BEFORE THE
ILINOIS COMMERCE COMMISSION

BENCH SESSION
(PUBLIC UTILITY)

Springfield, Illinois
Wednesday, September 19, 2012

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
(Via teleconference)

MS. ERIN M. O'CONNELL-DIAZ, Commissioner
(Via teleconference)

MR. JOHN T. COLGAN, Commissioner

MS. ANN McCabe, Commissioner

L.A. COURT REPORTERS
By: Carla J. Boehl, Reporter
CSR #084-002710
CHAIRMAN SCOTT: Pursuant to the provisions of the Open Meetings Act, I now convene a regularly scheduled Bench Session of the Illinois Commerce Commission. With me in Springfield are Commissioner Colgan and Commissioner McCabe. With us in Chicago are Commissioner O'Connell-Diaz and Commissioner Ford. 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 Commission meetings. According to the Chief Clerk's Office, we have no requests to speak at today's Bench Session.

(The Transportation portion of the proceedings was held at this time and is contained in a separate transcript.)

CHAIRMAN SCOTT: Turning now to the Public
Utility agenda, we will begin with approval of minutes from our August 21 Regular Open Meeting. I understand amendments have been forwarded. Is there a motion to amend the minutes?

COMMISSIONER McCabe: So moved.

CHAIRMAN Scott: Is there a second?

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 amendments are adopted.

Is there a motion to approve the 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.
CHAIRMANS SCOTT: Any opposed?

(No response.)

The vote is five to nothing, and the August 21 Regular Open Meeting minutes as amended are adopted.

Moving into the Electric portion of today's agenda, Items E-1 and E-2 can be taken together. These items concern tariff changes sought by ComEd and Ameren. In each case Staff recommends granting the company's request by not suspending the filing.

Is there any discussion?

Is there a motion to enter the Order?

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
filings 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-3 is Docket 09-0592. This is our rulemaking proceeding for Parts 412 and 453 of Title 83 of the Administrative Code. This item will be held for disposition at a future Commission proceeding.

Item E-4 is Docket Number 10-0537. This is ComEd's reconciliation case for revenues collected under its energy efficiency rider. This item will also be held for disposition at a future Commission proceeding.

Item E-5 is Docket Number 12-0404. This concerns MidAmerican Company's reconciliation proceeding for revenues collected under its gas and electric energy efficiency program riders in 2009. ALJ Jorgensen 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 E-6 is Docket Number 11-0721.

This is ComEd's initial formula rate filing under Section 16-108.5 of the Public Utilities Act. This matter is currently on rehearing and will be held for disposition at a future Commission proceeding. It is our anticipation that this would be done at the October 3 meeting.

Item E-7 is Docket Number 11-0742.

This is a complaint filed by Ultra Foods against ComEd. ALJ Riley recommends entry of an Order dismissing the complaint without prejudice.

Is there any discussion?

(No response.)

Are there any objections?

(No response.)

Hearing none, the Order is entered.

Item E-8 is Docket Number 12-0419.

This item will be held for disposition at a future Commission proceeding, but I believe Commissioner
McCabe has some questions for ALJ Hilliard. Is the Judge available?

JUDGE HILLIARD: Yes.

CHAIRMAN SCOTT: Very good.

COMMISSIONER McCabe: Yes. Judge Hilliard, I want a little more background on this case, wondered if you knew what some of the issues were between IDOT and ComEd and their attempt to reach agreement on this issue.

JUDGE HILLIARD: Yeah, I can tell you I have a pretty good handle on these things. These are all condemnation cases. This is an example of a condemnation case involving the Department of Transportation and Commonwealth Edison. And there is a section of the Condemnation Act that requires the Commission to approve the taking in a case like this. That section does not provide any criterion as to what the Commission ought to use to determine whether or not the taking is appropriate, but there is another section under the Condemnation Act that says that the taking has to be for a public purpose, that it has to be in the public interest, and that the
property which is taken is going to be owned or
to be owned or controlled by a state entity after the taking.

So this is kind of a -- there are several parts to these transactions. The parties negotiate and, if they come to an agreement, then it is an agreed order and the pool is given and then the taking occurs. If it doesn't, the case proceeds to a condemnation case.

