BEFORE THE
ILLINOIS COMMERCE COMMISSION

BENCH SESSION

Springfield, Illinois
Wednesday, August 19, 2009

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. CHARLES E. BOX, Chairman

MS. LULA M. FORD, Commissioner

MS. ERIN M. O'CONNELL-DIAZ, Commissioner

MR. SHERMAN J. ELLIOTT, Commissioner

SULLIVAN REPORTING COMPANY, by
Carla J. Boehl, Reporter
CSR #084-002710
CHAIRMAN BOX: 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 Commissioners Ford, O’Connell-Diaz, Elliott. I am Chairman Box, and we have a quorum.

Before moving into the agenda, this is the time we allow the 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 there are no requests to speak.

We will begin with the transportation agenda. First we have minutes to approve from the July 29, 2009, bench session. Is there a motion to approve the minutes?

COMMISSIONER O’CONNELL-DIAZ: So moved.

CHAIRMAN BOX: Is there a second?

COMMISSIONER ELLIOTT: Second.

CHAIRMAN BOX: Been moved and seconded. All in
favor say aye.

COMMISSIONERS: Aye.

CHAIRMAN BOX: Any opposed?

The vote is 4-0 approving the minutes.

Turning to the railroad agenda, Items RR-1 through RR-3 will be taken together. These matters are stipulated agreements to improve public safety at highway-rail grade crossings. $226,631 in Grade Crossing Protection Funds will be used. Staff recommends entering the orders. Is there a motion to enter the orders?

COMMISSIONER ELLIOTT: So moved.

CHAIRMAN BOX: Is there a second?

COMMISSIONER O'CONNELL-DIAZ: Second.

CHAIRMAN BOX: It's been moved and seconded.

All in favor say aye.

COMMISSIONERS: Aye.

CHAIRMAN BOX: Any opposed?

The vote is 4-0. The orders are entered.

We will use this 4-0 roll call vote for the remainder of the transportation agenda,
unless otherwise noted.

RR-4 is Docket T09-0043. The Illinois Department of Transportation submits this petition for eminent domain authority to acquire property for the purposes of improving the Southwest Highway over the Baltimore & Ohio Chicago Terminal Railroad. Administrative Law Judge Jackson recommends entering the order granting IDOT's petition to pursue eminent domain. Is there any discussion? Any objections? Hearing none, the order is entered granting the petition.

Item RR-5 is Docket T09-0055. This is a petition for authority to reconstruct the 35th Street Bridge over Metra Electric and Canadian National Railroad submitted by the City of Chicago. No Grade Crossing Protection Funds will be used. Administrative Law Judge Jackson recommends entering the order granting the petition. Is there any discussion? Any objections? Hearing none, the order is entered granting the petition.

Item RR-6 is Docket T07-0027. This is a petition to reconstruct an existing overhead
highway grade separation structure submitted by the Massac County Unit Road District. No Grade Crossing Protection Funds were used or requested.

Administrative Law Judge Jackson recommends entering the order granting the petition. Is there any discussion? Any objections? Hearing none, the order is entered.

Item RR-7 is Docket T07-0027. This is a stipulated agreement for an extension of time to complete a safety improvement project. Staff recommends entering the fifth supplemental order. Is there any discussion? Any objections? Hearing none, the fifth supplemental order is entered.

This concludes the railroad portion of today's agenda.

Moving to the motor carriers, Item MC-1 is a stipulated settlement agreement concerning alleged violations of the Illinois Commercial Transportation Law between A&A Trucking and Auto, Inc., and the Commission. Staff recommends entering the order. Is there any discussion? Any objections? Hearing none, the order is entered.
Items MC-2 and MC-3 are petitions for a commercial relocator's license. Administrative Law Judge O'Brien recommends entering the orders granting the Applicant a commercial relocator's license. Is there any discussion? Any objections? Hearing none, the orders are entered.

Items MC-4 and MC-7 through MC-9 are applications for an operator's employment permits. Administrative Law Judge Jackson recommends dismissing the applications without prejudice for the lack of a sponsoring employer and for failure to appear for the hearing. Is there any discussion? Any objections? Hearing none, the applications are dismissed without prejudice.

Items MC-5 and MC-6 are requests for renewal or a request for renewal and an application for an operator's employment permit. Administrative Law Judge Kirkland-Montague recommends entering the orders approving the renewal and granting the application. Is there any discussion? Any objections? Hearing none, the orders are entered.

