BEFORE THE
ILLINOIS COMMERCE COMMISSION

Regular Open Meeting

Chicago, Illinois
August 20, 2013

Met, pursuant to notice, at 10:30 a.m.

COMMISSION MEMBERS:

MR. DOUG SCOTT
Chairman

MS. ANN McCABE
Commissioner

MR. MIGUEL DEL VALLE
Acting Commissioner

MS. SHERINA E. MAYE
Acting Commissioner

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Reported by:
Karen K. Keim
CRR, CSR-IL, CCR-MO, RPR
Midwest Litigation Services
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CHAIRMAN SCOTT: Pursuant to the provisions of the Open Meetings Act, I now convene a Regular Open Meeting of the Illinois Commerce Commission. With me in Chicago is Commissioner McCabe and Acting Commissioner Del Valle and Acting Commissioner Maye. I am Chairman Scott. We have a quorum.

Before moving into the agenda, according to Section 1700.10 of Title 2 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.

The first item of business on today's agenda is the approval of minutes from our July 29 Special Open Meeting. Is there a motion to approve the minutes?

ACTING COMMISSIONER MAYE: So moved.
CHAIRMAN SCOTT: Is there a second?
COMMISSIONER McCABE: Second.
CHAIRMAN SCOTT: It's been moved and seconded. All in favor, say "aye".

("Ayes" heard)
CHAIRMAN SCOTT: Any opposed?
(No response)
CHAIRMAN SCOTT: The vote is 4 to nothing, and the July 29th Special Open Meeting minutes are approved. Item 2 on today's agenda is the approval of minutes from our July 31st Bench Session. I understand amendments have been forwarded. Is there a motion to amend the minutes?

COMMISSIONER McCABE: So moved.

CHAIRMAN SCOTT: Is there a second?

ACTING COMMISSIONER MAYE: Second.

CHAIRMAN SCOTT: It's been moved and seconded. All in favor, say "aye".

("Ayes" heard)

CHAIRMAN SCOTT: Any opposed?

(No response)

CHAIRMAN SCOTT: The vote is 4 to nothing, and the amendments are adopted. Is there now a motion to approve the minutes as amended?

COMMISSIONER McCABE: So moved.

CHAIRMAN SCOTT: Is there a second?

ACTING COMMISSIONER MAYE: Second.

CHAIRMAN SCOTT: It's been moved and seconded. All in favor, say "aye".

("Ayes" heard)

CHAIRMAN SCOTT: Any opposed?

(No response)
CHAIRMAN SCOTT: The vote is 4 to nothing, and the July 31st minutes, as amended, are approved.

Item 3 concerns the approval of the transcript from our July 31st Joint Electric and Gas Policy Committee Meeting. I understand amendments have been forwarded. Is there a motion to amend the transcript?

ACTING COMMISSIONER MAYE: So moved.

CHAIRMAN SCOTT: Is there a second?

ACTING COMMISSIONER DEL VALLE: Second.

CHAIRMAN SCOTT: It's been moved and seconded. All in favor, say "aye".

("Ayes" heard)

CHAIRMAN SCOTT: Any opposed?

(No response)

CHAIRMAN SCOTT: The vote is 4 to nothing and the amendments are adopted. Is there now a motion to approve the transcript as amended?

COMMISSIONER McCABE: So moved.

CHAIRMAN SCOTT: Is there a second?

ACTING COMMISSIONER DEL VALLE: Second

CHAIRMAN SCOTT: It's been moved and seconded. All in favor, say "aye".

("Ayes" heard)

CHAIRMAN SCOTT: Any opposed?

(No response)
CHAIRMAN SCOTT: The vote is 4 to nothing, and the July 31st Joint Electric & Gas Policy Committee meeting transcript, as amended, is approved.

Item 4 is Docket No. 11-0646. This is a reconciliation of revenues collected by ComEd under Rider EDA with actual costs associated with energy efficiency and demand response programs. ALJ Sainsot recommends entry of the Order approving the reconciliation.

Is there any discussion?

(No response)

CHAIRMAN SCOTT: Is there a motion to enter the Order?

