Item E-25 is Docket No. 12-0266. This
is SIMEC's petition for the confidential treatment of its Annual Recertification Report. ALJ Von Qualen recommends entry of an Order granting the requested protective treatment.

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the Order is entered.

Turning now to Natural Gas.

Item G-1 concerns initiating the citation proceeding against the Village of Tamms in connection with the alleged violation of federal safety standards for natural gas transportation. Staff recommends entry of an Order initiating the citation proceeding.

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the Initiating Order is entered.
Item G-2 is Docket No. 10-0689. This is MidAmerican's reconciliation case for revenues collected under gas adjustment charges. ALJ Hilliard recommends entry of an Order approving the reconciliation.

Is there any discussion?

(No response.)

Any objections?

Hearing none, the Order is entered.

Items G-3 and G-4 can be taken together. These items are petitions for the confidential and/or proprietary treatment of the petitioner's filings. In each case ALJ Baker 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.

Moving on to Telecommunications.

Item T-1 is Docket No. 10-0379. This
is IQ Telecom's application for designation as an eligible telecommunications carrier. ALJ Riley recommends entry of an Order dismissing this proceeding without prejudice.

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the Order is entered.

Item T-2 is Docket No. 10-0214. This is a joint application filed by Telecom Management Group and Uni-Tel Communications Group seeking a Certificate of Service Authority for Telecom and a cancelation of a certificate for Uni-Tel. ALJ Baker recommends entry of an Order granting both the requested certificate and the requested cancelation.

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the Order is entered.

Item T-3 is Docket No. 12-0230. This
is Lycamobile USA's application for a Certificate of Wireless Authority to provide resold prepaid commercial radio service in Illinois. ALJ Riley recommends entry of an Order granting the requested certificate.

Is there any discussion?

(No response.)

Any objections?

Hearing none, the Order is entered.

Items T-4 through T-8 can be taken together. These items concern petitions seeking the withdrawal or cancelation of previously granted Certificates of Service Authority. In each case ALJ Baker recommends entry of an Order granting withdrawal or cancelation of the certificates.

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the Orders are entered.

Items T-9 through T-20 can be taken together. These items concern petitions for the
confidential and/or proprietary treatment of the petitioner's annual reports. In each case the ALJ recommends entry of an Order granting protective treatment.

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the orders are entered.

Item T-21 is Docket No. 12-0242. This is Illinois Telecommunication Access Corporation's petition for modified line charges and assessment determinations pursuant to Title 83, Section 755.500 of the Administrative Code. ALJ Riley 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.

On to Water and Sewer.

Item W-1 is Docket Nos. 11-0059,
11-0141 and 11-0142 consolidated. This is the rate case for Great Northern Utilities, Camelot Utilities, and Lake Holiday Utilities Corporation. This matter has been on rehearing since December and before us today is an oral argument request brought by Camelot Utilities and an Order on rehearing approving the rate mitigation plan. ALJ Teague recommends granting the oral argument request and entering the Order on rehearing. We'll start first with the oral argument.

Is there any discussion on the oral argument request?

(No response.)

I will move to deny the oral argument request.

Is there a second?

COMMISSIONER FORD: Second.

CHAIRMAN SCOTT: It's been moved and seconded.

All in favor say "aye."

(Chorus of ayes.)

Any opposed?

(No response.)

The vote is 5-0 and Camelot's oral
argument request is denied.

Now on to the Order on Rehearing. I believe we have some revisions from Commissioner McCabe.

Commissioner.

ACTING COMMISSIONER McCabe: Yes.

Commissioner O'Connell-Diaz and I are jointly sponsoring an edit that changes the conclusion from the mandatory participation in the phase-in plan to the Staff's proposed voluntary opt-in approach. This will allow customers to either remain with their current rates or choose to participate in phasing in the rate increase over a six-year period plus incurring cost for that approach. Customers should have the ability to decide how they wish to do their utility financing.

Commissioner O'Connell-Diaz, anything you wish to add?

COMMISSIONER O'CONNELL-DIAZ: Yes.

Thank you very much, Commissioner McCabe for your work on this. I also thank Judge Teague. She gave us an excellent Order except for
this one part that, obviously, I have trouble with.

I think our edits provide flexibility for each of the ratepayers to determine how they would like to either finance this, get on the mitigation plan or not.

That is a home decision I think that is made.