Items MC-10 and MC-11 are applications
for renewal of commercial relocation towing licenses. Staff recommends granting the renewals. Is there any discussion? Any objections? Hearing none, the renewals are granted.

That concludes the motor carriers portion of today's agenda.

We have one administrative matter. AM-1 is Docket T07-0093. This is a Petition for Interlocutory Review submitted by Toledo, Peoria and Western Railway Corporation for the purposes of reviewing the Commission's jurisdiction.

Administrative Law Judge Kirkland-Montaque recommends denying the corporation's Petition for Interlocutory Review.

Administrative Law Judge Kirkland-Montaque, would you please brief the Commission on this matter?

JUDGE KIRKLAND-MONTAQUE: Sure. Can you hear me?

CHAIRMAN BOX: Yes.

JUDGE KIRKLAND-MONTAQUE: Okay. This was a petition filed by the City of Chenoa to turn an
abandoned lane of Old Route 66 into a pedestrian bicycle crossing at grade of the Toledo, Peoria and Western Railroad Corporation's track. The case had gone on for a long time and then the railroad filed a Motion to Dismiss for lack of subject matter jurisdiction, arguing that the Commission does not have jurisdiction over a stand-alone bicycle pedestrian crossing. And, indeed, the statute does not give the Commission jurisdiction over that type of crossing.

However, this is unique in that the crossing was once a highway that was abandoned, is no longer used by vehicles. But given the definitions of highway and roadway, I felt that, although it is not used by vehicles, the road still meets the definition of a highway and roadway and, therefore, the Commission does have jurisdiction over the road. So that was the basis of my recommendation to deny the Petition for Interlocutory Review.

CHAIRMAN BOX: Any questions to the Judge?

COMMISSIONER O'CONNELL-DIAZ: Judge, with regard to these abandoned lanes, your contention is
because they have been used as a roadway in prior years and they were improved and designed for such use, that that's how the Commission's jurisdiction still rests, is that a correct understanding of your ruling?

   JUDGE KIRKLAND-MONTAQUE: Correct.

   CHAIRMAN BOX: Any further questions? And your recommendation is to deny the Petition for Interlocutory Review?

   JUDGE KIRKLAND-MONTAQUE: Pardon me?

   CHAIRMAN BOX: Is your recommendation to deny the petition?

   JUDGE KIRKLAND-MONTAQUE: Correct, that is my recommendation.

   CHAIRMAN BOX: Is there a motion to deny the Petition for Interlocutory Review?

   COMMISSIONER O'CONNELL-DIAZ: So moved.

   CHAIRMAN BOX: Is there a second?

   COMMISSIONER FORD: Second.

   CHAIRMAN BOX: It's been moved and seconded.

   All in favor say aye.

   COMMISSIONERS: Aye.
CHAIRMAN BOX: Any opposed?

The vote is 4-0. The Petition for Interlocutory Review is denied. Thank you, Judge.

Mr. Jackson, is there anything else to come before us today?

JUDGE JACKSON: No, Chairman. Thank you.

CHAIRMAN BOX: You don't have any speeches for us today?

JUDGE JACKSON: No, State Fair, going to the State Fair.

COMMISSIONER FORD: As long as you pay.

(Whereupon the meeting concluded matters pertaining to Transportation.)
Whereupon the meeting turned to Public Utility matters.

CHAIRMAN BOX: Before we begin with the public utility's portion of today's agenda we have minutes to approve from the July 29, 2009, bench session. Is there a motion to approve the minutes?

COMMISSIONER O'CONNELL-DIAZ: So moved.

CHAIRMAN BOX: Is there a second?

COMMISSIONER ELLIOTT: Second.

CHAIRMAN BOX: It's been moved and seconded.

All in favor say aye.

COMMISSIONERS: Aye.

CHAIRMAN BOX: Any opposed?

The vote is 4-0. The minutes are approved.

Item E-1 (09-0378) is an initiation of the reconciliation proceedings for revenues collected under the Energy Efficiency and Demand Response Rider, a/k/a Rider EDA. Staff recommends entering the order commencing the reconciliation proceeding for Commonwealth Edison's Rider EDA. Is there a
motion to enter the order to initiate reconciliation proceedings for Rider EDA?

COMMISSIONER ELLIOTT: So moved.

CHAIRMAN BOX: Is there a second?

COMMISSIONER FORD: Second.

CHAIRMAN BOX: It's been moved and seconded.

All in favor say aye.

COMMISSIONERS: Aye.

CHAIRMAN BOX: Any opposed?

