BEFORE THE
ILLINOIS COMMERCE COMMISSION

BENCH SESSION
(PUBLIC UTILITY)

Springfield, Illinois
Wednesday, June 23, 2010

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

PRESENT:

MR. MANUEL FLORES, Acting Chairman

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

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

MR. SHERMAN J. ELLIOTT, Commissioner

MR. JOHN COLGAN, Acting Commissioner

SULLIVAN REPORTING COMPANY, by
Carla J. Boehl, Reporter
CSR #084-002710
ACTING CHAIRMAN FLORES: 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 Elliot and Acting Commissioner Colgan. With us in Chicago is Commissioner O'Connell-Diaz, and I am Acting Chairman Flores.

Before we begin any further, I just at this point would like to call for a brief recess. My understanding is that Commissioner Ford is on her way and I wanted to give her an opportunity to join us. So I am hoping that we will be able to reconvene at around 11:00. But at this time we are going to take a recess. So thanks, Commissioner.

(Whereupon the meeting was in a short recess.)

ACTING CHAIRMAN FLORES: Let the record reflect that we have returned from a brief recess. We are reconvening the regularly scheduled bench session of the Illinois Commerce Commission. With us, again for the record, are Commissioner O'Connell-Diaz in
Chicago, Commissioner Elliott and Commissioner Colgan in Springfield and I am Acting Chairman Flores here in Springfield. 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 for 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 bench session.

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

ACTING CHAIRMAN FLORES: Turning now to the Public Utilities agenda, there are two sets of minutes to approve. With respect to minutes for the May 24 Special Open Meeting is there a motion to approve the minutes?
COMMISSIONER ELLIOTT: So move.

ACTING CHAIRMAN FLORES: Is there a second?

ACTING COMMISSIONER COLGAN: Second.

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

COMMISSIONERS: Aye.

ACTING CHAIRMAN FLORES: Any opposed? The vote is 5-0 approving the minutes from May 24, 2010.

We also have minutes to approve from the May 25 Regular Open Meeting. I understand that amendments have been forwarded. Is there a motion to amend the minutes?

COMMISSIONER ELLIOTT: So move.

ACTING CHAIRMAN FLORES: Is there a second?

ACTING COMMISSIONER COLGAN: Second.

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

COMMISSIONERS: Aye.

ACTING CHAIRMAN FLORES: Any opposed? The vote is 5-0 amending the minutes.

Is there a motion to approve the minutes as amended?
ACTING COMMISSIONER COLGAN: I will so move.

ACTING CHAIRMAN FLORES: Okay. I will second it. It's been moved and seconded. All in favor say aye.

COMMISSIONERS: Aye.

ACTING CHAIRMAN FLORES: Any opposed? The vote is 5-0 approving the minutes for the May 25 Regular Open Meeting as amended.

We will begin with the Electric agenda. Items E-1 through E-3 (10-0395, 10-0396, 10-0397) can be taken together. These items concern 2008 reports on the reliability of AmerenCILCO, AmerenCIPS and ComEd. With each, Staff recommends entry of an Order adopting the reliability report. Is there any discussion on these items?

Do we have Staff available? Could you please identify yourself for the record?

MR. ROCKROHR: My name is Greg Rockrohr, electrical engineer in the Energy Division.

MR. STUTSMAN: John Stutsman in the Energy Division.

ACTING CHAIRMAN FLORES: I did have a question.
As I read the reports, there were a number of recommendations and findings in terms of the reliability issues that were of concern to Staff. So I guess my question is, given that there were a number of issues raised for both Ameren and ComEd, at this point what will be the follow-up by Staff to insure that these issues are addressed and that they are addressed in a timely fashion to insure that the reliability is maintained?

MR. ROCKROHR: The next step that would take place would be that the utilities would respond to these assessments and provide explanations or planned actions in that response. And then following that, Staff would work with the utilities through the coming months to work through each of these recommendations or discuss them, if there are disagreements with those recommendations.

ACTING CHAIRMAN FLORES: And what is the time frame in terms of the follow-up with these issues?

MR. ROCKROHR: Well, not to sound vague, but some of these issues have developed over multiple years and, therefore, the corrections of those issues
can take several years to implement. So some of those issues, such as a new procedure, can be
governed by the local or provincial authorities, whereas, for example, completion of correction of all
NOC violations may take several years.

