BEFORE THE
ILLINOIS COMMERCE COMMISSION

BENCH SESSION
(PUBLIC UTILITY)

Springfield, Illinois
Wednesday, August 17, 2011

Met, pursuant to notice, at 10:30 a.m. in Hearing Room A, First 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. SHERMAN J. ELLIOTT, Commissioner
MR. JOHN T. COLGAN, Acting Commissioner

SULLIVAN REPORTING COMPANY, by Carla J. Boehl, Reporter
CSR #084-002710
PROCEEDINGS

CHAIRMAN SCOTT: Pursuant to 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 Commissioners Ford, O'Connell-Diaz, Acting Commissioner Colgan and Commissioner Elliott. 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 the Bench Session. According to the Chief Clerk's Office we have no requests to speak at today's session.

(The Transportation portion of the proceedings was held at this time and is contained in a separate transcript.)
CHAIRMAN SCOTT: Moving on to the Public Utility agenda, we will first turn to the Electric portion.

Item E-1 concerns a filing by Ameren Illinois to revise its tariffs for the provision of electric service including modifications to Riders EUA and RDC concerning uncollectibles and reserve distribution capacity. Staff recommends that the Commission allow the company's request by not suspending the filing.

Is there any discussion?

(No response.)

Is there a motion to not suspend the filing?

COMMISSIONER ELLIOTT: So moved.

CHAIRMAN SCOTT: Is there a second?

ACTING COMMISSIONER COLGAN: 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 filing will not be suspended.

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

Item E-2 is Docket Number 10-0138. This is ComEd's proposal to create and establish Rider PORCB and to revise other related tariffs. This matter has been on rehearing the past few months and before us today is an Order on Rehearing. ALJ Sainsot recommends that the Commission enter an Order on Rehearing which leaves the conclusions unchanged from those initially entered in the docket.

Is there any discussion?

(No response.)

Are there any objections to entering the Order on Rehearing?

(No response.)

Hearing none, the Order on Rehearing is entered.

Items E-3 and E-4 (10-0643, 11-0048) can be taken together. These items are customer
complaints brought by Chris Oberheide and Anita Sanders against ComEd. In each case the ALJ recommends entry of an Order dismissing the complaint without prejudice for want of prosecution.

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the Orders are entered and the complaints are dismissed.

Items E-5 through E-12 (11-0359, 11-0363, 10-0656, 11-0294, 11-0446, 11-0447, 11-0457, 11-0470) can be taken together. These items are each customer complaints as to billing and/or charges against ComEd. In each case the parties have apparently settled their differences and brought a Joint Motion to Dismiss which the ALJ recommends that we grant.

Is there any discussion?

(No response.)

Any objections?

(No response.)
Hearing none, the Joint Motions to Dismiss are granted.

Item E-13 is Docket Number 11-0076.

This is a petition by the Illinois Department of Transportation seeking eminent domain authority to acquire property in Kane County for roadway improvement. ALJ Hilliard recommends that the Commission enter an Order approving the petition.

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the Order is entered and the eminent domain petition is approved.

Item E-14 (11-0460) is Energy Enablement's application for licensure as an Agent, Broker and Consultant under Section 16-115C of the Public Utilities Act. ALJ Yoder recommends that the Commission enter an Order granting the requested certificate.

Is there any discussion?

(No response.)
Any objections?

(No response.)

Hearing none, the Order is entered, and the certificate is granted.

Items E-15 through E-17 (11-0489, 11-0511, 11-0535) will be held for disposition at a future Commission proceeding.

Item E-18 is Docket Number 11-0530. This is Public Power of Illinois' application for a Certificate of Service Authority to operate as an alternative retail electric supplier. The company has filed a Motion to Withdraw its application dismissing this docket without prejudice, and ALJ Wallace recommends granting the Motion to Withdraw.

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the Motion to Withdraw is granted.

Item E-19 is Docket Number 11-0538. This is Energy Connection's application for licensure
as an Agent, Broker and Consultant under Section 16-115C of the Public Utilities Act. The applicant currently has a parallel docket open to amend its prior application, thus rendering this docket moot. ALJ Albers recommends dismissal of this docket.

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the docket is dismissed.