The vote is 4-0 to enter the order initiating the reconciliation proceeding for Rider EDA.

We will use this 4-0 roll call for the remainder of the public utility agenda, unless otherwise noted.

Items E-2 (09-0379) and E-3 (09-0380) will be taken together. These are reliability performance reports of Commonwealth Edison Company and MidAmerican Company. Staff recommends entering the orders adopting the reports.

Is it possible for Staff to give us a very short briefing on these reports?
MR. LINKENBACK: Good morning. Ron Linkenback and John Stutsman. I prepared the summary Staff report that summarized both MidAmerican and ComEd's individual status reports, and those highlighted the recommendations and the findings of the individual reports.

The main conclusion for both of those utilities were that the companies were alluding to that the amount of storms that occurred during 2007 was a contributing factor to the high or the poor reliability. Staff found other reasons also that contributed to the poor performance, and those are highlighted in my individual caption and John is going to highlight on the specific ones for ComEd. If you have any questions on MidAmerican, I will be happy to answer those.

CHAIRMAN BOX: Mr. Stutsman?

MR. STUTSMAN: Hi, my name is John Stutsman. And starting on page 2 of Staff's memo or report to the Commission, we highlighted the seven of the eight issues or findings from the executive summary. And I don't think it is necessary to read through all
these, but overall it showed that customers experiencing large number of interruptions were up in 2007 and system average interruption frequency or safety was at its highest since 1998. And it was the worst of the four largest electric utilities in Illinois.

And as Ron mentioned, ComEd as well as other utilities have pointed out that they felt a large part of it was attributed to storms during that period, which Staff recognizes storms do contribute to variations or fluctuations in reliability from year to year. And within the report Staff had noted several times that the important thing is to look at the trends over a multi-year period which will dampen out the effects of individual year variations in the storms. And if you look at those trends as Staff has, Staff has noted that some of those trends were starting to look like things were worsening. But Staff hadn't reached a conclusion yet, waiting to see what the next year trends would be.

So probably the only other thing important to highlight that was in Staff's findings
was the total ComEd employees/contractors, the total
taken together as an aggregate had declined by 15
percent since 1999 which could be an issue in the
future if this continues.

COMMISSIONER O'CONNELL-DIAZ: So, Mr. Stutsman,
what you are saying is we want to look at next year
because we have the high degree of storms that have
occurred. And so based on Staff's review, that next
year will really be the -- assuming we don't have a
high level of storms as we had in this past year --
that that would give us a better indication as to
where the utility performance zone was?

MR. STUTSMAN: You can look at the -- and that
is correct. I mean, there are storms that occur
every year. And if there is a year of unusually high
storms, you will see a blip in the numbers. And
before coming down I did look at some preliminary
numbers or I took a preliminary look at the actual
numbers for the next year. And on a system-wide
basis you do see a slight decrease for, like, safety
and KD numbers. Decrease is down but it is still
higher than what we saw on a system-wide basis in
2001 and 2005. So, I mean, that indicates we need to look more at it. But you do see that variation from 2007 down a little bit in 2008.

CHAIRMAN BOX: Would it be beneficial for us to have an electric policy meeting on vegetation management and other topics between now and the end of the year to really take a look at this?

MR. LINKENBACK: For the two utilities we are discussing right here, the vegetation management wasn't the main concern of the Staff assessments. They are still an issue and again those always contribute a lot to outages. And again I will voice the utility's side that a lot of the tree route interruptions were a result of the storms. Now, sometimes the crew that was doing the assessment of the cause indicated it was a storm. Sometimes they would indicate that it was a tree limb that fell on because of the storm, a result of it.

So I would parrot what John said, at this point I don't think from my opinion that the tree trimming is much worse than previous years and the funding doesn't appear that they are reducing
that.

CHAIRMAN BOX: Didn't both reports indicate that they cut back on employees and they were not really supervising their contractors as they should have been to review their performance?

MR. LINKENBACK: Repeat that, please.

CHAIRMAN BOX: In the reports they talked about the lack of supervision, they contracted out more work and they didn't have the personnel to go out and look at and review the work of those contractors. Is that a big issue?

MR. STUTSMAN: There were concerns in that area and utilities say that they are addressing those. In the report -- one of the things that we had noted in the ComEd report was a statement by national organizations that the vegetation management was probably the largest contributor as far as overall reliability that end users experience. So it is an important issue. And it even affects then the impact of storms, what impact storms will have. Because if things are well trimmed, even though you might have a severe storm and you have outages, you are not going
to have as severe outages as you would have had if things weren't adequately trimmed. So it tends to moderate the impact of storms.