But in terms of each specific recommendation that are listed in each assessment report, there is usually some dialogue between the utilities and Staff regarding their plan. And then if Staff is uncomfortable with the utilities' proposals, we would either follow up with the utility directly or make the Commission aware of that issue.

ACTING CHAIRMAN FLORES: Well, given that you just indicated that some of these issues may have been developed over a period of years, I would hope that the parties work on these issues collaboratively but in an expeditious manner, given that obviously reliability is one of our top priorities under the PUA.

Is there any other comments or questions?

COMMISSIONER ELLIOTT: Well, I would agree with
the comments that you just made and that, if there is
issues that you want to bring before the Commission
that you don't see being resolved, please do and, as
the Chairman says, do it as expeditiously as
possible.

ACTING CHAIRMAN FLORES: Very good. Any other
comments? Very well. Is there a motion to adopt the
reliability reports?

COMMISSIONER ELLIOTT: So move.

ACTING CHAIRMAN FLORES: I will second it.

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

COMMISSIONERS: Aye.

ACTING CHAIRMAN FLORES: Any opposed? The vote
is 5-0 and the reliability reports are adopted.

We will use this 5-0 vote for the
remainder of the Public Utility agenda, unless
otherwise noted.

Items E-4 through E-6 (ERM#116, ERM#118, ERM#120) will be taken together. These
items concern tariffs filed for revisions of the
Ameren Illinois Utilities Rider TS. For each, Staff
recommends that the Commission allows the Company's
Is there any discussion? Any objections? Hearing none, the filings will not be suspended.

Item E-7 is Docket 06-0706. This item concerns a petition for a Certificate of Public Convenience and Necessity pursuant to Section 8-406 of the Illinois Public Utilities Act to construct -- yes, sir.

JUDGE ALBERS: Mr. Chairman, I have to report on some comments we got on e-Docket.

ACTING CHAIRMAN FLORES: Very well. If you could just allow me to --

JUDGE ALBERS: Please.

ACTING CHAIRMAN FLORES: Pursuant to Section 8-406 of the Illinois Public Utilities Act to construct, operate and maintain new 138,000 volt electric lines in LaSalle County, Illinois, Administrative Law Judge Albers recommends the entry of an Order on Reopening approving a transmission line route between Ottawa and Wedron, Illinois, that
runs along Route 71.

My understanding is that we have Administrative Law Judge Albers. Judge?

JUDGE ALBERS: I just want to report on the fact that we received seven comments on e-Docket since this case was reopened. Four of them appear to have been filed inadvertently in this case since they complain about higher rates, and that's not an issue in this case at all. One of them, from the IDR director, supports the State Route 71 route. Comments from the Illinois River Coordinating Council headed by the Governor urges the Commission to consider the impact of all the alternatives, and one just simply asks for some decision as soon as possible.

Thank you.

ACTING CHAIRMAN FLORES: Thank you, Your Honor. Is there any discussion? Any objections? Hearing none, the Order is approved to allow the transmission line route between Ottawa and Wedron, Illinois, running along Route 71.

Item E-8 is Docket 08-0371. This item
initially concerned a complaint for exclusive service
inghts pursuant to the Electric Supplier Act. The
dispute was between AmerenCIPS and the Southern
Illinois Electric Cooperative. It appears that
AmerenCIPS and the Southern Illinois Electric
Cooperative have resolved their differences, and
Administrative Law Judge Jones recommends entry of an
Order allowing SIEC to serve the property in question
as recommended in a stipulation filed by the parties.

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

Items E-9 through E-14 (09-0482,
09-0572, 10-0059, 10-0072, 10-0087, 10-0105) can be
taken together. These items each concern complaints
brought by customers against utilities. In each case
the differences now appear to be resolved and
agreements have been reached. In each case the
administrative law judge recommends granting the
parties' Joint Motions to Dismiss, in some case with
a stipulation.

Is there any discussion? Any
objections? Hearing none, the Joint Motions to
Dismiss as proposed are granted.

Item E-15 is Docket Number 10-0108.

This item concerns a rulemaking initiated by the Commission for the purpose of revising Section 451 of Chapter 83 of the Illinois Administrative Code, the section which concerns certification of alternative retail electric suppliers. Administrative Law Judge Moran recommends entry of an Order approving certain changes to the Code recommended by CUB, RESA and Staff, while denying others.