And the issue in this case is -- this didn't used to be an issue but it has been for a period of time -- is that the affidavit that the Department of Transportation wants the utility to sign provides that the utility essentially warrants that there are no unknown owners or claimants for the property.

Now, almost all these cases are road widening or expressway ramp type cases. And for whatever reason, ComEd is not willing to, I guess, undertake to say that they don't know that somebody else doesn't have a claim on this property. So what happens then and what's happened in this case where there is no issue about compensation, that's
apparently agreed by the parties, is that the condemnation case will be a vehicle for the State to get clear title of the property.

This is like analogous to a foreclosure case. The decree by the Court, the Circuit Court, which will happen after approval by the Commission, would extinguish all other claims. So then the Department of Transportation would have clear title of the property. That is the issue in this particular case, and it is -- you know, it comes up frequently in these cases recently.

I think the other -- another matter that you expressed some interest in was a master easement agreement between ComEd and the Department of Transportation. And I looked at a few of these cases, and every single one of the cases refers to a master easement agreement. And the agreement itself is not an exhibit in the case and I don't know if it has ever been an exhibit in the case. But the easement itself is something that I think the Commission certainly would approve if it were brought before them.
As I indicated, in most of these cases ComEd continues to own at least a portion of the property, and there is some equipment or building or transmission lines that's on the property that continues to operate after the road widening occurs and during the time that the road widening is being put in place. And the easement provides that IDOT will make sure that ComEd's equipment remains operable, is not interfered with by the construction, that they will take steps to protect the equipment during the installation, and after the project is completed, they will take away what they can take away so that it doesn't interfere with ComEd's use of the property. It also provides that IDOT will make sure that everybody involved has insurance and that ComEd is protected from claims that, you know, that might arise for any number of reasons.

So it seems to me that the easement agreement itself is in the public interest, and the Commission in my opinion would approve it if it came before them.

COMMISSIONER McCabe: Very good. Thank you
very much.

CHAIRMAN SCOTT: Any questions? Discussion?

JUDGE HILLIARD: Commissioner, I also could provide your assistant with a copy of the easement if you would want, a blank easement.

COMMISSIONER McCabe: Okay, thank you.

CHAIRMAN SCOTT: Thank you, Judge.

Item E-9 is Docket Number 10-0579.

This is Rock Island Clean Line's petition seeking certification as a transmission public utility. The company has moved to withdraw its petition, and ALJ Jones recommends granting the withdrawal.

COMMISSIONER O'CONNELL-DIAZ: Mr. Chairman?

CHAIRMAN SCOTT: Yes.

COMMISSIONER O'CONNELL-DIAZ: Excuse me. Are we voting on E-8 or is that being held?

CHAIRMAN SCOTT: E-8 was being withheld.

COMMISSIONER O'CONNELL-DIAZ: Okay. Thank you.

CHAIRMAN SCOTT: Thank you. ALJ Jones recommends granting withdrawal of the petition in Item E-9.

Is there any discussion?
Are there any objections?

(No response.)

Hearing none, the motion to withdraw is granted.

Items E-10 through E-14 (11-0587, 12-0103, 12-0028, 12-0206, 12-0259) can be taken together. These items concern customer complaints against ComEd or Ameren. In each case the parties apparently settled their differences and have 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 motions to dismiss are granted.

Item E-15 is Docket Number 12-0001.

This is Ameren's initial formula rate case filed under Section 16-108.5 of the Public Utilities Act.

ALJ Albers recommends entry of an Order setting new
rates for the company resulting in a decrease in rates. We also have a petition for interlocutory review brought by the company concerning references to a recent Illinois House resolution addressing a couple of the issues in this matter.

First of all, Judge Albers, could you give us an update on the comments received in the case?

JUDGE ALBERS: Certainly. We have still only two comments opposing any rate increase since the company came in asking for a decrease. So not too much concern there.

CHAIRMAN SCOTT: Next we will take up the petition for interlocutory review. Is there any discussion on the petition?

(No response.)

Is there a motion to grant the petition?

COMMISSIONER McCABE: So moved.

CHAIRMAN SCOTT: Is there a second?

COMMISSIONER COLGAN: Second.

CHAIRMAN SCOTT: Is there further discussion?
(No response.)

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 petition is granted.

We have a number of proposed revisions to consider today. We will start with Commissioner McCabe.

Commissioner?