Additionally I was most concerned with anyone being forced into any type of program such as this. I think this goes to the individual ratepayers' choice, so I do appreciate and support and look to our colleagues for support with regard to these revisions.

CHAIRMAN SCOTT: Is there further discussion on the proposed revisions?

Commissioner McCabe, did you want to make a motion for the adoption of the revisions?

ACTING COMMISSIONER McCabe: So moved.

CHAIRMAN SCOTT: Is there a second?

COMMISSIONER FORD: Second.

CHAIRMAN SCOTT: It's been moved and seconded.

All in favor say "aye."

(Chorus of ayes.)

Any opposed?
The vote is 5-0 and the opt-in revisions are adopted.

Is there any further discussion --

CHAIRMAN COLGAN: Chairman, if I can just make a comment about this?

CHAIRMAN SCOTT: Sure.

CHAIRMAN COLGAN: This was a rate case that came to us and I think we were all in agreement that the Company had made its case for the rate increase that they got, but we all were concerned that the rate increase was really high. But we didn't see anything in the record about rate mitigation, and so I know that I encouraged all of us to push for the parties to request rehearing on this. And I'm just glad that we were able to come through with something that is a rate mitigation plan for the consumers in this case. And I think that that's kind of an ongoing issue, especially with the smaller water companies that come before us.

So I'm glad that they were able to do something to try and mitigate -- they'll still have
to pay the rate increase, but it will give them time
to phase that into their budgets and hopefully that's
helpful.

CHAIRMAN SCOTT: Very good.

COMMISSIONER O'CONNELL-DIAZ: Mr. Chairman.

CHAIRMAN SCOTT: Yes, Commissioner.

COMMISSIONER O'CONNELL-DIAZ: I totally agree

with what Commissioner Colgan has noted. I
additionally would go to the overriding problem that
we saw in this Order was that a company had stayed
out for a rate increase for 20 some-odd years. We
certainly encourage our utilities to -- we don't like
to see rate increases, but we understand that that's
part of the position of service. When a company
stays out this length of time, then you have these
really, really large increases which are difficult on
any day.

So I think that the mitigation plan
gives an opportunity to smooth that out a bit, make
it a little easier; but the pivotal issue, as I see
it, is they stayed out for so many years. And while
we can't Order our companies in, we encourage them
when they do need to have their rates looked at again, that they come in sooner than later.

CHAIRMAN SCOTT: Thank you.

CHAIRMAN COLGAN: Just one last comment.

CHAIRMAN SCOTT: Sure.

COMMISSIONER COLGAN: I have a little bit of a concern that the customers may not understand that they have an option that they can exercise in this case. So I hope that we do our due diligence to make sure that the customers of these companies get good notice that there are those options that are available.

CHAIRMAN SCOTT: That's a good point.

Any further discussion?

(No response.)

Is there a motion to enter the Order as revised?

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."
(Chorus of ayes.)

Any opposed?

(No response.)

The vote is 5-0 and the Order as revised is adopted.

On behalf of the Commission, I would like to thank ALJ Teague and the parties for their hard work on this. I know it's been a long and difficult process and we deeply appreciate all the time and effort that went into it.

So thank you.

Item G-2 is Docket No. 11-0194. This is Illinois-American Water Company's petition for an overall encompassing certificate of convenience and necessity to both combined existing certificates and service areas and to extend its services into an expanded area. ALJ Jones recommends entry of an Order granting the requested certificate and related relief.

Is there any discussion?

(No response.)

Any objections?
(No response.)

Hearing none, the Order is entered.

We have four additional procurement related items to address as other business today.

We'll take the first two together. The first two items concern the approval of the results for the recent Ameren and ComEd Electric Energy Products Procurements. Staff and the procurement monitor recommend approving the procurement event results.

Is there any discussion?

(No response.)

Are there any objections to approving the procurement results?

(No response.)

Hearing none, the Ameren and ComEd electric energy procurement results are approved.

And last up is approval of price benchmarks for the upcoming May 2012 ComEd and Ameren renewable energy credit procurement events. Staff, the procurement administrator, and the procurement monitor all recommend approving the proposed benchmarks.
Is there any discussion?
(No response.)

Are there any objections to approving the requested benchmarks?
(No response.)

Hearing none, the benchmarks are approved.

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

JUDGE WALLACE: I believe that's it, sir.

CHAIRMAN SCOTT: Thank you, sir.

Hearing none, this meeting stands adjourned.

Thank you everyone.