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

COMMISSIONER O'CONNELL-DIAZ: Chairman, if I might?

ACTING CHAIRMAN FLORES: Yes, ma'am.

COMMISSIONER O'CONNELL-DIAZ: I would just like to commend Judge Moran. Throughout this proceeding there has been -- she has been instrumental in having the parties really get together and work through differences. And it shows the importance of the Proposed Order when a Proposed Order comes out and people can go back to the negotiating table. And
Judge Moran fostered that type of activity in this proceeding. So what we have at the conclusion is I think some rules that have been worked through under her guidance and in the spirit of our procedures. So I would just like to thank her for utilizing the tools that we have in our administrative pouch to get to the conclusion that they have reached on this second notice.

So thank you.

ACTING CHAIRMAN FLORES: Thank you very much, Commissioner.

Item E-16 is Docket Number 10-0123. This item concerns Energy Edge Consulting's application for licensure as an agent, broker and consultant under Section 16-115C of the Public Utilities Act. The administrative law judge recommends entry of an Order granting the certification.

Is there any discussion? Any objections? Hearing none, the Order is entered and the certificate is granted.

Item E-17 is Docket Number 10-0213.
This item concerns a customer complaint as to billing charges against AmerenIP. The matter is now apparently resolved, and Administrative Law Judge Tapia recommends granting the parties' Joint Motion to Dismiss.

Is there any discussion? Any objections? Hearing none, the Joint Motion to Dismiss is granted.

Item E-18 is Docket Number 10-0219.

This item concerns Endurant Energy's application for licensure as an agent, broker and consultant under Section 16-115C of the Public Utilities Act. The administrative law judge recommends entry of an Order granting the certification.

Is there any discussion? Any objections? Hearing none, the Order is entered and the certificate is granted.

Items E-19 and E-20 will be taken together. These items constitute petitions for the protection of confidential and/or proprietary information. In each case the administrative law judge recommends entry of an Order granting the...
petition.

Is there any discussion? Any

objections? Hearing none, the Orders are entered and

the petitions are granted.

Item E-21 is Docket Number 10-0287.

This item concerns Dominion Retail Incorporated's

assumed name and the company seeking to change its

name. According to Administrative Law Judge Albers,

this type of matter can be handled without a docketed

proceeding and does not require a Commission Order.

So he recommends that the Commission dismiss this

docket through an appropriate docket entry.

Is there any discussion? Any

objections? Hearing none, the docket is dismissed.

Item E-22 is Docket Number 10-0295.

This item concerns a complaint as to billing and

charges brought by Washington Park Condominium

against ComEd. The parties have filed a

jointly-executed stipulation and Motion to Dismiss

which Administrative Law Judge Sainsot recommends

that the Commission grant.

Is there any discussion? Any
objections? Hearing none, the Motion to Dismiss is granted.

Items E-23 through E-26 (10-0313, 10-0316, 10-0320, 10-0329) can be taken together. These items constitute petitions for the protection of confidential and/or proprietary information. In each case the administrative law judge recommends entry of an Order granting the petition.

Is there any discussion? Any objections? Hearing none, the Orders are entered and the petitions are granted.

Moving on to Natural Gas, Item G-1 (10-0398) concerns complaints brought by Citizens Utility Board, AARP and Citizen Action Illinois against Just Energy, an alternative gas supplier, and the audit process resulting from the Commission's Order in Docket Number 08-0175, the docket which addressed those complaints. Before us today is an Order initiating the Company's management audit. This Order authorizes Staff to move forward with selecting an auditor through the state procurement process and sets forth parameters for the
implementation of the audit.

I believe we have Mr. Randy Nehrt available from Staff to answer any questions we may have on this.

Mr. Nehrt, how are you, sir?

MR. NEHRT: Good.

ACTING CHAIRMAN FLORES: Any discussion? Any questions? Very well. I will make a motion to enter the Initiating Order. Is there a second?

COMMISSIONER ELLIOTT: Second.

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

COMMISSIONERS: Aye.

ACTING CHAIRMAN FLORES: Any opposed? The vote is 5-0 and the Initiating Order is entered.