COMMISSIONER McCabe: I am going to propose three changes. The first concerns Account 190 Asset - Unamortized IPCs. We accept Staff's recommendation to remove language criticizing Staff for revising its approach as a result of testimony in hearings.

The second change would be on regulatory asset amortization, to adopt Staff and Ameren's recommendation to retain the amortization schedule for merger and severance costs previously established in Docket 09-0306. The Proposed Order
would analyze or normalize these costs.

Third is a minor edit to include in
the interest on under and over collections IIEC's
position in the record which was, I think,

inadvertently left out.

CHAIRMAN SCOTT: You are moving those revisions
then. Is there a second?

COMMISSIONER COLGAN: Second.

CHAIRMAN SCOTT: It's been moved and seconded.

Is there discussion on those three revisions?

(No response.)

All in favor say aye.

COMMISSIONERS: Aye.

CHAIRMAN SCOTT: Any opposed?

COMMISSIONER O'CONNELL-DIAZ: Mr. Chairman, I
vote no on the Account 190.

CHAIRMAN SCOTT: Okay. So the vote on Account
190 is four to one. The vote on regulatory asset
amortization was five to nothing, and on the interest
on under and over collections is five to nothing.

Commission McCabe?

COMMISSIONER McCABE: Okay. The next one is on
consistency of formula rate tariffs co-sponsored with
Commissioner O'Connell-Diaz. We recommend adopting
IIEC's suggestions to make the two formula rate
orders consistent. And I would like to thank IIEC
for bringing this to our attention, albeit a little
late into the record.

CHAIRMAN SCOTT: You are moving that revision?

COMMISSIONER McCABE: Yes.

CHAIRMAN SCOTT: Is there a second?

COMMISSIONER COLGAN: Second.

CHAIRMAN SCOTT: It's been moved and seconded.

Discussion?

COMMISSIONER O'CONNELL-DIAZ: Mr. Chairman,
just to follow up on Commissioner McCabe's comments
with regard to this, while we have the language grant
the request of IIEC which was in its initial brief,
we do point out that it is important that all parties
have an opportunity to comment on the position of the
parties. And bringing it up in the initial brief
really does foreclose that opportunity. In this
instance it was not a controversial matter. But if
it was something of great controversy, it would put
the Commission in a bad spot to have to be ruling on something where there is not full vetting through our hearing process. The record is closed at that point in time. So we do point that out.

So it does conclude the IIEC's, their suggestion, in their initial brief is accepted. But in the future we would like to see that a little earlier certainly in accordance with our rules.

CHAIRMAN SCOTT: Is there further discussion?

(No response.)

It's been moved and seconded on this revision. All in favor say aye.

COMMISSIONERS: Aye.

CHAIRMAN SCOTT: Any opposed?

(No response.)

It carries five to nothing, and that revision is also adopted.

Commissioner O'Connell-Diaz, I believe you have a revision?

COMMISSIONER O'CONNELL-DIAZ: I didn't think you were going to get to me until after you did yours.
CHAIRMAN SCOTT: I can do that if you would like.

COMMISSIONER O'CONNELL-DIAZ: That would be fine.

CHAIRMAN SCOTT: Okay. I have three revisions. The first is to the section on charitable contributions. The revision that I would make would allow their company recovery of their charitable contributions with one exception, and the revision explains the reason behind that allowance which is the disallowance for contribution to the City of Springfield under the reasoning that the City is not served by Ameren for electricity purposes and, therefore, the Ameren electric customers don't get a benefit from the contribution.

I do want to say in terms of introducing this, it is in essence putting back a lot of what was taken out of the -- in the Proposed Order, a lot of the charitable contributions. One of the things that was done in the Proposed Order was to rely on 501(c)(3) as kind of a bright line. To me that distinction doesn't really work.
The statute talks about public welfare, religious, scientific, educational, as we have talked about on many occasions. And I think that under that definition in the statute there are 501(c)(3)s and 501(c)(6)s, for that matter, that can qualify for charitable contributions. To qualify the key is what the money is to be used for, is it actually to be used for those purposes.

And as I have said many times before, I am not certainly against the charitable contributions. The Public Utilities Act obviously allows for it. The idea is to show compliance with Section 9-227 and what the money is to be spent on.