Turning now to Natural Gas, Items G-1 and G-2 can be taken together. These items are filings by North Shore and Peoples Gas seeking to establish Rider PIPP for the companies' payment by percentage of low income customers assistance program. With each filing Staff recommends that the Commission allow the companies' request by not suspending the filing.

Is there any discussion?

ACTING COMMISSIONER COLGAN: Mr. Chairman?

CHAIRMAN SCOTT: Yes, Mr. Colgan.

ACTING COMMISSIONER COLGAN: Yes. To just
maintain consistency and to avoid any appearance of
impropriety on my part, I am going to recuse myself
for a vote on this because I was involved with the
establishment of this legislation.

CHAIRMAN SCOTT: Very good. Are there any
objections to not suspending the filings?

(No response.)

Hearing none, the filings will not be
suspended, and that vote will be four to nothing.

Item G-3 is a filing by Ameren
Illinois modifying its Rider GC established for
government compliant-related adjustment. Staff
recommends that the Commission allow the company's
request by not suspending the filing.

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the filing will not be
suspended.

Item G-4 is a filing by Ameren
Illinois revising its Seasonal Gas Delivery Service
Tariff to add a new temperature zone and modifying its Uncollectible Adjustment Rider to comply with the Commission's Order in Docket Number 10-0517. Staff recommends that the Commission allow the company's request by not suspending the filing.

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the filing will not be suspended.

Item G-5 (11-0545) is a filing by Nicor for special permission to revise tariffs on less than 45-days notice to modify its Rider 28 concerning its Payment by Percentage of Income Program. Staff recommends that the Commission grant the company's request for tariff modifications through granting special permission.

Is there any discussion?

ACTING COMMISSIONER COLGAN: For the same reasons as G-1 and G-2 I recuse myself from this vote.
CHAIRMAN SCOTT: Very good. Thank you, Commissioner Colgan.

Any objections?

(No response.)

Hearing none, special permission is granted, and again on a vote of four to nothing.

Item G-6 is Docket Number 11-0087.

This is a petition by Integrys Energy Services seeking to withdraw its Certificate of Service Authority previously issued in Docket 05-0868. ALJ Baker recommends that the Commission enter an Order granting the withdrawal.

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the Order is entered, and the Certificate is withdrawn.

Moving now to Telecommunications,

Items T-1 through T-5 (11-0030, 11-0070, 11-0365, 11-0405, 11-0406) can be taken together. These items concern petitions by telecommunication carriers to
withdraw its Certificates of Service Authority
previously issued by the Commission. In each case
ALJ Baker recommends entry of an Order approving the
petition and granting the withdrawal.

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the Orders are entered
and the Certificates are withdrawn.

Item T-6 (11-0418) will be held for
disposition at a future Commission proceeding.

Item T-7 (11-0458) concerns a petition
by Hudson Fiber Network for a Certificate of Service
Authority to provide telecommunication service in
Illinois under Sections 13-403, 13-404, and 13-405 of
the Public Utilities Act. ALJ Teague recommends
entry of an Order granting the requested Certificate
and associated relief.

Is there any discussion?

(No response.)

Any objections?
(No response.)

Hearing none, the Order is entered.

Item T-8 will be held for disposition at a future Commission proceeding.

Item T-9 is Docket Number 11-0533.

This is a petition requesting authorization for transfer or reissuance of Certificates of Service Authority from Zone Telecom, Inc., to Zone Telecom, LLC. ALJ Riley recommends entry of an Order cancelling the Certificates issued to Zone Telecom, Inc., and reissuing the same Certificates to Zone Telecom, LLC.

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the Order is entered.

Items T-10 through T-13 (08-0009, 10-0012, 11-0002, 11-0342) can be taken together.

These items concern petitions by telecommunication carriers to protect against the disclosure of confidential and/or proprietary information. In each
case ALJ Baker recommends entry of an Order granting
the requested protective relief for a period of two
years.

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the Orders are entered.

Item T-14 is Docket 11-0239. This is

a citation proceeding against Tele-Connect for
failure to file its 2009 Annual Report with the
Commission. ALJ Benn recommends entry of an Order
cancelling and revoking the company's Certificate of
Service Authority for its failure to file.

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the Order is entered,
and the Certificates are revoked.