CHAIRMAN BOX: So your recommendation, you said earlier, would be just to wait to see what the numbers look like after this year, after this season, and then make a determination if we see it is going in the right direction or '09 was a blip?

MR. STUTSMAN: I think it can't hurt to talk about it. As far as whether or not you wish to have a meeting discussing it, you know, talking about it and educating yourselves about what's going on out there can't hurt.

COMMISSIONER FORD: It seems the major issue was, what you were trying to allude to, Chairman, was the transmission line 2102 where we had all of that vegetation grow up and the contractors were not able to see that and the person who was investigating it, was seeing to it, was overwhelmed with his responsibilities. And I think that the problem goes back to the contractor and the monitoring of the contractors, and I think that's an issue that we can
raise with ComEd and why those programs failed.

I happen to have been in Arkansas in a wooded area last month and I had to call my sister in Chicago while I was in Arkansas because the nearest house to me was one mile. And I woke up and the house was darker than a hundred midnights in a cypress swamp and I am very scared of the dark. So I fumbled around and found a candle. And when we called the utility, they said the lights would be back on at 1:20. They actually came on at 7:20. So I said, oh, Chicago is not known for having this problem. But it was a substation problem. So they did get to the root of that.

I did call my fellow commissioner in Arkansas to tell her what was going on. But they said it was a storm, too. So it was certainly dark. I don't want to go to that woods any more.

COMMISSIONER O'CONNELL-DIAZ: Mr. Stutsman, you stated that the contractor issue has been brought up to the company's attention. Have they given you any format for remedying that situation or the program that they are going to seek to address the problem?
MR. STUTSMAN: That gets to my question, which is what's the process for determining compliance with Staff's recommendations. I know you have made several recommendations, particularly in the AMC case, but I didn't see anything in the order about complying with Staff's recommendations or following up. What's the process?

MR. LINKENBACK: I will speak for MidAmerican. For MidAmerican Staff recommended that they improve or shorten their inspection period, they improve their animal guards, which causes outages. Compliance would be that MidAmerican acknowledge our request and either provides some improvement or tells us why they don't think that's reasonable, either because it is not cost effective or something. And then next year when we go on our inspections, we would expect to see in new construction more animal guards, where there is trees in the area more animal guards, and increase the frequency of inspections. So we would inspect some response or some respect for what we are asking for.

CHAIRMAN BOX: Doesn't MidAmerican have a name
when the animal protection doesn't work? Is that animal interruption?

MR. LINKENBACK: Yeah, yeah, yeah, the cause is animal, yeah.

CHAIRMAN BOX: I just wondered if all the companies used the same terminology. I was always told in Rockford near my house when it went out, it was animal interruptions. I never heard of it. MidAmerican calls it that, too?

MR. LINKENBACK: Yeah.

COMMISSIONER FORD: Mr. Stutsman, in your appendices you have some solutions and that electronic documentation, the GPS system. Would that mitigate some of those responses to -- I mean, about the contractors?

MR. STUTSMAN: Those were -- you are referring to some recommendations that ComEd had referred to as part of their solutions to fix the problem.

COMMISSIONER FORD: Uh-huh.

MR. STUTSMAN: And to refer to an earlier question, ComEd had indicated through responses to DRs and also in their latest filing for the 2008
reliability report that they are or they have added additional ComEd people and having ComEd people doing inspections, more inspections and more audits.

The way, though, that we assure ourselves that that's actually getting done is when we go out in the field and we do our own visual inspections. And we try to look for things or look for indications that people are doing things.

But to get back to the earlier question, we have gotten responses to DRs that they have added additional people and they are doing additional inspections with ComEd personnel verifying that more work is getting done.

COMMISSIONER FORD: So they are monitoring.

CHAIRMAN BOX: Staff recommendation is to enter the orders adopting the reports?

MR. LINKENBACK: Yes, sir.

MR. STUTSMAN: Yes.

CHAIRMAN BOX: Any further discussion or questions? Any objections? Hearing none, the orders are entered. Thank you very much.

COMMISSIONER O'CONNELL-DIAZ: Yeah, these
reports are detailed and you could tell there was just a lot of time that you spent and your staff spent and we really appreciate it.

CHAIRMAN BOX: I was driving around southern Illinois looking at some of these, or northern Illinois, sorry.

