BEFORE THE
ILLINOIS COMMERCE COMMISSION

REGULAR OPEN MEETING AGENDA

Chicago, Illinois
Tuesday, August 10, 2010

Met, pursuant to notice, at 10:30 a.m. in N808, Eighth Floor, 160 North LaSalle Street,
Chicago, Illinois.

PRESENT:
MANUEL FLORES, Acting Chairman
LULA M. FORD, Commissioner, via teleconference
ERIN M. O'CONNELL-DIAZ, Commissioner
SHERMAN J. ELLIOTT, Commissioner,
via videoconference
JOHN T. COLGAN, Acting Commissioner,
via videoconference

SULLIVAN REPORTING COMPANY, by
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ACTING CHAIRMAN FLORES: Pursuant to the provisions of the Illinois Open Meetings Act, I now convene a Regularly Scheduled Open Meeting of the Illinois Commerce Commission. With me in Chicago is Commissioner O'Connell-Diaz, and with us in Springfield are Commissioners Elliott and Acting Commissioner Colgan. I am acting Chairman Flores. We have a quorum.

I believe Commissioner Ford is available by phone in Chicago.

COMMISSIONER FORD: Yes.

ACTING CHAIRMAN FLORES: Commissioner, good morning.

COMMISSIONER FORD: Good morning. How are you?

ACTING CHAIRMAN FLORES: We're doing well.

Per the Commission's rules we must vote to allow Commissioner Ford to participate by phone.

I make a motion that we allow Commissioner Ford to join us by phone.

Is there a second?
COMMISSIONER O'CONNELL-DIAZ: Second.

ACTING CHAIRMAN FLORES: It's been moved and seconded.

All in favor say "aye."

(Chorus of ayes.)

ACTING CHAIRMAN FLORES: Any opposed?

(No response.)

ACTING CHAIRMAN FLORES: The vote is 4-0 to allow Commissioner Ford to participate by phone.

Before we begin with the remainder of the agenda, I would just like to welcome a special group -- a delegation, friends of ours from Kosovo. This is a partnership that we have forged with the Kosovo Energy Regulatory Office and we have the Chairman of the office as well as some Commissioners and some Staff.

I wanted to thank NARUC for their leadership and making this partnership possible. These partnerships are important for the purposes of our states and our country to be able to engage in an international partnership and to discuss best practices in the area of energy regulatory law and
So I'm very grateful. The ICC's very grateful for this partnership and want to again thank NARUC for their leadership.

I want to turn it over to Commissioner O'Connell-Diaz who has been also one of the long-time advocates from the ICC in making this partnership work. And, obviously, we all know of her leadership at NARUC and the good work that she is doing.

Commissioner O'Connell-Diaz, would you brief us on this partnership and what we are doing here today.

JUDGE DOLAN: Chairman, before you go any further, I think we may have lost Springfield.

ACTING CHAIRMAN FLORES: Thank you.

(Whereupon, a recess was taken.)

ACTING CHAIRMAN FLORES: We are now back in session from our short recess.

We were -- before we were -- before our break I had made some remarks -- some welcoming remarks for our friends from Kosovo. I was hoping that Commissioner O'Connell-Diaz would also make the
introduction and just give a brief explanation about
the partnership between the ICC and the Kosovo Energy
Regulatory Office.

Commissioner O'Connell-Diaz.

COMMISSIONER O'CONNELL-DIAZ: Thank you,
Chairman.

And I'd like to welcome, again, our
guests that are here this week, our partners, our
friends from Kosovo. Dr. Hamiti, Commissioners
Theranda, Astrit, Gani and Hysniji. And they are
participating in the kind of last leg of our
partnership that we have been having with the Kosovo
Energy Office for the last two years. We have had
the wonderful opportunity to visit them twice in
Kosovo and share with them and they share with us
their regulatory experiences.

We find that while we live in very
different parts of the world, we have very similar
issues. And we have, I think, helped each other in
understanding and figuring out plans for our
regulatory policies that we put forward on a
going-forward basis.
Martina Schwartz who is here with the International Programs for NARUC, these programs would not be possible without NARUC and USAID. So we're very thankful for these programs. And, again, they are just extremely beneficial to us as citizens of Illinois and as of citizens of the United States and, indeed, citizens of the world.

So we are really pleased to host you and I know you're having a good time and you're going to go down to our Springfield office and have a couple more days with us and we look forward to having great experiences for you as well as you meeting many of our Staff and enjoying the expertise that we can share with you.

Dr. Hamiti.