COMMISSIONER McCABE: So moved.

CHAIRMAN SCOTT: Is there a second?

ACTING COMMISSIONER DEL VALLE: Second.

CHAIRMAN SCOTT: It's been moved and seconded.

All in favor say "aye".

("Ayes" heard)

CHAIRMAN SCOTT: Any opposed?

(No response)

CHAIRMAN SCOTT: The vote is 4 to nothing, and the Order is entered. We will use this 4 to nothing vote for the remainder of today's Regular Open Meeting agenda, unless otherwise noted.

Item 5 is Docket No. 11-0711. This is our rulemaking
proceeding, initiated to develop and adopt rules concerning rate case expense. There are a few items associated with this proceeding, and we will address them each in turn.

First, Ameren has filed a motion seeking leave to withdraw one of its exceptions and to file an amended reply brief, which ALJ Sainsot recommends we grant. Is there any discussion?

(No response)

CHAIRMAN SCOTT: Are there any objections?

(No response)

CHAIRMAN SCOTT: Hearing none, the motion is granted.

Next, Ameren, MidAmerican and People Gas/North Shore have filed requests for oral argument, which ALJ Sainsot recommends we grant. Is there any discussion?

(No response)

CHAIRMAN SCOTT: Are there any objections?

(No response)

CHAIRMAN SCOTT: Hearing none, the requests for oral argument are granted. The parties will receive separate notice of the topics, time and location of oral arguments.

Last, ALJ Sainsot recommends entry of a Post-Exceptions First Notice Order. This item will be held for disposition at a future Commission proceeding. I know
there is a lot more work to do, but, Judge, thank you very much, Judge Sainsot, for all of the work you've put in this already, and look forward to continuing on with the process.

Item 6 is Docket No. 12-0598. This is Ameren Transmission Company of Illinois' Petition for a Certificate of Public Convenience and Necessity, pursuant to Section 8-406.1 of the Illinois Public Utilities Act, and an Order pursuant to Section 8-503 of the Public Utilities Act, to Construct, Operate and Maintain a New High Voltage Electric Service Line and Related Facilities in Counties throughout central Illinois. ALJ's Albers and Yoder recommend entry of a Post-Exceptions Order.

My office has some proposed edits. They come in four pieces. The first set of edits emphasize that this is the first time that we are interpreting such an 8-406.1 and that we are fully aware of the tremendous scope of this project and the fact that Section 8-406.1 seems an inappropriate vehicle for approval of a project of this type.

The second set of edits is under Section 6, Least-Costs and Proposed Line Routes. These edits further flesh out the criteria that this Commission has used in the past 8-604 proceedings to determine whether a particular part of a project is least-cost.
The third set appears on page 125 regarding the Kansas to the Indiana State Line. Commission conclusion: These items do not change the previous conclusion to decline to grant ATXI's request to build a new substation, but they do state that the Commission declines to grant those requests because utilizing the existing substation appears to be the least-cost action to achieve the project's objective.

And the fourth set appears on page 134 under the Sidney - Ricing Commission decision, and these edits are almost identical to those in the previous discussion I discussed, for the same reasons.

With that, is there a motion to adopt the revisions?

ACTING COMMISSIONER DEL VALLE: So moved.

CHAIRMAN SCOTT: Is there a second?

COMMISSIONER McCABE: Second.

CHAIRMAN SCOTT: It's been moved and seconded. Any discussion on the revisions themselves?

(No response)

CHAIRMAN SCOTT: All in favor of the revisions, say "aye".

("Ayes" heard)

CHAIRMAN SCOTT: Any opposed?

(No response)
CHAIRMAN SCOTT: The "ayes" have it on a vote of 4 to nothing, and the edits are adopted.

Is there now a motion to enter the Order as amended?

ACTING COMMISSIONER MAYE: So moved.

CHAIRMAN SCOTT: Is there a second?

COMMISSIONER McCABE: Second.

CHAIRMAN SCOTT: Moved and seconded. Is there any discussion?

ALJ ALBERS (by phone): Mr. Chairman?