Items G-2 through G-4 (10-0399, 10-0400, 10-0401) can be taken together. These items concern the initiation of citation proceedings against the Ameren Illinois Utilities for alleged violations of the Commission's rules regarding fusion processes as outlined in Staff's May 24 report. Staff recommends the entry of Orders initiating
citation proceedings, and Darin Burk is available for any questions on these matters.

Is there any discussion? Any objections? Hearing none, the Orders are entered and the proceedings are initiated.

Item G-5 is Docket Number 08-0175. Because we have approved the Initiating Order in Item G-1, this item is rendered moot.

Judge Wallace?

JUDGE WALLACE: That's correct.

ACTING CHAIRMAN FLORES: Thank you very much for the confirmation.

Items G-6 and G-7 (09-0114, 09-0115) will be taken together. These items concern reconciliation of revenues collected under coal tar riders for Peoples and North Shore Gas. Administrative Law Judge Benn recommends entering Orders approving the schedules set forth by Commission Staff.

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

Item G-8 is Docket Number 09-0553.
This concerns Donald Woods' complaint as to billing and charges against Nicor. Nicor has made a Motion to Dismiss the complaint, and Administrative Law Judge Haynes recommends that this matter be dismissed without prejudice.

Is there any discussion? Any objections? Hearing none, the Motion to Dismiss is granted.

Items G-9 and G-10 (10-0117, 10-0144) concern complaints as to billing and charges against Nicor and Peoples. In each case the parties have apparently reached a settlement and have brought a Joint Motion to Dismiss which the administrative law judge recommends that we grant.

Is there any discussion? Any objections? Hearing none, the Joint Motions to Dismiss are granted.

Item G-11 is Docket Number 10-0319. This item concerns a petition for approval to amend the Ameren Illinois Utilities' service agreement. Administrative Law Judge Tapia recommends that the Commission enter an Order approving the amendment to
the service agreement.

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

Items G-12 and G-13 (10-0349, 10-0350) can be taken together. These items concern informational statements from Peoples and North Shore Gas in connection with the issuance and sale of bonds and notes. For each utility, Administrative Law Judge Sainsot recommends entry of an Order granting the company's request to conduct the refinancing transactions.

Is there any discussion? Any objections? Hearing none, the Orders are granted.

Excuse me, strike that. Hearing none, the Orders are entered.

Items G-14 and G-15 (10-0371, 10-0372) can be taken together. These items concern requests for special permission by North Shore and Peoples Gas for authority to make changes to their rate schedules on less than 45 days notice. Staff recommends that the Commission grant the request for special permission.
Is there any discussion? Any objections? Hearing none, the requests for special permission are granted.

COMMISSIONER ELLIOTT: Mr. Chairman, I think Staff's recommendation was to deny, if I am not mistaken. Oh, I am sorry, G-16 and G-17. I am ahead of myself.

ACTING CHAIRMAN FLORES: Items G-16 and G-17 (10-0376, 10-0377) can likewise be taken together. These items concern requests for special permission by North Shore and Peoples Gas for authority to make revisions to Rider EEP, specifically seeking to rollover funds targeted for energy efficiency between program years. Staff recommended that the Commission deny the request for special permission. However, I would like to make a motion at this time that special permission be granted and that the rollover of energy efficiency funding be permitted.

Is there a second to my motion?

COMMISSIONER FORD: Second.

ACTING CHAIRMAN FLORES: All in favor say aye.

COMMISSIONERS: Aye.
ACTING CHAIRMAN FLORES: Any opposed? Hearing no objections, the motion passes 5-0 providing special permission to allow the rollover of energy efficiency funds.

ACTING COMMISSIONER COLGAN: Mr. Chairman, I had a question.

ACTING CHAIRMAN FLORES: Yes, sir.

ACTING COMMISSIONER COLGAN: Is Judge Gilbert available or Judge Moran?

JUDGE WALLACE: Do you have a question? These aren't necessarily -- these aren't assigned to them at this point.

ACTING COMMISSIONER COLGAN: Okay. A staff question, okay. I just had a question about the company -- because of the rider, the company collects the fee from the customers and in this case the company hasn't spent the money that's collected from the customers. And my question is, what happens to any possible interest that's earned off the fees that are collected?

DR. KENNEDY: I think they go towards the money that's available to spend.
ACTING COMMISSIONER COLGAN: It goes back into the energy efficiency fund?

