BEFORE THE

ILLINOIS COMMERCE COMMISSION

BENCH SESSION

(PUBLIC UTILITY)

Wednesday, July 8, 2015

Chicago, Illinois

Met, pursuant to notice, at 10:30 A.M.,
at 160 North La Salle Street, Chicago, Illinois.

PRESENT:

BRIEN J. SHEAHAN, Chairman

ANN MCCABE, Commissioner

SHERINA E. MAYE, Commissioner

MIGUEL DEL VALLE, Commissioner

JOHN R. ROSALES, Acting-Commissioner

SULLIVAN REPORTING COMPANY, by
PATRICIA WESLEY
CSR NO. 084-002170
CHAIRMAN SHEAHAN: Good morning. Are we ready to proceed in Springfield?

MR. MATRISCH: Yes, we are.

CHAIRMAN SHEAHAN: Pursuant to the Open Meetings Act, I call the July 8, 2015 Bench Session of the Illinois Commerce Commission to order.

Commissioners McCabe, del Valle, Maye and Rosales are present with me in Chicago, and we have a quorum.

Moving onto our Public Utility Agenda, there are edits to the Minutes of our June 11, 2015 Annual Supplier Diversity Policy Session.

Are there any objections to approving the Policy Session Minutes as edited?

(No response.)

Hearing none, the Minutes are approved.

There are also edits to the Minutes of our June 16, 2015 Public Utility Open Meeting. Are there any objections to approval of the Minutes of June 16 as edited?
(No response.)

Hearing none, the Minutes are approved.

Moving onto our Electric Agenda Item E-1 involves compliance changes to Mt. Carmel's Rider for Late Payment Charges.

Are there any objections to not suspending the filing?

(No response.)

Hearing none, the filing is not suspended.

Item E-2 involves approval of our assessment of ComEd's 2013 Reliability Performance Report.

Are there's any objections to approving the proposed Order?

(No response.)

Hearing none, the Order is approved.

Item E-3 involves a complaint filed against ComEd regarding a billing issue in Sandwich, Illinois.

Are there any objections to approving
the proposed Order granting the complaint in part
and denying in part?

(No response.)

Hearing none, the proposed Order is approved.

Item E-4 concerns a complaint filed against ComEd for the loss of major electric appliances and food spoilage resulting from storms in June of 2011.

Are there any objections to approving the proposed Order and granting ComEd's motion to dismiss?

(No response.)

Hearing none, the Order is approved and the complaint is dismissed.

Item E-5 involves a Joint Petition filed by Ameren and MidAmerican Energy Requesting Approval of Transmission Facilities' Purchase Agreement pursuant to Section 7-203 and 8-406 of the Public Utilities Act.

Are there any objections to approving the proposed Order?
Hearing none, the Order is approved.

Item E-6 concerns a route modification to Ameren Transmission's Illinois Rivers Project between Pana and Mt. Zion.

Are there any objections to approving the proposed Order?

(No response.)

Hearing none, the Order is approved.


Are there any objections to approving the proposed Order?

(No response.)

Hearing none, the Order is approved.

Item E-8 is the EDF Industrial Power Services' Petition to Cancel its Certificate of Service Authority to Operate as an Alternative Retail Electric Supplier.

Are there any objections to approving the proposed Order?
(No response.)

Hearing none, the Order is approved.

Items E-9 and 10 are Applications for Electric Vehicle Charging Station Installer Authority and Distributed Generation Installer Authority.

Are there any objections to considering these items together and approving the proposed Orders?

(No response.)

Hearing none, the Orders are approved.

Item E-11 concerns ComEd's Petition to Authorize Use of Eminent Domain for Easement Rights for Grand Prairie Gateway Project.

Are there any objections to approving the proposed Order?

(No response.)

Hearing none, the Order is approved.

Under our Gas Agenda, Item G-1 concerns Tariff changes to Nicor's Terms and Conditions to comply with its Code Part 280 and Implementation Plan.
Are there any objections to not suspending the filing?

(No response.)

Hearing none, the filing is not suspended.

Items G-2 through G-5 concern dismissal of various customer complaints for billing and/or charges.

Are there any objections to considering these items together or approving the proposed motions and Orders?

(No response.)

Hearing none, the Motions and the Order are approved.

The disposition of Item G-6 will be postponed to a future meeting.

Item G-7 involves Nicor's Motion to Withdraw its Request for Extension of Confidential Treatment for the 2012 Dekatherm Report.