And I do want to commend AIC in this case, much better than in the last case when they were before us, in terms of laying out what the dollars were to be used for. I do think there is probably some work to be done in the future on some of the dual label, dual purpose kind of labeling, that we got in the testimony and the charts that were here. But I think that the company did a good job in this case of explaining what it was for.
And in reviewing all of the contributions, with the one exception that I already highlighted with the City of Springfield, I think all of those contributions deserve to be allowed under the Order, and I would move that revision.

COMMISSIONER COLGAN: I will second that.

CHAIRMAN SCOTT: It's been moved and seconded.

Is there any discussion?

COMMISSIONER COLGAN: I just want to say that I agree with what you just said. I think these contributions are really important. While they are not that large, they are not that large in contributions in most cases, a lot of these organizations really depend on these contributions.

And I think the key that you pointed out and that I agree with is the purpose that the different organizations are going to use the contributions for.

And I also want to thank Staff and ALJ Albers and Yoder for, you know, going to some lengths to try to make a distinction here that we have duly considered. But I think that the best course is the
one that is in front of us here in this motion.

CHAIRMAN SCOTT: Further discussion?

COMMISSIONER FORD: I certainly agree with what you said, John, because most of these organizations are small and any kind of contribution they get is certainly needed. So I am glad that the ALJs revisited that issue.

CHAIRMAN SCOTT: Further discussion?

COMMISSIONER O'CONNELL-DIAZ: Yes, Mr. Chairman.

CHAIRMAN SCOTT: Yes, go ahead. Sure, Commissioner.

COMMISSIONER O'CONNELL-DIAZ: Thank you for your edits on this. I was quite concerned when I saw a new rule being imposed with the 501(c)(3) which clearly is not part of the statute. I think I have spoken in other cases that have been up; I am very proud that our state has this type of a statute to help those in need. And when you look at what the annual cost on someone's bill, I think it is like 20 cents in this instance or it is probably even less than that, I was quite concerned with our Staff's
position in this proceeding. I think the statute is quite clear. I had concern about the rulemaking. I think that the rulemaking that's been initiated could in fact be contrary to what the statutory provisions are that the General Assembly has provided to us. I think it is quite clear what they want out of that.

Certainly having more in the record is a good thing. The company in fact did that and, hence, your revisions reflect that. But given the fact that it is somewhat encompassing the 9-227 provisions, you know, it fits a lot of feet, if you will. And in this economic climate I am happy to see that we all join in and help each other.

And when I see the moneys that flow out with energy efficiency programs that are on a ratepayer's bill, these are costs that are in the communities that assist people and I think it makes the state a more human state.

So our General Assembly in their wisdom enacted that provision, and we should continue to approve these type of expenditures. Thank you.

CHAIRMAN SCOTT: Thank you, Commissioner.
Further discussion?

(No response.)

All in favor of the revision vote aye.

COMMISSIONERS: Aye.

CHAIRMAN SCOTT: Any opposed?

(No response.)

The motion carries five to nothing,

and the revision is adopted.

My second proposed revision revised

the conclusion on the interest rate to be used for

reconciliation. I believe that Ameren's rate for

short-term debt is the interest rate best supported

by the record evidence and propose adopting using

that rate for the reconciliation balance, and I want

to explain that just a little bit.

First of all, the language in the

statute and, again, as has been pointed out in many

occasions is a statute of first interpretation by us.

The language for this particular section just says

with interest. There has been -- so it is left to us

to decide exactly what "with interest" means and

there are several different theories that were
posited during the course of this case. I am just
going to talk very briefly about them and what my
rationale is with the revision.

So one of the -- the weighted average
cost of capital, or the WACC, was proposed by the
company. But that's referred to other places in the
statute and referred to as an investment return, not
as an interest rate. WACC, as you know, draws on
long-term debt and equity, but here we are talking
about something that is collected in the year
following the determination of a reconciliation
amount.

On the other side of that, on the
other end of the spectrum, we have the customer
deposit rate, but I don't believe that that
adequately reflects the short-term financing need for
the company in this case. And I realize in the ComEd
case we did an averaging, but that averaging also
includes long-term debt. So for the reason I talked
about with WACC, I don't think that that's
appropriate.

So I believe the short-term rate is --
this methodology is not only supported by the record but it gives best possible interpretation to the phrase "with interest" in the statute as it relates to the reconciliation balance then.