DR. KENNEDY: I believe so.

ACTING COMMISSIONER COLGAN: I dug back through, my assistant Linda Wagner helped me go back through, and it looked like the past report was that the interest fee was one percent. Is that still in force? Is that how it is handled or do you know?

DR. KENNEDY: You would have to ask the accountants about that. I am not sure exactly. There are rules about how that interest rate is determined. But exactly what they specify, I am not sure.

ACTING COMMISSIONER COLGAN: But the interest earned as a result of those rules to your knowledge goes back into the fund that goes towards the energy efficiency?

DR. KENNEDY: That's my understanding.

ACTING COMMISSIONER COLGAN: Okay. All right. Well, that's my question, and I voted yes on your motion based on that understanding, but I wanted to be sure of that.
ACTING CHAIRMAN FLORES: Any other questions or discussion on this matter? Very well. Thank you, Mr. Kennedy.

Moving now to Telecommunications, Item T-1 and T-2 can be taken together. These items concern Illinois Bell Telephone Company's filings to amend its business local calling plan and to grandfather the Custom BizSaver and Custom BizSaver Winback unlimited local messages local usage options. Staff recommends that we do not suspend or investigate the filings.

Is there any discussion? Any objections? Hearing none, the filing will not be suspended or investigated.

Items T-3 through T-5 can be taken together. These items concern filings by the Illinois Bell Telephone Company and Gallatin River Communications concerning Staff tariff revision filings. In each case Staff recommends that we do not suspend the filings.

Is there any discussion? Any objections? Hearing none, the filings will not be
suspended.

Items T-6 through T-8 (10-0049, 10-0180, 10-0271) will be taken together. These items concern petitions for Certificates of Service Authority to provide telecommunication services in Illinois. In each case the administrative law judge recommends that the Commission enter an Order granting the certificate.

Is there any discussion? Any objections? Hearing none, the Orders are entered and the certificates are granted.

Item T-9 is Docket Number 10-0208. This item concerns LDMI Communications’ petition to withdraw its Certificate of Local Authority to operate as a carrier of telecommunication services. Administrative Law Judge Baker recommends entry of an Order granting the petition to withdraw the certificate.

Is there any discussion? Any objections? Hearing none, the Order is entered and the certificate is withdrawn.

Item T-10 is Docket 03 -- excuse me,
strike that. Item T-10 is Docket Number 10-0353. This concerns the Village of Calumet Park's petition to modify its existing 9-1-1 emergency telephone system by allowing Blue Island to handle its 9-1-1 emergency dispatch services. Administrative Law Judge Haynes recommends entry of an Order approving the petition.

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

Item T-11 is Docket 10-0354. This concerns the Village of Blue Island's petition to modify its 9-1-1 system to handle Calumet Park's services and the need for a new backup public safety answering point and an agreement with the Southwest Central Dispatch Center to serve as the backup. Administrative Law Judge Haynes recommends entry of an Order approving the Village's petition.

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

Items T-12 and T-13 (10-0402, 10-0403)
can be taken together. These items concern the initiation of proceedings against Nu-Way Communications and U.S. South regarding their alleged failure to maintain their corporate status. Staff recommends entry of Orders initiating the citation proceedings.

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

Item T-14 is Docket Number 09-0547. This concerns the proceedings to revoke GEH Technologies' Certificate of Service Authority for failure to maintain its corporate status. Administrative Law Judge Baker recommends entry of an Order revoking the Company's Certificate of Service Authority.

Is there any discussion? Any objections? Hearing none, the Order is entered and the certificate is revoked.

Item T-15 is Docket Number 10-0261. This item concerns Illinois Bell Telephone Company's annual rate filings for its non-competitive services. Administrative Law Judge Gilbert recommends entry of
an Order approving reduced rates for the company's non-competitive services.

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

Items T-16 and T-17 (10-0277, 10-0278) will be taken together. These items concern certificate revocation proceedings against 1-800-RECONEX and Loop Telecom. In each case Administrative Law Judge Riley recommends entry of an Order revoking the company's Certificate of Service Authority and authorizing other penalties.

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

Items T-18 through T-26 (10-0235, 10-0236, 10-0331, 10-0332, 10-0344, 10-0345, 10-0361, 10-0362, 10-0363) can be taken together. These items are petitions for the approval of interconnection agreements pursuant to 47 U.S.C. Section 252. In each case the administrative law judge recommends entry of an Order approving the interconnection agreement or approving an amendment to the agreement.

