BEFORE THE
ILLINOIS COMMERCE COMMISSION

REGULAR OPEN MEETING
(PUBLIC UTILITIES)

Chicago, Illinois

Tuesday, June 18, 2013

Met, Pursuant to notice, at 10:30 a.m.
in the Audiovisual Conference Room, 8th Floor,
160 North LaSalle Street, Suite C-800, Chicago,
Illinois.

PRESENT:

MR. DOUGLAS P. SCOTT, Chairman

MR. JOHN T. COLGAN, Commissioner
   (Via audiovisual conference)

MR. MIGUEL del VALLE, Acting Commissioner

MS. SHERINA E. MAYE, Acting Commissioner

MS. ANN McCabe, Commissioner

L.A. COURT REPORTERS, LLC.

BY: Lori Ann Asauskas

CSR: #084-002890
CHAIRMAN SCOTT: Good morning, John.

COMMISSIONER COLGAN: Good morning, Chairman.

CHAIRMAN SCOTT: Okay. Everything ready in Springfield?

COMMISSIONER COLGAN: We're all set to go here.

CHAIRMAN SCOTT: Very good. Ready?

Pursuant to the provisions of the Open Meetings Act, I now convene a Regular Open Meeting of the Illinois Commerce Commission. With us here in Springfield is Commissioner Colgan. With me in Chicago is Commissioner McCabe, Acting Commissioner del Valle and Acting Commissioner Maye. We have a quorum.

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 request to speak at today's meeting.

The first item of business on today's agenda is the approval of minutes from our June 4th Electric Policy Committee Meeting. I understand amendments have been forwarded. Is there a motion to amend the minutes?

COMMISSIONER McCabe: So moved.

CHAIRMAN SCOTT: Was there a second?

ACTING COMMISSIONER MAYE: Second.

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

COMMISSIONER COLGAN: Aye.

ACTING COMMISSIONER del VALLE: Aye.

CHAIRMAN SCOTT: Aye.

ACTING COMMISSIONER MAYE: Aye.

COMMISSIONER McCabe: Aye.

CHAIRMAN SCOTT: Any opposed? 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?

    ACTING COMMISSIONER MAYE: Second.

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

    COMMISSIONER COLGAN: Aye.

    ACTING COMMISSIONER del VALLE: Aye.

    CHAIRMAN SCOTT: Aye.

    ACTING COMMISSIONER MAYE: Aye.

    COMMISSIONER McCABE: Aye.

    CHAIRMAN SCOTT: Any opposed? The vote is five to nothing and the June 4th electric policy committee meeting minutes, as amended, are approved.

    The next item of today's agenda is the approval of minutes from our June 5th bench session. I understand amendments have been forwarded.

    Is there a motion to amend the minutes?

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

ACTING COMMISSIONER MAYE: Second.

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

COMMISSIONER COLGAN: Aye.

ACTING COMMISSIONER del VALLE: Aye.

CHAIRMAN SCOTT: Aye.

ACTING COMMISSIONER MAYE: Aye.

COMMISSIONER McCabe: Aye.

CHAIRMAN SCOTT: Any opposed? The vote is five to nothing and the amendments are adopted.

Is there now a motion to approve the amendments as amended?

ACTING COMMISSIONER MAYE: 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.

COMMISSIONER COLGAN: Aye.

ACTING COMMISSIONER del VALLE: Aye.

CHAIRMAN SCOTT: Aye.

ACTING COMMISSIONER MAYE: Aye.
COMMISSIONER McCABE: Aye.

CHAIRMAN SCOTT: Any opposed? The vote is five to nothing and the June 5th minutes as amended are approved.

Turning now to the electric portion of today's agenda, Items E-1 and E-2 can be taken together. These are complaints against ComEd as to refunds and/or billing charges. In both cases, the parties have apparently settled their differences and have brought a Joint Motion to Dismiss, which ALJ Sainsot recommends we grant.

Is there a motion to approve the joint motions to dismiss?

COMMISSIONER McCABE: So moved.

ACTING COMMISSIONER del VALLE: So moved.

CHAIRMAN SCOTT: Is there a second?

COMMISSIONER MAYE: Second.

CHAIRMAN SCOTT: Very good. Any discussion? All in favor say aye.

COMMISSIONER COLGAN: Aye.

ACTING COMMISSIONER del VALLE: Aye.
CHAIRMAN SCOTT: Aye.

ACTING COMMISSIONER MAYE: Aye.

COMMISSIONER McCabe: Aye.

CHAIRMAN SCOTT: Any opposed? The vote is five to nothing and the joint motions to dismiss are granted. We will use this five to nothing vote for the remainder of today's Regular Open Meeting unless otherwise noted.

Item E-3 is Docket No. 13-0034.

This is "Phase 2" of the FutureGen clean coal project and sourcing agreement arising out of the Commission's Order in the recent power procurement plan proceeding. This item will be held for disposition at a future Commission proceeding.