CHAIRMAN SCOTT: Yes.

ALJ ALBERS: Mr. Chairman, would you like an update on comments?

CHAIRMAN SCOTT: Please. Thank you, Judge.

ALJ ALBERS: This is Judge Albers. As of this morning, there were 285 comments on the docket.

CHAIRMAN SCOTT: Thank you.

Commissioner Del Valle?

ACTING COMMISSIONER DEL VALLE: I have to say, too, I'm not pleased with this process, but it's a process that was imposed on the Commission by the Illinois General Assembly when House Bill 4649 was approved. I think under the circumstances, the Commission Staff, the Administrative Law Judges have done a fantastic job of ensuring proper analysis and providing opportunities for all parties to
chime in. But upon questioning, we know that in the last
session, the Administrative Law Judges indicated they
wished they would have had more time, and so I think that
while there is consensus around the need for this
project -- and I concur with that -- the process itself, I
think, has left a lot to be desired.

So, while I've been supporting the project, I
would hope that at some point someone would want to look at
this expedited process. I don't know that they envisioned,
when they decided to support an expedited process, a
project this large, and, again, I think that while we may
not see another project this large in the near future,
there will be other projects that will come before us, and
I would hope that we would find a way of encouraging the
General Assembly to make a change here.

I want the record to show that when this bill
was up for consideration, the Commission did put together a
position paper in opposition to the bill, and in that
paper, the Staff indicated that in their analysis, a period
so short will almost certainly hinder local governments and
property owners from forming effective intervention groups,
in devising strategies, forming them, to provide testimony
on the growing new transmission lines.

Now, there will almost always be people who,
no matter want, will not want transmission lines on their
property, "not in my back yard". That's a given, and that's why I think Staff has done a fabulous job. The Commission, I think, considered everything in coming up with this order, and I commend them for that. But I wish they would have had more time to be even more thorough than they have been.

Thank you.

CHAIRMAN SCOTT: Further discussion?

(No response)

CHAIRMAN SCOTT: I've got a few things to say. And while I agree with -- I think I agree with everything Commissioner Del Valle said, we may reach a different conclusion here. We both have a lot of the same concerns, and this is an incredibly difficult case, made more so, as Commissioner Del Valle had pointed out, by a statute that truncates the time to decide. An expedited schedule for a project this huge, which encompasses the number of property owners that are involved here, the multiple proposals, the huge costs and the long distance involved, it's really difficult, as the Commissioner said, to think that this is a type of project that the General Assembly envisioned when they passed the law allowing for an expedited process on transmission lines.

I agree with virtually everyone in this case, and as Commissioner Del Valle said, this project is
necessary for both short and long-term transmission needs
in the state, and I also think the Judges did a remarkable
job in trying to make sense of all of this in the time that
they had, and I don't believe that they got as much help as
they needed from the Petitioner in this case either. While
I understand the need to tell the Petitioner to come back
and fill in some blanks, I can't support the Order, as it
leaves a hole in the line that is supposedly necessary, in
its entirety, and I'm just uncomfortable in saying that all
of this project is necessary, which I believe I said, and
then leaving a piece to be decided later, and that
virtually necessitates rehearing just to complete the line.
I appreciate all of the work that everyone
did, Staff, Judges, fellow Commissioners, all of the time
that everyone has put in on this case, and I know it's been
difficult for everyone. I would hope in the future that
Petitioners contemplate whether to use the expedited
procedure and take note that if they use the expedited
statute but lose time, as in this case because the original
notices were messed up, or if they come to the point where
they need to continue to provide evidence after the order
and the rehearing procedure, then they really haven't saved
any time at all.

So, is there further discussion?

(Pause)
CHAIRMAN SCOTT: The motion and the second is to enter the Order as amended. All in favor say "aye".

("Ayes" heard)

CHAIRMAN SCOTT: Opposed?

CHAIRMAN SCOTT: No.

The vote is 3 to 1, and the Order is entered is amended.

Judges Albers and Yoder, I think all of us can't say enough how much we appreciate all of the work you put in on this project, and we really appreciate that.