COMMISSIONER O'CONNELL-DIAZ: Well, it is kind of scary when you start recognizing things based on reports that we get. And you are kind of, ah, I know what that looks like, I know what a substation looks like.

CHAIRMAN BOX: Items E-4 (ERM#130) and E-5 (ERM#132) will be taken together. These are tariff filings with Commonwealth Edison to make revisions to its Rider ECR and to general terms and conditions. Staff recommends that the Commission does not suspend the filing. Is there any discussion? Any objections? Hearing none, the filings are not suspended.

Item E-6 (ERM#135) is a tariff filing by Illinois Power Company doing business as AmerenIP seeking to cancel its Instrument Funding Charge.
Rider. Staff recommends that the Commission does not suspend the filing. Is there any discussion? Any objections? Hearing none, the filings are not suspended.

Item E-7 is Dockets 08-0619, 08-0620 and 08-0621 consolidated. This is the three Ameren Illinois Ameren Utilities' proposal to implement a combined utility consolidation billing and purchase of receivables service. Administrative Law Judge Albers recommends entering the order approving the tariffs.

Judge Albers, would you like to brief us on this matter?

JUDGE ALBERS: Well, as you said, the order refers to the utilities' consolidated billing and receivables programs that are required by statute for each of the three Ameren utilities. The ECV program in this instance would be for the utility to bill for the RESes, as detailed. There is already a program in place for the RES to bill on behalf of -- to bill for its own energy and the delivery by the utility, and that's not an issue in this case. The purpose of
the receivables program basically allows or requires
the utility to purchase at a discount the receivables
of the RES.

The two more heavily addressed issues,
I would say in this case, concern the discount rates
or at least a component thereof and the issue of
consumer protections. I can go into more detail on
those if you would like or if there are other
questions you would like me to address, just feel
free to point me in that direction.

CHAIRMAN BOX: The consumer protections were
added into the order?

JUDGE ALBERS: Yes.

CHAIRMAN BOX: Any questions for the judge?

Any discussion?

COMMISSIONER ELLIOTT: Well, I would certainly
like to compliment the parties involved in this
process. I know you have been engaged in this matter
on many levels for quite some time. So it is
pleasing to see some resolution to this.

CHAIRMAN BOX: Any objections? Hearing none,
the order is entered approving the tariffs. Thank
you, Judge.

Items E-8 (09-0126) and E-9 (09-0127) will be taken together. These are orders on rehearing of petitions for confidential treatment of the annual call center reports. The annual call center reports will not be given confidential treatment. Administrative Law Judge Albers recommends entering the orders on rehearing. Is there any discussion? Any objections? Hearing none, the orders on rehearing are entered.

Item E-10 is Docket 09-0192. Champion Energy, LLC, seeks confidential treatment of its 2008 call center report and 2008 kilowatt hour report for a period of five years. It is recommended that the reports be afforded confidential treatment for a period of two years in keeping consistent with our other similar requests. Administrative Judge Albers recommends entering the order granting the petition.

Judge Albers, on this particular one you also granted the call center report two years. That was because they had inadvertently included some confidential information, is that correct?
JUDGE ALBERS: The best way to describe it is this is a call center report in name only. The actual information is more akin to what you would find on an annual report or an annual kilowatt hour report.

CHAIRMAN BOX: So you granted that protection for two years also?

JUDGE ALBERS: Yes.

CHAIRMAN BOX: Any discussion? Any objections?

Hearing none, the order is entered granting the petition.

Item E-11 is Docket 09-0025. Suez Energy Resources NA, Inc., seeks confidential treatment of its 2008 annual kilowatt hour report for a period of five years. The petitioner has made no effort to explain why a five-year period is warranted in this matter. For this reason Administrative Law Judge Albers recommends entering the order denying the petition.

If I could point out here, I guess, Judge, you are saying it will be afforded no protection whatsoever. They asked for five and gave
no explanation. shouldn't it be pretty clear to the companies now that the rule that says you have to have an explanation is pretty straight forward?

judge albers: i think so.

chairman box: my concern is, i agree with your reasoning here, but they will then file a motion for rehearing, then ask to submit the material or they will submit it, we will review it and more than likely we will grant a two-year treatment.

judge albers: i wouldn't be surprised.

chairman box: hopefully, they will get the message that the rules are there to be followed. and we could take care of this easily here, but we won't, and they should follow the rules. any objections to the judge's order? hearing none, the order is entered denying the petition.

commissioner o'connell-diaz: chairman, i would just kind of, you raised an important point and i think it is clear what the commission's position is with regard to the confidential treatment. and, obviously, these companies are represented by hopefully able counsel and this costs our staff extra
time to have to refocus on a rehearing petition, if
that's in fact what they will file. It's their right
to do that. But it would be nice to see them doing
it right the first time around. So I think the
Chairman raises a very salient point. But our staff
is the one that has to look at all this stuff when
they are filed and the ball starts rolling, judges
and our staff personnel has to look at this. So it
would be nice to see if they could just get it right
off the bat the first time. Thank you.