Items E-4 through E-7 can be taken together. These items are petitions for the confidential and/or proprietary treatment of various annual reports. In each case, ALJ Yoder recommends entry of an Order granting the requested relief.

Is there any discussion? Are there any objections? Hearing none, the Orders are entered.
Items E-8 through E-13 can be taken together. These items concern applications for licensure as an agent, broker, and consultant under Section 16-115C of the Public Utilities Act. In each case, ALJ Kimbrel recommends entry of an Order granting the certificate.

Is there any discussion? Are there any objections? Hearing none, the Orders are entered.

Turning now to natural gas, Item G-1 is Docket Nos. 12-0511 and 12-0512 consolidated. This is North Shore Gas Company and The Peoples Gas Light and Coke Company's proposed general rate increase for gas distribution services. ALJs Dolan and Teague recommend entry of an Order approving the increase.

I understand edits have been forwarded. Commissioner del Valle?

ACTING COMMISSIONER del VALLE: I have one edit, Mr. Chairman. This revision directs the Commission Staff to exercise their authority under Section 8-102 of the Public Utilities Act to conduct
a two-phase investigation of Peoples Accelerated
Main Replacement Program.

CHAIRMAN SCOTT: Okay. Are you moving
that for adoption of the revision?

ACTING COMMISSIONER del VALLE: I am
moving that for adoption.

CHAIRMAN SCOTT: Is there a second?

COMMISSIONER McCABE: Second.

CHAIRMAN SCOTT: It's been moved and
seconded. Any discussion on that matter?

ACTING COMMISSIONER MAYE: I do have
a comment, Chairman.

CHAIRMAN SCOTT: Commissioner Maye.

ACTING COMMISSIONER MAYE: While I do
agree that an investigation here is warranted, my
biggest concern obviously is this would delay or
impede the progress of the -- the progress and
completion of the AMRP program. So while we
were -- while Commissioner del Valle is recommending
an investigation, I would hope that the five
Commissioners do get to stay in close proximity to
the information that's going on here so that we can
ensure that this is not timely or -- that this
is timely, rather, and it's cost efficient for
the progress of the AMRP program.

CHAIRMAN SCOTT: Okay. Commissioner
del Valle.

ACTING COMMISSIONER del VALLE: Yes.

I certainly agree, but I do want to point out
that when the order -- CUB and City argued that
PGL's evidence of an alleged adverse affect of a
Commission investigation was not persuasive. And
so the AGA has strongly recommended this
investigation.

CUB and the City feel that it would
not impede because if it did impede, I -- I'd also
be concerned. We want to get this done on time. It
is a 20-year project and I think this is the right
time to conduct this investigation rather than going
with the original recommendation, which was to wait
and see what happens.

Now is the time. It's a matter of
public safety. It's a matter of making sure that
we give people an opportunity to save money down
the road as they have more efficient appliances
and -- and to make sure that this project gets
done on time. Twenty years is a long time and
there have already been lots of delays and we
want to make sure that it gets on track in this
investigation. Based on Staff testimony, I think
we will help get it on track.

CHAIRMAN SCOTT: Further discussion?

COMMISSIONER COLGAN: Yes.

CHAIRMAN SCOTT: Commissioner Colgan.

COMMISSIONER COLGAN: As a Commissioner
who was here when the last rate case was decided,
I -- I remember these very same issues were debated
at that time and since then, the progress on the
replacement project has really lagged behind.

So I -- I very much support this
and -- and just encourage the Company to move forward
on this project with all due haste and to make sure
that we're not jeopardizing public safety in the
interim period of time. So I -- I definitely support
this amendment to the Order.

CHAIRMAN SCOTT: Further discussion?
ACTING COMMISSIONER MAYE: I do think that if during the investigation or at the conclusion of the investigation we do find that there are some things that really should not be going on or that there is undue delay, then perhaps we should at that time consider reporting the amendments to the Commission because it's obviously something that needs to be done and public safety is our number one priority, of course.

CHAIRMAN SCOTT: Yes. I would agree with that. I mean, I think -- I think if -- if -- if -- I mean, the investigation is going to find what it finds.

If it were to find that there were some measures to be made, I think it behooves all of us to state as clearly as we possibly can and to lay out exactly what the Company is going to have to do from that point forward. I think that's fairest to the Company and certainly to the rate payers as well.

ACTING COMMISSIONER del VALLE: Yes, absolutely.

CHAIRMAN SCOTT: It's been moved and
seconded on Commissioner del Valle's revisions. All in favor say aye.

COMMISSIONER COLGAN: Aye.

ACTING COMMISSIONER del VALLE: Aye.

CHAIRMAN SCOTT: Aye.

ACTING COMMISSIONER MAYE: Aye.

COMMISSIONER McCabe: Aye.

CHAIRMAN SCOTT: Any opposed? The vote is five to nothing. The edits are approved. And now is there a motion to enter the order as amended?