Gentlemen, thank you very much.

Item 7 is Docket No. 13-0289. This is Exelon Energy Company's Petition for Leave to File its 2012 Annual Kilowatt-hour Report Out of Time and for confidential treatment of that report. ALJ Yoder recommends entry of an Order granting a two-year period of confidential treatment.

Is there any discussion?

(No response)

CHAIRMAN SCOTT: Are there any objections?

(No response)

CHAIRMAN SCOTT: Hearing none, the Order is entered.

Items 8 and 9 can be taken together. These items are petitions for confidential and/or proprietary treatment of various annual reports. In each case, ALJ Yoder
recommends entry of an Order granting proprietary treatment
for a period of two years from the date of submission.

Is there any discussion?

(No response)

CHAIRMAN SCOTT: Are there any objections?

(No response)

CHAIRMAN SCOTT: Hearing none, the Orders
are entered.

Items 10 through 12 can be taken together. These
items concern applications for licensure as an agent,
broker, and consultant under Section 16-115C of the Public
Utilities Act. In each case, ALJ Kimbrel recommends entry
of an Order granting the requested certificate.

Is there any discussion?

(No response)

CHAIRMAN SCOTT: Are there any objections?

(No response)

CHAIRMAN SCOTT: Hearing none, the Orders
are entered.

Item 13 is Docket No. 13-0435. This is IDOT's
Petition for approval of the taking or damaging of certain
properties owned by ComEd in DuPage County, by exercising
the right of eminent domain. ALJ Riley recommends entry of
an Order granting the requested relief.

Is there any discussion?
1 (No response)
2 CHAIRMAN SCOTT: Are there any objections?
3 (No response)
4 CHAIRMAN SCOTT: Hearing none, the Order is entered.
5 Item 14 is Docket No. 13-0475. This is ComEd's Petition to Revise its Tariffs Relating to Meter Installation on less than 45 days notice. Staff recommends that ComEd's request be granted.
6 Is there any discussion?
7 (No response)
8 CHAIRMAN SCOTT: Just very briefly, I appreciate the work that goes behind this, as advance meters begin to be rolled out here in the very near future. This will help with not only repairs of a lot of the meters going in, but it's done so in a way that is not intrusive to the customers, either in terms of time or in terms of payment, and, in fact, the customers don't pay for this at all. So we will obviously be looking at additional issues in the future as it relates to advance meters, but I think this helps a lot. So, I appreciate the work behind this particular item.
9 Further discussion?
10 (No response)
11 CHAIRMAN SCOTT: Are there any objections?
Item 15 is Docket No. 13-0372. This is Midwest Foot Care's complaint against ComEd as to billing and/or charges. The Complainant has filed a Motion to Withdraw, which ALJ Riley recommends we grant.

Is there any discussion?

(No response)

CHAIRMAN SCOTT: Are there any objections?

(No response)

CHAIRMAN SCOTT: Hearing none, the motion is granted.

Item 16 is Docket No. 11-0780. This is James McGrath's complaint against ComEd as to service in Bloomingdale, Illinois. It appears that the parties have settled their differences and have filed a Stipulation and Joint Motion to Dismiss, which ALJ Riley recommends we grant.

Is there any discussion?

(No response)

CHAIRMAN SCOTT: Are there any objections?

(No response)

CHAIRMAN SCOTT: Hearing none, the motion is granted and the Complaint is dismissed.
Item 17 is Docket No. 12-0656. This is our proceeding initiated pursuant to Second 9-220, conducting a reconciliation of MidAmerican's revenues collected under its purchased gas adjustment clause with actual costs prudently incurred. ALJ Hilliard recommends entry of an order approving the reconciliation.

Is there any discussion?

(No response)

CHAIRMAN SCOTT: Are there any objections?

(No response)

CHAIRMAN SCOTT: Hearing none, the Order is entered.

Item 18 is Docket No. 13-0394. This is Nicor's Petition for Waiver of a provision of the Final Order in Docket No. 08-0363 requiring a Supplemental Schedule to Form 21, reporting on Affiliate Transactions between Nicor Gas Company and its affiliated companies. ALJ Baker recommends entry of an Order granting the requested relief.

