BEFORE THE
ILLINOIS COMMERCE COMMISSION

REGULAR OPEN MEETING
(PUBLICUTILITY)

Springfield, Illinois
Tuesday, July 31, 2012

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
MS. ERIN M. O'CONNELL-DIAZ, Commissioner
MR. JOHN T. COLGAN, Commissioner
MS. ANN McCabe, 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 Regular Open Meeting of the Illinois Commerce Commission. With me in Springfield is Commissioner Colgan, and with us in Chicago are Commissioners Ford, O'Connell-Diaz and McCabe. I am Chairman Scott. We have a quorum.

Before moving into the agenda, according to Section 1700.10 of Title II 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 requests to speak at today's meeting.

Moving on to the agenda for today, we will begin with approval of minutes from our June 27 Bench Session. I understand amendments have been forwarded.

Is there a motion to amend the
1 minutes?
2 COMMISSIONER COLGAN: So moved.
3 CHAIRMAN SCOTT: Is there a second?
4 COMMISSIONER McCabe: Second.
5 CHAIRMAN SCOTT: It's been moved and seconded.
6 All in favor say aye.
7 COMMISSIONERS: Aye.
8 CHAIRMAN SCOTT: Any opposed?
9 (No response.)
10 The vote is five to nothing, and the
11 amendments are adopted.
12 Is there a motion to approve the June
13 27 minutes as amended?
14 COMMISSIONER COLGAN: So moved.
15 CHAIRMAN SCOTT: Is there a second?
16 COMMISSIONER O'Connell-Diaz: Second.
17 CHAIRMAN SCOTT: It's been moved and seconded.
18 All in favor say aye.
19 COMMISSIONERS: Aye.
20 CHAIRMAN SCOTT: Any opposed?
21 (No response.)
22 The vote is five to nothing, and the
June 27 Bench Session minutes as amended are approved.

Next up is approval of minutes from our July 11 Bench Session. I understand amendments have been forwarded.

Is there a motion to amend the minutes?

COMMISSIONER COLGAN: So moved.

CHAIRMAN SCOTT: Is there a second?

COMMISSIONER McCabe: 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 amendments are adopted.

Is there a motion to approve the July 11 minutes as amended?

COMMISSIONER COLGAN: So moved.

CHAIRMAN SCOTT: Is there a second?

COMMISSIONER McCabe: Second.
CHAIRMAN SCOTT: It's been moved and seconded.

All in favor say aye.

COMMISSIONERS: Aye.

CHAIRMAN SCOTT: The vote is five to nothing, and the July 11 Bench Session minutes as amended are approved.

Turning to the Electric portion of today's agenda, Items E-1 (12-0456) and E-2 (12-0457) can be taken together. These items concern the development and adoption of rules on municipal aggregation in light of our Order in Docket Number 11-0434 and rules concerning rate case treatment of charitable contributions in light of our Order in Docket Number 11-0721. For each item Staff recommends entry of an Initiating Order to start the rulemaking proceeding.

Is there any discussion?

(No response.)

Is there a motion to enter the Initiating Orders?

COMMISSIONER COLGAN: So moved.

CHAIRMAN SCOTT: Is there a second?
COMMISSIONER McCABE: 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 Orders are entered.

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

Item E-3 concerns the filing made by MidAmerican Energy Company making revisions to its cogeneration rates. Staff recommends granting the company's request by not suspending the filing.

Is there any discussion?

(No response.)

Are there any objections?

(No response.)

Hearing none, the filing will not be suspended.

Item E-4 is Docket Number 09-0592.
This is the rulemaking proceeding for Parts 412 and 453 of the Administrative Code. Before us today is an Amendatory Order making minor corrections to the changes we recently approved for Part 453. ALJ Benn recommends entry of this Amendatory Order.

Is there any discussion?

(No response.)

Are there any objections?

(No response.)

Hearing none, the Amendatory Order is entered.

Items E-5 through E-9 (11-0525, 11-0683, 12-0004, 12-0037, 12-0272) can be taken together. These are customer complaints 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.)

Are there any objections?

(No response.)

Hearing none, the Joint Motions to
Dismiss are granted.

Item E-10 is Docket Number 10-0258.

This is Joan Marek's complaint against ComEd. Before us today is an Amendatory Order making a minor change to the Order we previously entered dismissing the complaint. ALJ Riley recommends entry of this Amendatory Order.

Is there any discussion?

(No response.)

Are there any objections?

(No response.)

Hearing none, the Amendatory Order is entered.

Item E-11 is Docket Number 12-0221.

This is Agentis' petition to withdraw its Certificate of Service Authority previously issued under Section 16-115C of the Public Utilities Act. ALJ Baker recommends entry of an Order cancelling the certificate.

Is there any discussion?

(No response.)

Are there any objections?
Items E-12 through E-14 (12-0168, 12-0199, 12-0235) can be taken together. These are petitions for the confidential and/or proprietary treatment of petitioners' reports. In each case the ALJ recommends entry of an Order granting the requested protective treatment.