Item T-15 is Docket Number 11-0490.

This is TracFone Wireless' Petition for Clarification
surrounding its Lifeline support status tiers. The company has filed a Motion to Withdraw its petition, and ALJ Riley recommends granting this motion.

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the Motion to Withdraw is granted.

Moving on to Water and Sewer, Item W-1 is Docket Number 11-0436. This is Aqua Illinois' proposed general increase in water and sewer rates. Before us today is a Resuspension Order extending the period of suspension for another six months to allow the rate case to continue.

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the Resuspension Order is entered.

Lastly, we have a few items of Other
Business for today. First up is a Commission Report to the General Assembly regarding future technological and financial needs of 9-1-1 systems. Is there someone from Staff who is here to brief us or answer any questions?

MR. HARVEY: Matt Harvey from OGC in Chicago.

CHAIRMAN SCOTT: Very good, Matt. Did you have anything you wanted to say about the report?

MR. HARVEY: Apart from the fact that it is my understanding that the Commissioners and assistants have had an opportunity to review drafts of the Report and submit matters of concern, which Staff has conveyed to our outside independent consultant, and, you know, the fact that in my opinion the Report is markedly improved from prior drafts, I really have nothing to add from, you know, previous discussions. But if the Commissioners have questions, I would be glad to field them at this time.

CHAIRMAN SCOTT: Appreciate that, and I just want to thank the Staff because I know they put in a lot of work on this, and the Report is markedly different and markedly improved from prior drafts.
So we really appreciate the amount of time and effort that everyone on staff put in on this effort. And, again, I think we have got a good Report going to the General Assembly then.

Any other discussion on the Report?

(No response.)

Any objections to having the Report sent to the General Assembly?

(No response.)

Hearing none, the Report is approved for distribution to the General Assembly.

We have also got a number of FERC items today. And as those involve pending litigation, we will go into Closed Session to address them.

Is there a motion to go into Closed Session?

COMMISSIONER FORD: So moved.

CHAIRMAN SCOTT: Is there a second?

COMMISSIONER O'CONNELL-DIAZ: 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 Commission will now go into Closed Session. Please let me know when the room is ready in Chicago.

CHICAGO: We are ready, Chairman.

(Whereupon at this point pages 19 - 37 of the proceedings are contained in a separate closed transcript.)
CONTINUATION OF PROCEEDINGS

CHAIRMAN SCOTT: During Closed Session the Commission discussed making filings in three FERC matters. No action will be taken in FERC Docket Number RM11-26-000.

For the purpose of authorizing Commission action we will take the remaining three FERC items together. The Commission discussed making a filing in FERC Docket Number ER11-2875-001, ER11-2875-002 and EL11-20-001, also in FERC Docket Number RM10-23-000 and in FERC Docket Numbers ER11-4069-000 and ER11-4070-000.

Is there a motion to make these filings with FERC?

ACTING COMMISSIONER COLGAN: So moved.

CHAIRMAN SCOTT: Is there a second?

COMMISSIONER O'CONNELL-DIAZ: 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 filings will be made with FERC.

Judge Wallace, anything further to come before the Commission today?

COMMISSIONER O'CONNELL-DIAZ: Chairman, if I might, I just would like to thank our FERC staff for doing really grueling work on these. I know the Staff turnaround. I can't talk about what it contained, but I believe they have really given us a great work product for the filings that will be made.

COMMISSIONER ELLIOTT: I think the report was 650 pages.

COMMISSIONER O'CONNELL-DIAZ: Yeah, I mean, it is huge.

COMMISSIONER ELLIOTT: I know what you have been going through.

CHAIRMAN SCOTT: We appreciate it. Thank you very much.

Judge Wallace, anything further?

JUDGE WALLACE: No, that's all.

CHAIRMAN SCOTT: Thank you very much, sir. We do want to acknowledge the virtuoso performance of
Commissioner Elliott and the Mojo Cats last night at the Illinois State Fair. Those of you who missed it, you missed a tremendous performance and a lot of fun. So thank you very much.

Commissioner Elliott: Thank you. I will pass it on to the men.

Chairman Scott: Hearing nothing further to come before the Commission, this meeting stands adjourned.

MEETING ADJOURNED