JUDGE DOLAN: Just --

CHAIRMAN SCOTT: Yes?

JUDGE DOLAN: I meant to tell you there are no public comments. Okay.

CHAIRMAN SCOTT: Oh, thank you. I appreciate that. Thanks, Judge.

JUDGE DOLAN: Uh-huh.

CHAIRMAN SCOTT: Is there now a motion to enter the order as amended?

COMMISSIONER McCabe: So moved.

CHAIRMAN SCOTT: Is there a second?

COMMISSIONER Maye: Second.
CHAIRMAN SCOTT: It's been moved and seconded to enter the order as amended. Any discussion? All in favor say aye.

COMMISSIONER COLGAN: Aye.

ACTING COMMISSIONER del VALLE: Aye.

CHAIRMAN SCOTT: Aye.

ACTING COMMISSIONER MAYE: Aye.

COMMISSIONER McCabe: Aye.

CHAIRMAN SCOTT: Any opposed? The vote is five to nothing and the order as amended is entered and thank you, Judge Dolan and to Judge Teague, for all of your work done on this case. These take a long time and they're a lot of work. So we really, really appreciate it. So thank you very much.

Item G-3 is Docket No. 13-0165.

This is Prairie Point Energy's petition for the confidential and/or proprietary treatment of its 2012 dekatherm report. ALJ Yoder recommends entry of an Order granting the requested relief.

Is there any discussion? Are there any objections? Hearing none, the Order is entered.
Item G-3 is Docket No. 13-0340.

This is CenterPoint Energy's application for a Certificate in Good Standing as a common carrier by pipeline pursuant to the Illinois Common Carrier by Pineline Law and for an Interim Order granting temporary authority. ALJ Yoder recommends entry of an Interim Order granting the requested relief.

Is there any discussion? Are there any objections? Hearing none, the Interim Order is entered.

Moving on to telecommunications,

Item T-1, is Docket No. 12-0049. This is the Counties of Southern Illinois' petition for authority to operate as a Regional Next Generation 9-1-1 Pilot Project System. The Counties have filed a Motion to Withdraw their petition, which ALJs Albers and Von Qualen recommend we grant.

Is there any discussion? Are there any objections to granting the motion? Hearing none, the Motion to Withdraw is granted.

Item T-2 is Docket No. 12-0550.

This is Sprint's Petition for Arbitration pursuant
to Section 252(b) of the Telecommunications Act.

This item will be held for disposition to a future Commission proceeding.

Items T-3 through T-7 can be taken together. These items are joint petitions for approval of interconnection agreements or amendments to existing interconnection agreements. In each case, ALJ Baker recommends entry of an Order approving the agreement.

Is there any discussion? Are there any objections? Hearing none, the Orders are entered.

Item T-8 is Docket No. 13-0309. This is Gallatin River and Century Link's joint petition for approval of a negotiated collocation agreement. ALJ Riley recommends entry of an Order approving the agreement.

Is there any discussion? Are there any objections? Hearing none, the Order is entered.

Item T-9 is Docket 12-0327. This is Citizen's Telecommunications Company of Illinois,
et al.'s petition requesting waiver of the directory distribution requirements of 83 Illinois Administrative Code Sections 735.180(a)(1) and (d). ALJ Riley recommends entry of an Order denying the petition.

Is there any discussion? Are there any objections? Hearing none, the Order is entered and the petition is denied.

Item T-10 is Docket No. 12-0349.

This is our rulemaking proceeding initiated to adopt new rules for Standards of Service Applicable to 9-1-1 Emergency Systems, revising 83 Illinois Administrative Code Section 725. ALJ Haynes recommends entry of an Order repealing the current rules and adopting new rules, effective July 1, 2013.

Is there any discussion? Are there any objections? Hearing none, the Order is entered, the current rules are repealed and the new rules are adopted.

Item T-11 is Docket No. 12-0414.

This is IDOT's petition for eminent domain authority
for the taking of certain properties in Kendall
County. IDOT has filed a Motion to Dismiss,
which ALJ Hilliard recommends we grant.

Is there any discussion? Are there
any objections? Hearing none, the motion is granted
and the proceeding is dismissed.

Items T-12 through T-20 can be
taken together. These items are petitions for the
confidential and/or proprietary treatment of
petitioners' annual reports. In each case, the ALJ
recommends entry of an Order granting the requested
treatment.

Is there any discussion? Are
there any objections? Hearing none, the Orders
are entered.

There is one item of other business
today, which concerns Commission's approval of
Benchmarks for the FutureGen 2.0 clean coal facility.
This item will be held for disposition at a future
Commission proceeding.

Judge Wallace, are there any
other matters to come before the Commission today?
JUDGE WALLACE: No. That's all, Mr. Chairman.

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

(Whereupon, no further proceedings were had at the Regular Open Meeting.)