Is there any discussion?

(No response.)

Are there any objections?

(No response.)

Hearing none, the Orders are entered.

Item E-15 is Docket Number 12-0295.

This is Ameren's petition seeking approval for the transfer of certain property and customers to the municipality of Princeton, Illinois. ALJ Von Qualen recommends entry of an Order granting the requested relief.

Is there any discussion?

(No response.)

Are there any objections?
(No response.)

Hearing none, the Order is entered.

Items E-16 through E-18 (12-0386, 12-0394, 12-0402) can be taken together. These are applications for licensure as an Agent, Broker and Consultant under Section 16-115C of the Public Utilities Act. In each case ALJ Albers recommends entry of an Order granting the requested certificate.

Is there any discussion?

(No response.)

Are there any objections?

(No response.)

Hearing none, the Orders are entered.

Item E-19 is Docket Number 12-0400.

This is an application for licensure as an Alternative Retail Electric Supplier by Trademark Merchant Energy. ALJ Yoder recommends entry of an Order granting the requested certificate.

Is there any discussion?

(No response.)

Are there any objections?

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

Item E-20 is Docket Number 12-0407.

This is an application for Licensure as an
Alternative Retail Electric Supplier by Santanna
Natural Gas Corporation. We will hold this item for
disposition at a future Commission meeting.

Turning now to Natural Gas, Item G-1
is Docket Number 09-0541. This is AmerenIP's
reconciliation case for revenues collected under gas
adjustment charges in 2009. ALJ Albers recommends
entry of an Order approving the reconciliation.

Is there any discussion?

(No response.)

Are there any objections?

(No response.)

Hearing none, the Order is entered.

Item G-2 is Docket Number 12-0348.

This is a rulemaking proceeding for Title 83, Part
595 of the Administrative Code concerning the
definition of pipeline accidents. ALJ Benn
recommends entry of a Second Notice Order authorizing
submission of the proposed amendments to JCAR.
Is there any discussion?

(No response.)

Are there any objections?

(No response.)

Hearing none, the Order is entered.

Item G-3 is Docket Number 12-0395.

This is an application for licensure as an Alternative Gas Supplier by Palmco Energy Illinois.

This item will be held for disposition at a later date. The deadline for a decision in this matter is August 2. However, Section 19-110(f) of the Public Utilities Act states that the time for considering an Alternative Gas Supplier Certificate can be extended by up to 90 days, and we will do so in this case.

I understand, Commissioner Colgan, you had requested extra time.

COMMISSIONER COLGAN: Right. As I went through this Order, I just noticed that there were complaints that had been filed on affiliated organizations with Palmco Energy, and I would just like to have more time to take a closer look at this.

CHAIRMAN SCOTT: Very good. We will hold this
for disposition at a future Commission meeting.

Item E-4 is Docket Number 12-0401.

This is an application for licensure as an
Alternative Gas Supplier by TERM Power and Gas. ALJ
Von Qualen recommends entry of an Order granting the
requested certificate.

Is there any discussion?

(No response.)

Are there any objections?

(No response.)

Hearing none, the Order is entered.

Moving on to Telecommunications, Item

T-1 is Docket Number 11-0688. This is a rulemaking
proceeding for Title 83, Part 735 of the
Administrative Code. ALJ Riley recommends entry of a
Second Amendatory Second Notice Order making minor
changes to the Order we previously entered.

Is there any discussion?

(No response.)

Are there any objections?

(No response.)

Hearing none, the Amendatory Order is
Item T-2 is Docket Number 12-0335.

This is an application for Certificates of Service Authority brought by American Broadband and Telecommunications Company. We have entered an Order granting the company's certificates in our July 11 Bench Session. Before us today is an Amendatory Order granting the company an additional certificate for resold wireless telephone service. ALJ Benn recommends entry of that Amendatory Order.

Is there any discussion?

(No response.)

Are there any objections?

(No response.)

Hearing none, the Amendatory Order is entered.

Items T-3 through T-7 (11-0271, 11-0557, 12-0153, 12-0185, 12-0245) can be taken together. These items are petitions for the confidential and/or proprietary treatment of the petitioners' reports. In each case ALJ Baker recommends entry of an Order granting the requested
relief for a period of two years.

Is there any discussion?

(No response.)

Are there any objections?

(No response.)

Hearing none, the Orders are entered.

Item T-8 is Docket Number 12-0328.

This is a Joint Petition for approval of a collocation agreement between CenturyLink and NTS Services. ALJ Baker recommends entry of an Order granting the petition and approving the agreement.

Is there any discussion?

(No response.)

Are there any objections?

(No response.)

Hearing none, the Order is entered.

Items T-9 through T-14 (12-0049, 12-0104, 12-0281, 12-0345, 12-0361, 12-0362) can be taken together. These items are petitions by telecommunications companies seeking to withdraw and cancel Certificates of Service Authority previously granted by the Commission. In each case ALJ Baker
recommends entry of an Order granting the petition and cancelling the Certificates.