Is there any discussion? Any
objections? Hearing none, the Order is entered and the interconnection agreements are approved.

We now move to the Water and Sewer portion of today's agenda. Item W-1 is Docket Number 09-0519. This concerns Susan Michael's complaint against Illinois-American Water Company. The parties have apparently resolved their differences and brought a Joint Motion to Dismiss which Administrative Law Judge Sainsot recommends we grant.

Is there any discussion? Any objections? Hearing none, the Joint Motion to Dismiss is granted.

Item W-2 is Docket Number 10-0194. This concerns Aqua Illinois' proposal general increase in water rates for the Kankakee Water Division. Administrative Law Judges Hilliard and Benn recommend entry of a Resuspension Order to resuspend the filings as the rate case proceeds.

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

We have a resolution today as a
miscellaneous item. This is a resolution concerning Carmen Fosco, a valued member of our Office of General Counsel who began at the Commission in 1992.

I won't say what I was doing in 1992 -- I guess I could tell you. I was a sophomore in college.

COMMISSIONER FORD: A baby.

ACTING CHAIRMAN FLORES: And so, but in all seriousness we wanted to bring this resolution as just one of our, you know, expressions, so to speak, to show gratitude, Carmen, for your outstanding work here at the Commission.

I want to leave it open. I know many other folks here have had an opportunity to work with Carmen, and I wanted to give all the Commissioners and anyone else who wanted to make a few statements on the record in expressing their thanks to Carmen for his outstanding service to the ICC.

Commissioner Ford?

COMMISSIONER FORD: Thank you, Chairman. I would like to thank Carmen for his years of service with this Commission, and he has certainly done a
fine job. And any reports that we get from Carmen, I am assured that they are the right way to go.

    So, Carmen, I wish you the best of luck in all of your future endeavors wherever you may go. God bless you.

    ACTING CHAIRMAN FLORES: Commissioner O'Connell-Diaz?

    COMMISSIONER O'CONNELL-DIAZ: Thank you, Chairman. Well, Carmen and I go way back. I think he started a year after I did at the Commission, so we are -- I don't want to use the word "antiques" but old, somewhere beaten around the head many a time. But I had the opportunity to have Carmen as counsel in many, many proceedings when I was on the ALJ side, and he always did an excellent job and represented his client in a really fabulous way.

    Also, as I came on as Commissioner and he would be assigned to special projects that he would be reporting to the Commission, I was always really glad to see him on that side of the table because I knew we were getting really sound advice.

    And I just know that whoever grabs him
when he gets out of here is going to really get a very large benefit because Carmen is not only a nice guy but he is smart. And I am just real excited to see where your next chapter is because I am sure it will be an interesting one. And I hope I see you again in the practice.

So thank you very much. You have been a great public servant and have done a great job for the Commission.

ACTING CHAIRMAN FLORES: Commissioner Elliott?

COMMISSIONER ELLIOTT: Thank you, Mr. Chairman. Let's see, in 1990 is when I first showed up here so I know you have been around for awhile. As Commissioner O'Connell-Diaz noted, those years of service and the regulatory knowledge and legal knowledge you have acquired over that period of time is extraordinary in terms of what's gone on in Illinois with the deregulation and other changes in the regulatory environment, and so I know that you have acquired an awful lot. And you are going to take those knowledge and that base of knowledge and use it in
your future endeavors, and I wish you great success in doing that. I am sure continued success will follow you. Good luck.

ACTING CHAIRMAN FLORES: Commissioner Colgan?

ACTING CHAIRMAN COLGAN: Well, in 1990 I had been out of college for 21 years, under grad, anyway.

And so, but in terms of Carmen and I, you know, I haven't really worked that closely with Carmen. I met him a couple of times. And I would just like to wish him the best and ditto on many of the comments that the other Commissioners have made.

ACTING CHAIRMAN FLORES: Very well. Mary, I know that you want to say a few words, so step up to the mic, Mary. We need to have that.

MS. STEPHENSON-SCHROEDER: Well, I know I speak for all of OGC as well as the Commission when I say you are truly going to be missed. I also think I speak for the late night cleaning staff who will miss you terribly because there were many nights when they were here and Carmen was here keeping company, working late hours on many briefs, testimony and all those things. So I know they will miss you, too.
You are such a hard working and honest person, and I know you will do well with whatever you do and I wish you all the best.