CHAIRMAN BOX: Item E-12 is Docket 09-0212.
This is a joint petition for approval of a
territorial agreement between Wayne and White
Counties Electric Cooperative and the City of
Fairfield, Illinois, that provides exclusive electric
service areas in Wayne County. Administrative Law
Judge Tapia recommends entering the order and
granting the petition. Is there any discussion? Any
objections? Hearing none, the order is entered
granting the petition.

Item E-13 is Docket 09-0221, Integrys
Energy Services, Inc. It is a petition for
confidential treatment of its financial reporting for
not less than two years. Administrative Law Judge
Albers recommends entering the order granting the
petition. Is there any discussion? Any objections?
Hearing none, the order is entered granting the
petition.

Item E-14 is Docket 09-0258. Mr.
Kregg Sanders moves to dismiss his complaint against
Illinois Power Company doing business as AmerenIP
regarding a billing dispute. Administrative Law
Judge Tapia recommends granting the motion to dismiss
without prejudice. Is there any discussion? Any
objections? Hearing none, the matter is dismissed
without prejudice.

Item E-15 is Docket 09-0281. This is
a verified petition of Illinois Power Company doing
business as AmerenIP for approval of a territorial
service agreement for the City of Peru for the sale
of property. Administrative Law Judge Jones
recommends entering the order granting the petition.
Is there any discussion? Any objections? Hearing
none, the order is entered granting the petition.
That concludes the electric portion of today's agenda.

Turning to natural gas, Item G-1 is Docket 09-0230. Integrys Energy Services, Inc., seeks confidential treatment of its financial report for a period of not less than two years. Administrative Law Judge Albers recommends entering the order and granting the petition. Is there any discussion? Any objections? Hearing none, the order is entered granting the petition.

Items G-2 (09-0292) and G-3 (09-0293) will be taken together. The parties in these matters have filed a stimulation and joint motion to dismiss stating that all matters have been resolved. Administrative Law Judge Riley recommends that the Commission dismiss their complaints with prejudice. Is there any discussion? Any objections? Hearing none, the complaints are dismissed with prejudice.

That concludes the natural gas portion of today's agenda.

Under telecommunications, Item T-1 (TRM#446, TRM#447) is a filing by Illinois Bell
Telephone Company to terminate the "Save the Deal" offer. These filings are classified as competitive for retail and non-competitive wholesale. Staff recommends not investigating or suspending the filings. Is there any discussion? Any objections? Hearing none, the filings will not be investigated or suspended.

Item T-2 (TRM#411, TRM#412) is non-competitive filings by Citizens Telecommunications Company of Illinois doing business as Frontier Citizens Communications of Illinois to correct an error in a previous filing and to make other minor changes. Staff recommends not suspending these filings. Is there any discussion? Any objections? Hearing none, the filings will not be suspended.

Item T-3 (TRM#423) is a non-competitive filing by Gallatin River Communications, LLC, doing business as CenturyTel of Illinois to add the new services Flexible Savings Bundle, Winback Simple Choice Unlimited and Simple Choice/Business Assist Advantage. Staff recommends
that the filing not be suspended. Is there any discussion? Any objections? Hearing none, the filing will not be suspended.

Items T-4 (08-0587) and T-6 through T-10 (09-0211, 09-0266, 09-0297, 09-0321, 09-0328) will be taken together. These are applications for authority to provide various telecommunication services in Illinois. The administrative law judges recommend entering the orders granting the authority. Is there any discussion? Any objections? Hearing none, the orders are entered granting the authority.

Item T-5 is Docket 09-0211. CIS Connected, LLC, submits an application for a certificate to become a telecommunications carrier. There were omissions in CIS's application that were unresolved. CIS has failed to amend its application or withdraw its application. For this reason Administrative Law Judge Benn recommends entering the order denying the application for a certificate. Is there any discussion? Any objections? Hearing none, the order is entered denying the application.