CHAIRMAN HAMITI: Thank you. Honorable Chairman Flores, Honorable Commissioner O'Connell-Diaz, ladies and gentlemen who are here in ICC and in Springfield, I want just to thank you that you make possible our participation in this very interesting meeting and being part of meeting -- open meeting that is quite similar to ours, but we don't
need to have conference and connections because our Commission is located just in Pristina. All Commissioners are there. Everything happens in this -- the same location.

We are very delighted that we are part of this meeting today, but especially we are delighted that we are allowing and part of a very interesting schedule for this fourth partnership program.

My Colleague Diaz said everything about our program. I don't want to repeat it. I agree fully, which is very interesting partnership. This is absolutely very valuable for us to help us civility and to learn from you -- from your very -- almost 100 year's experience in regulations. We are very new. We just have four, five years from our establishment. And now we are very glad that we can learn really right things from right people in the field of regulations.

So thank you very much, indeed, for your hospitality and for your commitment to help us and to share the last -- all success and problems you
faced but are sometimes very similar even ours may looks smaller. So thank you, indeed. Thank you very much.

COMMISSIONER O'CONNELL-DIAZ: Thank you, Dr. Hamiti.

ACTING CHAIRMAN FLORES: Thank you, Chairman Hamiti.

I also want to thank Brandy and Ambika. They've done a great job in coordinating all the logistics and making sure that the stay for our friends here is a pleasant one. So thank you to Commissioner O'Connell as well as for spearheading this effort and all of the other ICC Staff.

So we will now be moving forward. According to Section 1700.10 of the Illinois Administrative Code, this is the time that 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 Commission's meeting. According to the Chief Clerk's Office we have no requests to speak at today's open meeting.
First up we have minutes to approve from the July 14th Bench session. I believe amendments have been circulated.

Is there a motion to amend the July 14th minutes?

COMMISSIONER O'CONNELL-DIAZ: So moved.

ACTING CHAIRMAN FLORES: I will second it.

It's been moved and seconded.

All in favor say "aye."

(Chorus of ayes.)

ACTING CHAIRMAN FLORES: Any opposed?

(No response.)

COMMISSIONER FORD: The vote is 5-0 and the July 14th minutes are amended.

I will make a motion to approve the July 14th minutes, as amended.

Is there a second?

COMMISSIONER O'CONNELL-DIAZ: Second.

ACTING CHAIRMAN FLORES: It's been moved and seconded.

All in favor say "aye."

(Chorus of ayes.)
ACTING CHAIRMAN FLORES: All opposed?

(No response.)

ACTING CHAIRMAN FLORES: The vote is 5-0 and the July 14th minutes, as amended, are approved.

Our second item is Docket No. 08-0264. This is an item we held from a previous Bench session and we'll be holding this once again until the 18th.

Our third item is Docket Nos. 09-0306 through 09-0311. This is the Ameren Illinois' Utility Rate Case, which is currently on rehearing.

Before us today is a Petition for Interlocutory Review concerning a ruling on the admissibility of Ameren's final actuarially report for 2009, a report that became available in January 2010. On this issue Administrative Law Judges Albers and Yoder recommended that we side with the Staff in disallowing the January 2010 report's admission into evidence on rehearing.

Is there any discussion on this matter?

(No response.)

ACTING CHAIRMAN FLORES: Is there a motion
to -- are there any motions either way on this petition?

COMMISSIONER O'CONNELL-DIAZ: Chairman, I would move to grant the Ameren Illinois Utility's Petition for Interlocutory Review.

ACTING CHAIRMAN FLORES: Is there a second?

COMMISSIONER FORD: Second.

ACTING CHAIRMAN FLORES: It's been moved and seconded.

All in favor say "aye."

(Chorus of ayes.)

ACTING CHAIRMAN FLORES: Any opposed?

COMMISSIONER ELLIOTT: No.

ACTING CHAIRMAN FLORES: You're not opposed, or you are opposed?

COMMISSIONER ELLIOTT: I am opposed.

ACTING CHAIRMAN FLORES: Okay. The vote is 4-1, and the Petition to allow admission of this -- the actuarially report is granted.

Our fourth item is Docket No. 10-0103. This concerns a complaint as to billing and charges brought by Daniel Hansen against ComEd.
Administrative Law Judge Sainsot recommends dismissing the complaint without prejudice.

Is there a motion to dismiss the complaint?

ACTING COMMISSIONER COLGAN: So moved.

ACTING CHAIRMAN FLORES: I will second it.

It's been moved and seconded.

All in favor say "aye."

(Chorus of ayes.)

ACTING CHAIRMAN FLORES: Any opposed?

(No response.)