MR. FOSCO: Thank you.

ACTING CHAIRMAN FLORES: Tim?

MR. ANDERSON: Well, it's going to start to sound repetitive, but I have spoken to Carmen privately and told him what a privilege it was to work with him on numerous issues and whoever gets you next will be very fortunate. So thank you for all you have done here, Carmen.

ACTING CHAIRMAN FLORES: Any other remarks?

All right. Very well.

Well, Carmen, again on behalf of the ICC, on behalf of the State of Illinois, thank you very much for your service. Thank you very much for your dedication to the office, and certainly you have had an impact on many folks. So we really appreciate the work that you have done.

I am going to ask that a copy of the resolution be attached as opposed to just reading the whole thing. Otherwise, we have a very long
resolution and, frankly, I wanted everyone else, you know, for you to hear the personal words of your peers here and your colleagues because I think the resolution captures that. But, Carmen, did you want to -- I'm sorry.

MR. FOSCO: Yes, I did. I want to say thank you for all these kind remarks. I really appreciate it. I think it is no surprise that I loved working here. I think this is very interesting work. We are challenged every day. Issues are always changing, whether it was telecom or energy. It is always something new tomorrow from what we are dealing with today.

I want to especially thank Staff because I think as lawyers we are blessed to have sort of off-the-shelf experts and they really help us to be better lawyers. And OGC is just fantastic. The ability to just walk down the hall and confer is unparalleled with anywhere else I have ever been. And I really appreciate the Commissioners and everyone else. Everyone has always taken the issues seriously and tried to do what's right and what's
best, and I really appreciate at that. Again, thank you for all the kind remarks.

ACTING CHAIRMAN FLORES: Very well. Then I would like to make a motion to adopt the resolution.

COMMISSIONER ELLIOTT: So move.

ACTING CHAIRMAN FLORES: Is there a second?

ACTING COMMISSIONER COLGAN: Second.

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

COMMISSIONERS: Aye.

ACTING CHAIRMAN FLORES: The vote is 5-0 and the resolution concerning Carmen Fosco is adopted. As I indicated earlier on the record, I will submit a copy of the resolution to the court reporter so that it could be attached and made part of the official record.

We have a pair of FERC matters which requires us to go into closed section. Is there a motion --

COMMISSIONER O'CONNELL-DIAZ: Chairman?

ACTING CHAIRMAN FLORES: Yes, ma'am.

COMMISSIONER O'CONNELL-DIAZ: Chairman, if I
might, I just want to also note, since we are talking
about really great people that work at the
Commission, Commissioner Ford obviously was detained
this morning, and the reason she was detained was
because she was being given an award by the Chicago
Board of Education. And I just want to kind of read
what it says because I think people are used to
seeing the Commissioners up at these benches and they
think that that's what we do. And many of us
volunteer our time because we are not allowed to work
anywhere else, so volunteer our time.

And Commissioner Ford, I don't know
how she packs everything into a 24-hour day because
she really should have a 48-hour day seven days a
week. But she was awarded a commendation from the
Chicago Board of Education and they recognize
Commissioner Lula Ford for her outstanding dedication
and commitment to serving Chicago Public School
students and her contribution to the Chicago Public
Schools Safety and Security Strategy. And it is
signed by the president, Mary Richardson-Lowry, of
the Chicago Board of Education and Ron Huberman, the
CEO of the Chicago Public Schools. And I am sure she will be displaying this in her office, but she wasn't going to say anything, I am sure. So I am embarrassing her, but Commissioner Ford is always out there doing things so I just felt the need to give her a kudo here.

COMMISSIONER FORD: Thank you.

ACTING COMMISSIONER COLGAN: Congratulations.

ACTING CHAIRMAN FLORES: Thank you for bringing that up, raising that, bringing that to our attention, Commissioner O'Connell-Diaz.

Briefly, you know, Commissioner Ford has a reputation of being an outstanding mentor, an educator and a mentor. And, Commissioner Ford, thank you so much for everything that you have done for the children.

COMMISSIONER FORD: Thank you.

ACTING CHAIRMAN FLORES: And as you know, I know many of the folks that you have mentored.