Is there any discussion?

(No response.)

Are there any objections?

(No response.)

Hearing none, the Orders are entered.

We have one Water and Sewer item for consideration today. Item W-1 is Docket Number 09-0151. This is Illinois-American Water Company's reconciliation proceeding concerning its purchased water and sewer treatment surcharges for 2008. ALJ Jones recommends entry of an Order approving the reconciliation with adjustments.

Is there any discussion?

(No response.)

Are there any objections?

(No response.)

Hearing none, the Order is entered.

We have one Miscellaneous item to take up today. Item M-1 is Docket Number 12-0378, and it concerns amendments to Title II, Section 1700.20 of
the Administrative Code over the nature of public
comments posted on the Commission's website. Before
us today is an Amendatory Order changing the
effective date of the amendments, and Staff
recommends entry of that Amendatory Order.

Is there any discussion?

(No response.)

Are there any objections?

(No response.)

Hearing none, the Amendatory Order is
entered.

We have three additional items of
other business to take up today. These are FERC
items, and we will need to go into Closed Session to
address them.

Is there a motion to go into Closed
Session?

COMMISSIONER COLGAN: So moved.

CHAIRMAN SCOTT: Is there a second?

COMMISSIONER McCabe: Second.

CHAIRMAN SCOTT: It's been moved and seconded.

All in favor say aye.
COMMISSIONERS: Aye.

CHAIRMAN SCOTT: The vote is five to nothing, and the Commission will now go into Closed Session. Please let me know when the room is ready in Chicago.

(Whereupon at this point pages 19 - of the proceedings are contained in a separate closed transcript.)
CONTINUATION OF PROCEEDINGS

CHAIRMAN SCOTT: Okay. In Closed Session the Commission discussed the ICC's response to a request for Comments on Proposed Order 100 Regional Transmission Cost Allocation Principles developed by the PJM Transmission Owners. Is there a motion to file the requested response?

COMMISSIONER COLGAN: So moved.

CHAIRMAN SCOTT: Is there a second?

COMMISSIONER McCabe: 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 comments will be filed.

In Closed Session the Commission also discussed making a filing in FERC Docket ER11-0481-002. Is there a motion to file the comments with FERC?

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

COMMISSIONER COLGAN: Second.

CHAIRMAN SCOTT: It's been moved and seconded.

Any discussion?

(No response.)

All in favor say aye.

COMMISSIONERS: Aye.

CHAIRMAN SCOTT: Any opposed?

(No response.)

The vote is five to nothing, and the comments will be filed with FERC.

Finally, in Closed Session the Commission discussed the PJM state agency's motion for adoption of the Joint Stipulation Agreement in FERC Docket Number IN12-07.

Is there a motion to join the Stipulation Agreement?

COMMISSIONER COLGAN: So moved.

CHAIRMAN SCOTT: Is there a second?

COMMISSIONER O'CONNELL-DIAZ: Second.

CHAIRMAN SCOTT: It's been moved and seconded.

Is there any discussion?
(No response.)

All in favor say aye.

COMMISSIONERS: Aye.

CHAIRMAN SCOTT: Any opposed?

(No response.)

The vote is five to nothing, and the motion -- or the stipulation will be entered into.

I just have one thing that I do want to bring up today before we adjourn, and that's to welcome Jonathan Feipel who is here next to Judge Wallace at the table as our new Executive Director. Jonathan started July 18, I believe. He most recently served as Deputy Director of DCEO in overseeing the energy office there. And for those of you who have been around longer than I have, you will know that he worked at the ICC previously from 1999 to 2006 in a variety of positions, concluding with Assistant Director to the Telecommunications Division before going on to DCEO.

So, Jonathan, we are very excited to have you here. It is a very interesting and exciting time for the Commission, and we very much look
forward to working with you and we know you are going
to do a tremendous job. So welcome to the
Commission.

MR. FEIPEL: Thank you.

CHAIRMAN SCOTT: And while we are welcoming
Jonathan, we also want to thank Randy Nehrt who
served as the Interim Executive Director for six
months, a very difficult job to do at a very
difficult and busy time for the Commission.

So as we welcome Jonathan, we also
want to thank Randy for his outstanding service both
before that time and during that time and look
forward to continuing to work with Randy in the
future as well. Thanks.

Anything else from the Commissioners?

Commissioner Ford.

COMMISSIONER FORD: Yes. I wanted to welcome
Jonathan and look forward to working with you for the
next several months.

MR. FEIPEL: Absolutely.

CHAIRMAN SCOTT: Well, we will leave any
interpretation.
Judge Wallace, anything further to come before the Commission today?

JUDGE WALLACE: No, that's all, Mr. Chairman.

CHAIRMAN SCOTT: Thank you. Hearing nothing else, this meeting stands adjourned.

Thanks, everyone. Have a good day.

MEETING ADJOURNED AT 11:19 A.M.