Is there any discussion?

(No response)

CHAIRMAN SCOTT: Are there any objections?

(No response)

CHAIRMAN SCOTT: Hearing none, the Order is entered.

Item 19 is Docket No. 13-0440. This is
CenterPoint Energy Services' application for a Certificate of Service Authority to operate as an AGS in Illinois. ALJ Von Qualen recommends entry of an Order granting the requested certificate.

Is there any discussion?

(No response)

CHAIRMAN SCOTT: Are there any objections?

(No response)

CHAIRMAN SCOTT: Hearing none, the Order is entered.

Item 20 is Docket No. 13-0125. This is Maria Sroka's complaint against AT&T as to work done on her property in Chicago Ridge. The Petitioner brought a Motion to Dismiss her Complaint, which ALJ Sainsot recommends we grant.

Is there any discussion?

(No response)

CHAIRMAN SCOTT: Are there any objections?

(No response)

CHAIRMAN SCOTT: Hearing none, the motion is granted and the proceeding is dismissed.

Item 21 is Docket No. 13-0381. This is Gallatin River Communications and Verizon Wireless' Joint Petition for Approval of a first amendment to its Interconnection Agreement and Reciprocal Compensation Agreement. ALJ Baker
ALJ Baker recommends entry of an Order approving the amended agreement.

Is there any discussion?

(No response)

CHAIRMAN SCOTT: Any objections?

(No response)

CHAIRMAN SCOTT: Hearing none, the Order is entered.

Item 22 is Docket No. 13-0396. This is AT&T and Access One's Joint Petition for Approval of a Sixth Amendment to its Interconnection Agreement. ALJ Baker recommends entry of an Order approving the amended agreement.

Is there any discussion?

(No response)

CHAIRMAN SCOTT: Any objections?

(No response)

CHAIRMAN SCOTT: Hearing none, the Order is entered.

Item 23 is Docket No. 12-0552. This is Steve James' complaint against Aqua Illinois as to billing and/or charges. ALJ Yoder recommends entry of an Order dismissing the proceeding.

Is there any discussion?

(No response)
CHAIRMAN SCOTT: Are there any objections?

(No response)

CHAIRMAN SCOTT: Hearing none, the Order is entered and the proceeding is dismissed.

Items 24 and 25 are FERC matters concerning pending litigation, so we'll go into closed session to address them. Is there a motion to go into closed session?

ACTING COMMISSIONER MAYE: So moved.

CHAIRMAN SCOTT: Is there a second?

COMMISSIONER McCabe: Second.

CHAIRMAN SCOTT: Moved and seconded. All in favor, say "aye".

("Ayes" heard)

CHAIRMAN SCOTT: Any opposed?

(No response)

CHAIRMAN SCOTT: Vote is 4 to nothing, and the Commission will now go into closed session.

Please let me know when the room is ready in Springfield.

(Proceedings held in closed session.)
THE FOLLOWING PROCEEDINGS WERE HELD IN OPEN SESSION:

CHAIRMAN SCOTT: In closed session, the Commission discussed OMS's comments on MISO's Order No. 1000 Regional Compliance Filing and the ICC's comments on MISO's Order 1000 Regional Compliance Filing. Is there a motion to support the filing of these comments with FERC?

COMMISSIONER McCABE: So moved.

CHAIRMAN SCOTT: Is there a second?

ACTING COMMISSIONER MAYE: Second.

CHAIRMAN SCOTT: Been moved and seconded. All in favor, say "aye".

("Ayes" heard)

CHAIRMAN SCOTT: Any opposed?

(No response)

CHAIRMAN SCOTT: Vote is 4 to nothing, and the filings will be made with FERC.

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

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

CHAIRMAN SCOTT: We have just one quick matter. We need to wish a belated birthday to Commissioner Del Valle and a one-day belated birthday to Commissioner Maye. So, happy birthday.

Hearing nothing more to come before the body, the meeting stands adjourned. Thanks everyone.