Items T-11 through T-13 (09-0175,
09-0231, 09-0232) will be taken together. These are petitions to withdraw or cancel certificates of authority. Administrative Law Judge Benn recommends entering the orders granting the petitions. Is there any discussion? Any objections? Hearing none, the orders are entered granting the petitions.

Items T-14 (09-0265) and T-15 (09-0294) will be taken together. These are joint motions to dismiss billing disputes. Administrative Law Judge Tapia recommends granting the joint motions to dismiss. Is there any discussion? Any objections? Hearing none, the motions are granted.

Items T-16 through T-20 (09-0272, 09-0273, 09-0304, 09-0305, 09-0322) will be taken together. These matters are petitions for modifications of the existing 9-1-1 emergency telephone system. The administrative law judges recommend entering the orders approving the modifications. Is there any discussion? Any objections? Hearing none, the orders are entered approving the modifications.

Items T-21 through T-23 (09-0381, 09-0382, 09-0383) will be taken together. These are petitions to withdraw or cancel certificates of authority. Administrative Law Judge Bennett recommends entering the orders granting the petitions. Is there any discussion? Any objections? Hearing none, the orders are entered granting the petitions.

Items T-24 (09-0385) and T-25 (09-0386) will be taken together. These are joint motions to dismiss billing disputes. Administrative Law Judge Tapia recommends granting the joint motions to dismiss. Is there any discussion? Any objections? Hearing none, the motions are granted.

Items T-26 through T-31 (09-0387, 09-0388, 09-0389, 09-0390, 09-0391, 09-0392) will be taken together. These matters are petitions for modifications of the existing 9-1-1 emergency telephone system. The administrative law judges recommend entering the orders approving the modifications. Is there any discussion? Any objections? Hearing none, the orders are entered approving the modifications.
09-0382, 09-0383) initiate the rulemaking proceedings for the proposed amendments to the standards of service for local exchange telecommunication carriers. This will commence the first notice period. Staff recommends entering the order initiating a rulemaking to revise Part 730, 732 and 792 without having submitted proposed language to go directly to a first notice of proposed amendments. Is there any discussion? Any objections? Hearing none, the order is entered initiating the proceeding.

Item T-24 (09-0384) initiates a rulemaking proceeding and authorizes a first notice period to resolve the utility bill date vs. USPS postmark question. Staff recommends entering the order authorizing the first notice period. Is there any discussion? Any objections? Hearing none, the order is entered initiating the first notice period.

Item T-25 is Docket 08-0656. This is a motion to dismiss a citation against Global Telecom & Technology Americas, Inc., for failure to maintain corporate status. Administrative Law Judge Haynes recommends dismissing this proceeding. Is there any
discussion? Any objections? Hearing none, the motion to dismiss is granted.

    Item T-26 is Docket 09-0267. NextG Networks of Illinois, Inc., seeks confidential treatment of its 2008 annual report. Administrative Law Judge Benn recommends entering the order granting the petition. Is there any discussion? Any objections? Hearing none, the order is entered granting the petition.

    Items T-27 and T-28 (09-0295, 09-0296) will be taken together. These are amendments to interconnection agreements between Illinois Bell Telephone Company and various telecommunication providers. Administrative Law Judge Benn recommends entering the amended orders. Is there any discussion? Any objections? Hearing none, the amended orders are entered.

    That concludes the telecommunications portion of the agenda.

    Turning to the water and waste water portion, Item W-1 (WRM#018) is a filing by Bahl Water Corporation to increase water rates under the
simplified rate case procedures. Staff recommends to
not suspend the filing. Is there any discussion?
Any objections? Hearing none, the filing is not
suspended.

Item W-2 is Docket 08-0218. This is
Illinois-American Water Company's application for
approval of its annual reconciliation of purchased
water and purchased sewage treatment surcharges.
Administrative Law Judge Riley recommends entering
the order approving the water reconciliation. Is
there any discussion? Any objections? Hearing none,
the order is entering approving the water
reconciliation.

Item W-3 is Docket 09-0251. This is a
Petition for Interlocutory Review by the City of
Champaign. Administrative Law Judge Yoder, could you
please brief the Commission on this matter? And in
all likelihood, unless the Commissioners feel
otherwise, we will probably hold this matter over for
our next bench. But can you brief us on this?

JUDGE YODER: Yes, Chairman. This is an action
or tariffs filed by Illinois-American Water Company
seeking to implement a qualified infrastructure plan for, I believe it is, six of their districts.