I would move that revision. And I appreciate the help from both Commissioner Colgan and Commissioner McCabe on this set of revisions. So I will move the revision.

COMMISSIONER McCabe: Second.

CHAIRMAN SCOTT: It's been moved and seconded.

Further discussion?

(No response.)

All in favor of the revision vote aye.

COMMISSIONERS: Aye.

CHAIRMAN SCOTT: Opposed?

COMMISSIONER O'CONNELL-DIAZ: No.

COMMISSIONER FORD: No.

CHAIRMAN SCOTT: Motion carries on a three to two vote, and the revision is adopted.

COMMISSIONER O'CONNELL-DIAZ: Mr. Chairman, if I might?

CHAIRMAN SCOTT: Yes, please.
COMMISSIONER O'CONNELL-DIAZ: With regard to this revision, with all due respect to my colleagues, I believe that the ALJs got this correct. I think the statute is quite clear with what this is. And also the notion that this somehow will be appropriately reflected by short-term debt, I believe is an impossibility, given the time frame of the statutory scheme under the EIMA. And so, therefore, I just cannot go beyond what is contained in the statute.

Additionally, now that we have recognized this resolution, I think it comes from the folks that drafted it, they talk about that it is the weighted cost, average cost. It is certainly not the customer deposit, because that's zero. Short-term debt does not cover this. And the thrust of the EIMA is to provide a situation where the Company can recover their costs. We are talking about the time value of money. There is cost to that. And the cost of that, as the ALJs properly found, was the weighted average costs.

So with all due respect to my
colleagues, I will follow what the law says and I am compelled to vote no.

CHAIRMAN SCOTT: Okay. Further discussion?

(No response.)

My final revision, given that we voted earlier to grant the petition for interlocutory review which was just referenced, my final revision has language that makes it clear that the Commission has given House Resolution 1157 the weight afforded to it under the laws, as is similar to what we did in the Chicago Clean Energy case fairly recently where we had another set of resolutions. I think we had two in that particular case. But this would have language in there since we just voted on the interlocutory review to make reference to Resolution 1157, and I would move that provision as well.

Is there a second?

COMMISSIONER COLGAN: Second.

CHAIRMAN SCOTT: It's been moved and seconded.

Further discussion?

(No response.)

All in favor say aye.
COMMISSIONERS: Aye.

CHAIRMAN SCOTT: Any opposed?

(No response.)

Motion is granted, and the revision is adopted.

Now, Commissioner O'Connell-Diaz?

COMMISSIONER O'CONNELL-DIAZ: Yes, thank you, Chairman. I have proposed revisions to the average or year-end conclusions in the Order at page 173. This reflects the same treatment that I suggested and was not the winner of the day in the ComEd situation. However, I believe the statute again guides us in this. It is extremely clear. It is unambiguous. It leaves nothing to the imagination, as is suggested in the Order, or manipulation I guess might be a better word that is used.

It is clear that it talks about the final historical data. It also provides for that it come from a certain document. It also suggests that it would be updated with regard to the depreciation reserve and expense, so that is covered.

And so given the confines of this new
law that we are operating under, I think we need to
be in accordance with what that is. And the
conclusion that is reached in the Proposed Order does
not bring us to that appropriate legal conclusion.

I think the General Assembly enacted
this provision, these new provisions, to act in
concert with one another. I think it is tantamount
to our job as the Commission to implement what the
General Assembly has put on our plate, not to
recreate it. That is something that the General
Assembly does in its deliberations, and those days
are over with. We have before us the law that we are
asked to implement, and we must implement it in
accordance with what the General Assembly has given
us.

Additionally, I cite to the resolution
that we have, giving it the appropriate weight before
the authors of this. They tell us what their intent
was, and it again suggests that we should not use
average numbers. "Average" does not appear anywhere.

And in this situation what we do is we
set up a situation where the company will never be
made whole. They will always be catching up. When you use an average, it is not the true number. It is not the actual number. And that is how inappropriate is finding any other way than what is contained in the statute, and the General Assembly understood that and directed us to use the final historical data that is reflected on FERC Form 1.

So I would suggest that my colleagues take up my changes and vote yes.

CHAIRMAN SCOTT: I assume you are moving that?