Are there any objections approving the proposed Order?

(No response.)
Hearing none, the Order is approved.

Item G-8 is Ameren's Petition for Approval of Tariffs Associated with the Small Volume Transportation Program.

We have a number of substantive edits to the proposed Order. Commissioner Maye, would you like to propose adoption of the edits.

COMMISSIONER MAYE: Yes, Mr. Chairman. Thank you. I would like to propose joint edits to the proposed Order as it relates to the continuation of the SVT Program. The edits began on Page 31 and they are comments from the Chairman with input from Commissioner McCabe.

We have determined that the potential cost of the current program significantly outweighs the potential benefits that would relate to the customer; therefore, we believe it is not in the best interest of the public at this time to continue the program as it is in its current form.

We also further order the Ameren -- we also further order Ameren to work with Staff to conduct workshops with interested stakeholders to
determine how and when its customers will have
access to a Gas Supplier Choice Program.

And, last, but most definitely not
least, this Commission wants to emphasize that we
remain favorable to retail competition and supplier
choice.

Given the Commission's finding that
Ameren Illinois cease implementation of the SVT
Program as it currently exists, these edits deem the
specific SVT Program as proposed by the parties to
these edits at this time.

With that, I move the adoption of
these edits. Thank you, Mr. Chairman.

CHAIRMAN SHEAHAN: Is there a second?

COMMISSIONER McCabe: Seconded.

CHAIRMAN SHEAHAN: Commissioner McCabe, did you
have anything to add with respect to the workshops?

COMMISSIONER McCabe: No.

CHAIRMAN SHEAHAN: Commissioner del Valle, I
believe you have a statement.

COMMISSIONER del Valle: Yes. Thank you,
Mr. Chairman. I want to thank Commissioner Maye's
office and Commissioner McCabe and the Chairman's office for their hard work on this Order.

I agree with the proposed edits that considerable uncertainty surrounds this docket and would concur only because the edits require that Ameren work towards bringing a choice and competition to Ameren customers.

And I quote what I feel is in the edits. The Commission hearing orders Ameren Illinois to conduct workshops with Staff and the interested stakeholders to determine how and when residential gas customers in the service territory will have access to the Gas Supplier Choice Program. Again, the workshops will provide a solution to the question of how and when there will be a program and not if.

Customer Choice is the policy of the State of Illinois, and the Commission has repeatedly reiterated its support for a cost-effective plan in the Ameren territory.

My support for this edit aside, I'm disappointed in Ameren's leadership on this issue,
and though we have been discussing this Choice Program for years and have been ordered to implement this program by 2014, the company failed to execute what we were told would be a cost-effective way to bring choice to its customers.

This, in my opinion, is unacceptable. Ameren should not understand this Order to mean that a utility can avoid state policy and Commission directive by simply dragging its feet and refusing to produce timely and reliable cost estimates for the programs.

The policy of the State of Illinois and the Commission remains bringing choice and competition to Ameren customers, and that's what these workshops will produce. Thank you.

COMMISSIONER MAYE: May I add one other thing. I just want to further stress that as a result of these workshops and as indicated in edits of the Order that this Commission staff went after seeking a referral at this time whether or not we will continue the program and under what circumstances so this Commission would have discretion in full to
determine how we go forward. Thank you.

CHAIRMAN SHEAHAN: Any other discussion?

(No response.)

The edits have been moved and seconded. All in favor, say aye.

(Chorus of ayes.)

Opposed, say no.

(No response.)

The ayes have it. The edits are adopted.

I would like to entertain a motion to approve the Order as edited.

COMMISSIONER McCabe: So moved.

CHAIRMAN SHEAHAN: Is there a second?

COMMISSIONER MAYE: Seconded.

CHAIRMAN SHEAHAN: It's been moved and seconded.

Is there any discussion?

(No response.)

All those in favor, say aye.

(Chorus of ayes.)

Opposed, say nay.

(No response.)
The vote is unanimous. The Order as edited is approved.

Item G-9 concerns Amendments to the Minimum Safety Standards for the Transportation of Gas and for Gas Pipeline Facilities to Incorporate Changes required by Federal Regulations in filing various documents.

Are there any objections to approving the proposed Order?

(No response.)

Hearing none, the Order is approved.

Item G-10 concerns a citation issued to the Village of Thebes for the failure to maintain its obligations under the Illinois Gas Pipeline Safety Act.

Are there any objections to approving the proposed order?

(No response.)

Hearing none, the Order is approved.