ACTING CHAIRMAN FLORES: The vote is 5-0 and the complaint is dismissed.

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

Our 5th and 6th items today can be taken together. These concern customer complaints against ComEd and Ameren in which parties have resolved their differences and filed a Joint Motion to Dismiss, which the Administrative Law Judges recommend we grant.

Is there any discussion?
ACTING CHAIRMAN FLORES: Any objections?

(No response.)

ACTING CHAIRMAN FLORES: Hearing none, these dockets are dismissed.

Items 7 and 8 on today's agenda can likewise be taken together. These concern petitions by the State Department of Transportation for approval of the taking of certain properties owned by ComEd via eminent domain. This is in connection with the reconstruction of U.S. Route 30 in Will County. In each case Administrative Law Judge Hilliard recommends entry of an Order granting the petition for approval to take property.

Is there any discussion?

(No response.)

ACTING CHAIRMAN FLORES: Any objections?

(No response.)

ACTING CHAIRMAN FLORES: Hearing none, the Orders are entered and the petitions are approved.

Item 9 is Docket No. 08-0521. This concerns a complaint brought by Henry Graham against
Santana Energy Services regarding the switching of his service.

This matter will be held for disposition at a future proceeding.

Item 10 is Docket No. 10-0129. This docket concerns an application for a Certificate of Service Authority from Integrys Energy Services. In this matter Staff and Integrys appear to have resolved any differences and have jointly petitioned the Commission for approval of their settlement. And Administrative Law Judge Sainsot recommends that we enter the Settlement Order here today.

Is there any discussion?

(No response.)

ACTING CHAIRMAN FLORES: Any objections?

(No response.)

ACTING CHAIRMAN FLORES: Hearing none, the Settlement Order is entered.

Item 11 is Docket No. 09-0418. This concerns an application by Lifeconnex Telecom for a Certificate of Service Authority to operate as a resale and facilities-based carrier of
telecommunication services in Illinois.

Administrative Law Judge Baker recommends that we enter on order granting the certificate.

Is there any discussion?

(No response.)

ACTING CHAIRMAN FLORES: Any objections?

(No response.)

ACTING CHAIRMAN FLORES: Hearing none, the Order is entered.

Items 12 and 13 can be taken together.

These concern petitions for confidential and/or proprietary treatment of annual reports. In both cases Administrative Law Judge Baker recommends entry of an Order granting the requested relief.

Is there any discussion?

(No response.)

ACTING CHAIRMAN FLORES: Any objections?

(No response.)

ACTING CHAIRMAN FLORES: Hearing none, the Orders are entered.

Items 14 and 15 can be taken together.

These items concern petitions for the approval of
Interconnection Agreements pursuant to 47 U.S.C. Section 252. In each case Administrative Law Judge Baker recommends entry of an Order approving the Interconnection Agreement.

Is there any discussion?

(No response.)

ACTING CHAIRMAN FLORES: Any objections?

(No response.)

ACTING CHAIRMAN FLORES: Hearing none, the Orders are entered and the Interconnection Agreements are approved.

Item 16 is Docket No. 10-0448. This concerns a petition from Montgomery County regarding the modification to its 911 emergency response system specifically shifting responsibility for those emergency response services to the Montgomery County Sheriff's Office. Administrative Law Judge Jones recommends entry of an Order granting the County's petition.

Is there any discussion?

(No response.)

ACTING CHAIRMAN FLORES: Any objections?
ACTING CHAIRMAN FLORES: Hearing none, the Order is entered and the petition is granted.

The final item today is Item 17. This concerns a ComEd rate case currently on appeal and the Commission may go into closed session to consider this matter.

I will make a motion to go into closed session.

Is there a second?

COMMISSIONER O'CONNELL-DIAZ: Second.

ACTING CHAIRMAN FLORES: It's been moved and seconded.

All in favor say "aye."

(Chorus of ayes.)

ACTING CHAIRMAN FLORES: The vote is 5-0, and we will now go into closed session. Please let me know when we are ready to go in Springfield.

(Whereupon, at this point Pages 18-53 of the proceedings are contained in a separate closed transcript.)
CONTINUATION OF PROCEEDINGS

ACTING CHAIRMAN FLORES: For the record, in closed session the Commission discussed the Appellate Case in ICC Docket No. 07-0566, which was a rate case ComEd filed in 2007.

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

JUDGE WALLACE: No, there's not, Mr. Chairman.

ACTING CHAIRMAN FLORES: Thank you, sir. I look forward to seeing you all in Springfield in a couple days. Hearing none, this meeting stands adjourned. Thank you.

MEETING ADJOURNED