COMMISSIONER O'CONNELL-DIAZ: I am. I am.

CHAIRMAN SCOTT: Is there a second?

COMMISSIONER FORD: Second.

COMMISSIONER O'CONNELL-DIAZ: That was a deliberate speech.

CHAIRMAN SCOTT: It's been moved and seconded. Is there further discussion?

Commissioner McCabe.

COMMISSIONER McCABE: I support the Proposed Order's use of year-end rate base balances for setting future rate components of formula rates and average for the reconciliation. And as discussed in
the record, I think this will reduce regulatory lag
and lesson the gap to be reconciled.

CHAIRMAN SCOTT: And I am not going to support
your motion, Commissioner. Two quick points. One is
the language of the statute is very interesting
because it talks about the applicable rate, the
inputs shall be based on final historical data plus
projected plant additions. The word "based on" or
the words "based on" are very curious in their
application there. I would arguing that averaging is
absolutely based on the data that is required under
the statute.

And I will take the flip side of the
argument that you made, Commissioner, and just say
that by going to year-end every year, you will always
result in an over-charge unless somehow the company
miraculously figures out a way to make all of their
investments on January 1 of any given year, which I
think we all know probably isn't going to happen, and
I have a difficult time believing that that was the
actual legislative intent.

So, respectfully, I won't be
supporting your motion.

Further discussion?

COMMISSIONER FORD: And my not being a lawyer, I do see where there is no authority, statutory authority, was given to the Illinois Commerce Commission to set rate base in capital structures using average numbers that do not represent final year-end values reflected in the FERC Form 1, and the Illinois Commerce Commission uses such averages contrary to the statute. That's also in our resolution.

Now, remember, I am not a lawyer.

CHAIRMAN SCOTT: Further discussion?

Commissioner Colgan?

COMMISSIONER COLGAN: Well, yeah, I just briefly want to say that -- I want to thank my colleagues that argued on both sides of this issue. You know, this has been a tough issue to wrestle to the ground here and come to a conclusion on. And I think there are -- and I appreciate, certainly appreciate, Commissioner O'Connell-Diaz's point of view on it.
I am not going to support that point of view because -- and I am not going to repeat arguments that Chairman Scott has made. But after due deliberation which has been very considerable and back and forth just debating issues on this with several assistants, my own assistant, trying to come to the best conclusion that we can possibly come to, I am not going to support this amendment.

But I want everybody to know that I appreciate everybody's due diligence that did the best that we could on this issue.

CHAIRMAN SCOTT: Further discussion?

(No response.)

All in favor of the motion say aye.

COMMISSIONERS: Aye.

CHAIRMAN SCOTT: Opposed?

COMMISSIONER COLGAN: No.

CHAIRMAN SCOTT: No.

COMMISSIONER McCabe: No.

CHAIRMAN SCOTT: Motion fails on a vote of three to two -- two to three.

Are there further revisions or further
Is there a motion to enter the Order as amended?

COMMISSIONER McCabe: So moved.

CHAIRMAN SCOTT: Is there a second?

COMMISSIONER Colgan: Second.

CHAIRMAN SCOTT: It's been moved and seconded.

Is there further discussion on the Order as amended?

(No response.)

All in favor say aye.

COMMISSIONERS: Aye.

CHAIRMAN SCOTT: Opposed?

COMMISSIONER O'Connell-Diaz: No.

COMMISSIONER Ford: No.

CHAIRMAN SCOTT: The vote is three to two, and the Order as amended is entered then.

On behalf of the Commission I'd really like to thank Judges Albers and Yoder, and I really appreciated -- I know it was a tremendous amount of work, and we have talked about the deadlines and how difficult they are. So we really appreciate both of
your hard work on this case. So thank you very much, gentlemen.

Item E-16 is Docket Number 12-0212.
This is a proceeding to develop certification requirements for electric vehicle charging station vendors. I believe we are receiving a briefing from Judge Albers on this matter, no less.

So, Judge, go right ahead.

JUDGE ALBERS: At your request, here we go. On March 21 of this year the Commission initiated its rulemaking in compliance with Section 16-128(a) of the Act. Subsection (b) required a rulemaking to establish certification requirements for vendors that install electric vehicle charging stations.