Various parties have intervened including the City of Champaign and the Attorney General.

On July 7 of this year a motion to consolidate this proceeding with Illinois-American's pending rate case which is Docket 09-0319 was filed by the City of Champaign. They indicate that it would be a better use of resources and more efficient to consolidate the dockets. They are concerned about confusion with various rates going in and out of effect if the dockets are not consolidated.

Staff and Illinois-American opposed the consolidation. Illinois-American and the Attorney General -- I am sorry, not Illinois-American, the City of Champaign and the Attorney General support consolidating the two dockets.

On July 17 -- I am sorry, July 20 a notice was issued by me denying the motion to consolidate the two dockets. Illinois-American, or I am sorry, the City of Champaign has filed a Petition
for Interlocutory Review addressing various issues which they feel support the consolidation.

My opinion is that their fear of the double collection of rates that they initially indicated was over stated, and the fact that this docket and the Illinois-American rate case have two separate statutory deadlines argue against consolidating the two dockets. Consolidating them, it appears to me, would accelerate the rate case approximately a month. It has a deadline of April 25. This docket has a deadline of March 20. The schedule has been set in the rate case and to consolidate them, I think, would cause confusion and hardship on the parties participating in the rate case.

Illinois-American -- or I am sorry, City of Champaign's arguments, I just don't -- to me don't outweigh that. I don't see any reason. These are two separate statutory matters. There is not much in the way of similarity between the two, other than involving Illinois-American.

CHAIRMAN BOX: Any questions of the judge? We
will hold it for the next bench session. Thank you.

JUDGE YODER: Did you want it on the next meeting or --

CHAIRMAN BOX: There is no deadline, right? We need to talk to the assistants. I think we will be ready for it on the next meeting which technically is the 25th. But I don't know what is on the agenda, so that meeting might be cancelled. We won't know until tomorrow or Friday. So it might be the meeting after the 25th, the 9th or the 10th.

That concludes the water portion, the water and waste water portion of today's agenda.

We have one miscellaneous item. Item PR-1 is Docket 07-0446. This is a Petition for Rehearing submitted by Pliura and Turner, intervenors in this matter. They take issue with the financial fitness of the company and the public need for the pipeline. Administrative Law Judge Haynes recommends denying the rehearing.

Judge Haynes, are you available?

COMMISSIONER ELLIOTT: This is Judge Jones.

CHAIRMAN BOX: I am sorry. Judge Jones. Must
be a scrivener's error. Judge Jones, I am sorry.

JUDGE JONES: Thank you. Mr. Chairman, would you like me to give a short briefing on this?

CHAIRMAN BOX: Yes.

JUDGE JONES: Thank you. As the Chairman noted, the order was entered on July 8. It did two things. It granted a certificate under the Common Carrier by Pipeline Law authorizing construction of the segment of pipeline under consideration in that docket which was a 170-mile segment. And then, secondly, the order denied the request to proceed with eminent domain authority, at least at this time.

The order granting the certificate found that the applicant is fit, willing and able to provide this service, that a public need exists for the pipeline and that the proposed route should be approved subject to certain conditions.

As the Commission is well aware, there were a number of intervenors and groups of intervenors in the case. Two of those filed a Petition for Rehearing primarily on the public need issue, to some extent also on the financial fitness
issue. The rehearing petitions do not seek an opportunity to present additional evidence. They essentially are arguing that the Commission should reverse its earlier determinations on those issues.

The 20-day deadlines for Commission action are August 24 and August 27, since the two petitions were filed a few days apart. Thank you.

CHAIRMAN BOX: Is your recommendation to deny the request for rehearing?

JUDGE JONES: Yes, sir.

CHAIRMAN BOX: Is there a motion to deny the Petition for Rehearing?

COMMISSIONER FORD: So moved.

CHAIRMAN BOX: Is there a second?

COMMISSIONER ELLIOTT: Second.

CHAIRMAN BOX: It's been moved and seconded.

All in favor say aye.

COMMISSIONERS: Aye.

CHAIRMAN BOX: Any Opposed? The Petition for Rehearing is denied. Thank you, Judge.

JUDGE JONES: Thank you, Mr. Chairman.

CHAIRMAN BOX: Judge Wallace is not here today.
Judge Dolan, anything else that you have before us today?

    JUDGE DOLAN: No, sir.

    CHAIRMAN BOX: No, okay. Thank you. Hearing none, the meeting stands adjourned.

    COMMISSION BENCH SESSION ADJOURNED