Item G-11 is Viridian Energy's Application for Authority to Operate as an Alternative Gas Supplier.
Are there any objections to approving the proposed Order?

(No response.)

Hearing none, the Order is approved.

Moving onto our Telecommunications Agenda, Item T-1 concerns NextG's Petition for Confidential Treatment of its 2011 Gross Revenue Tax Return.

Is there a motion to dismiss the proceeding?

COMMISSIONER McCABE: So moved.

CHAIRMAN SHEAHOAN: Is there a second.

ACTING COMMISSIONER ROSALES: Seconded.

CHAIRMAN SHEAHOAN: All those in favor, say aye.

(Chorus of ayes.)

Opposed, say nay.

(No response.)

The ayes have it. The Motion to Dismiss the proceeding is granted.

Item T-2 is Millennium 2000's Application for ETC Designation pursuant to the Telecommunications Act.
Commissioner McCabe, I believe you have a statement.

COMMISSIONER McCabe: I just want to thank Judge Riley for his work on this Order on Rehearing.

CHAIRMAN SHEAHAN: Is there any objection to approving the proposed Order?

(No response.)

Hearing none, the Order is approved.

Item T-3 is Fiber Technologies Networks' Application for a Certificate of Authority to Operate as a Reseller and Facilities-based Carrier of Local Exchange and Interexchange Telecommunications Service throughout Illinois.

Is there any objection to approving the proposed Order?

(No response.)

Hearing none, the Order is approved.

Items T-4 and 5 are Petitions for Confidential Treatment of various reports.

Are there any objections to considering these items together and entering the proposed Orders?
(No response.)

Hearing none, the Orders are entered.

Items T-6 and 7 are Petitions for Cancellation of Certificates of Service Authority.

Are there any objections to considering these items together and entering the proposed Orders?

(No response.)

Hearing none, the Orders are entered.

Moving onto our Miscellaneous Agenda,

Item M-1 concerns RCN's Application for State-Issued Authorization to Provide Cable Service.

Is there any objection to approving the proposed Order?

(No response.)

Hearing none, the Order is approved.

Under other business, we have an item on our agenda regarding the Commission's Request for Rehearing of FERC's June 9, 2015 Order Approving PJM's Capacity Performance Tariff Provisions. This item involves potential litigation, so we will enter into closed session for our discussion.
Is there a motion to enter into closed
session?

ACTING COMMISSIONER ROSALES: So moved.

CHAIRMAN SHEAHAN: Is there a second?

COMMISSIONER McCabe: Seconded.

CHAIRMAN SHEAHAN: All those in favor, say aye.

(Chorus of ayes.)

Opposed, say nay.

(No response.)

The ayes have it, and we will clear the room for our discussion in closed session.

(Whereupon, Pages 18 to 24 were held in closed session.)

We are back in open session now.

We have had a discussion of PJM's Capacity Performance Tariff Provisions.

Is there a motion to approve the comments and direct Staff to forward them to the FERC?

COMMISSIONER McCabe: So moved.

CHAIRMAN SHEAHAN: Is there a second?

ACTING COMMISSIONER ROSALES: Seconded.
CHAIRMAN SHEAHAN: Is there any discussion?

(No response.)

All those in favor, say aye.

(Chorus of ayes.)

Opposed, say nay.

(No response.)

The ayes have it and the comments are approved.

Judge Kimbrel, do we have any other matters to come before the Commission today?

JUDGE KIMBREL: No, Mr. Chairman.

CHAIRMAN SHEAHAN: Commissioners, do we have any other business to discuss this morning?

(No response.)

Hearing none, we stand adjourned.

(Whereupon, the above matter was adjourned.)
CERTIFICATE OF REPORTER

STATE OF ILLINOIS )
 )
COUNTY OF COOK )

CASE NO.

TITLE: BENCH SESSION (PUBLIC UTILITY)

I, PATRICIA WESLEY, do hereby certify that I am a court reporter employed by SULLIVAN REPORTING COMPANY, of Chicago, Illinois; that I reported in shorthand the evidence taken and the proceedings had on the hearing on the above-entitled case on the 8th day of July A.D., 2015; that the foregoing 19 pages are a true and correct transcript of my shorthand notes so taken as aforesaid, and contains all of the proceedings directed by the Commission or other person authorized by it to conduct the said hearing to be stenographically reported.

Dated at Chicago, Illinois, this 15th day of July, A.D., 2015.

__________________________________________

Reporter.