COMMISSIONER FORD: Right.

ACTING CHAIRMAN FLORES: And now I tell them that I get the opportunity to be mentored by you as
COMMISSIONER FORD: Thank you. I saw you today.

ACTING CHAIRMAN FLORES: Very well. We do have a pair of FERC matters which, as I indicated earlier, do require us to go into closed session. I am going to make a motion that we go into closed session. Is there a second?

COMMISSIONER O'CONNELL-DIAZ: Second.

ACTING CHAIRMAN FLORES: Very well. All in favor say aye.

COMMISSIONERS: Aye.

ACTING CHAIRMAN FLORES: The vote is 5-0 to go into closed session. Please let us know when the room is cleared up in Chicago.

(Whereupon at this point pages 40 - 52 of the proceedings are contained in a separate closed transcript.)
CONTINUATION OF PROCEEDINGS

ACTING CHAIRMAN FLORES: In closed session the Commission discussed filing comments in a pair of FERC dockets. In FERC Docket Number EL05-121-006 Staff has proposed filing reply comments to FERC regarding transmission cost allocation policy for new PJM transmission projects at 500 kV and above.

And in FERC Docket Number ER10-1361-000, Staff has proposed filing comments on the Midwest ISO's May 28 filing to change the method for allocating costs of procuring operating reserves.

Is there a motion to file the two sets of comments with FERC?

COMMISSIONER ELLIOTT: So move.

ACTING CHAIRMAN FLORES: I will second it.

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

COMMISSIONERS: Aye.

ACTING CHAIRMAN FLORES: Any opposed? The vote is 5-0. The comments will be filed with the FERC.

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

JUDGE WALLACE: No, Mr. Chairman.
ACTING CHAIRMAN FLORES: Thank you. Hearing none, this matter stands adjourned. Thank you so much, everybody, and I will see you ladies shortly.

MEETING ADJOURNED
STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

Illinois Commerce Commission
On its own motion

Acknowledging and Expressing
Appreciation for Carmen Fosco's
Public Service on the Occasion of his
Separation Of Service From the
Commission

RESOLUTION

By the Commission:

WHEREAS, Carmen Fosco on February 3, 1992 began his career at the Illinois Commerce Commission, Office of the General Counsel, and then, after five years of service, left the Commission to enter legal practice in the state of Texas, returning to the Commission on September 4, 2001; and

WHEREAS, throughout Carmen Fosco's years with the Commission, he has been an invaluable member of the OGC team, providing leadership, experience and an example of professionalism for others to emulate. Carmen, using his excellent litigation skills, coupled with his work ethic, has remained on course throughout his years of service, undeterred and true to his objective to represent the Commission; and

WHEREAS, Carmen Fosco has represented the Commission Staff in numerous matters and has, in the course of doing so, earned the respect and friendship of his colleagues at the Illinois Commerce Commission and the Illinois Public Utilities Bar, based upon his skill, diligence and good natured professional courtesy; and

WHEREAS, it is well known in the Office of the General Counsel that Carmen Fosco's dedication to excellence often led him to work late into the night; and

WHEREAS, it is also well known in the Office of General Counsel, that Carmen Fosco's dedication to excellence could, without much effort, be interrupted by an argument over an obscure point of law or politics, particularly when Carmen was working late at night; and

WHEREAS, Carmen Fosco's interest in information technology issues, evidenced by a complex and seemingly infinite electronic file database, and coupled with his unwillingness to delete anything, provided a valuable source of information to his colleagues and an unending source of frustration to IT; and

WHEREAS, it is also well known in the Office of General Counsel that Carmen Fosco could be relied upon to research all things thoroughly, no matter whether an obscure point of law or the purchase of a camera, computer or telecom package and consequently, Carmen was a "go to" person for matters of law and life; and
WHEREAS, like the boomerang, Carmen Fosco has previously left the Commission only to return and, with this history as our guide, his colleagues harbor the hope that, once Carmen’s children are out of college, the boomerang will circle back once again;

NOW, THEREFORE BE IT RESOLVED, that the Illinois Commerce Commission hereby acknowledges Carmen L. Fosco’s years of public service during his employment with the Illinois Commerce Commission and expresses its deep appreciation for his public service and dedication on the occasion of this, his latest departure.

Chairman