Since our first status hearing on April 17, we have the following intervenors:
Chamber of Commerce. The City of Chicago and the Attorney General have also entered appearances. Staff and these parties have held workshops and have had various informal discussions on various occasions. They have had workshops on July 13, July 26, August 27, and September 17. And in addition on August 28 the Governor signed House Bill 5071 into law which became Public Act 97-1128. This new law added several specific elements for the rule to consider and imposed a deadline which is February 28, 2014. Prior to that there was no deadline in this case.

Fortunately, the parties were aware of House Bill 5071 during their workshops, so they did contemplate its enactment as they discussed proposals for inclusion in the rule.

I happen to have a status hearing scheduled this afternoon, actually. So I hope to get an update then and find out if the parties are any closer to an agreed-upon rule.

If you have any other questions, feel free.
CHAIRMAN SCOTT: Questions?

(No response.)

Very good. Thank you very much, John.

Appreciate it.

Items E-17 and E-18 (12-0464, 12-0481) can be taken together. These items are applications for licensure as an Agent, Broker and Consultant filed under Section 16-115(c) of the Public Utilities Act. In each case ALJ Albers recommends entry of an Order granting the certificate.

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the Orders are entered.

Item E-19 is Docket Number 12-0471, Phalanx Energy Services, LLC's, application for licensure as an Alternative Retail Electric Supplier. ALJ Yoder recommends entry of an Order granting the license.

Is there any discussion?

(No response.)
Any objections?

(No response.)

Hearing none, the Order is entered.

Item E-20 is Docket Number 12-0477.

This item will be held for disposition at a future Commission proceeding.

Turning now to Natural Gas, Items G-1 and G-2 can be taken together. These items concern tariff changes filed by Ameren and Nicor. In each case Staff recommends granting the request by not suspending the filing.

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the filings will not be suspended.

Items G-3 and G-4 (09-0545, 09-0546) can be taken together. These items are reconciliation cases for Peoples and North Shore for revenues collected under gas adjustment charges in 2009. In each case ALJ Sainsot recommends entry of
an Order approving the reconciliation.

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the Orders are entered.

Item G-5 is Docket Number 11-0671.

This is a rulemaking proceeding for Title 83, Part 596, of the Administrative Code concerning public availability of information contained in pipeline inspections. ALJ Teague recommends entry of an Order adopting the rules with an effective date of October 1, 2012.

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the Order is entered.

Item G-6 is Docket Number 12-0177.

This is Claudette Rogers' complaint against Nicor. The parties have apparently settled their differences and brought a joint motion to dismiss which ALJ
Haynes recommends we grant.

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the joint motion to dismiss is granted.

Item G-7 is Docket Number 12-0396.

This is FTR Energy Services' application for licensure as an Alternative Gas Supplier. This item will be held for disposition at a future Commission proceeding.

Item G-8 is Docket Number 12-0469.

This is Iron Energy's application for licensure as an Alternative Gas Supplier. The company has moved to withdraw its application, and ALJ Von Qualen recommends granting withdrawal.

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the motion to withdraw
is granted.

Moving on to Telecommunications, Item T-1 is Docket Number 12-0406. This is a joint petition for the approval of an amendment to an Interconnection Agreement. ALJ Riley recommends entry of an amendatory Order making minor corrections to the Order previously entered by the Commission.

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the amendatory Order is entered.

Item T-2 is Docket Number 12-0447. This is a joint petition by New Cingular Wireless PCS and Illinois Consolidated Telephone Company seeking approval of an amendment to their Interconnection Agreement. ALJ Jorgensen recommends entry of an Order approving the amendment to the agreement.

Is there any discussion?

(No response.)

Any objections?
(No response.)

Hearing none, the Order is entered.

Items T-3 through T-10 (11-0623, 11-0622, 11-0624, 11-0626, 11-0627, 11-0628, 11-0629, 11-0625) will be taken together. These are rulemaking proceedings for revisions to various telecommunications portions of Title 38 due to recent changes to the Public Utilities Act. In each case the ALJ recommends entry of an Order adopting amendments to the rule with an effective date of October 1, 2012.

Is there any discussion?

(No response.)

Are there any objections?

(No response.)

Hearing none, the Orders are entered.

Item T-11 is Docket Number 11-0668.

This is Dex One's petition seeking a variance from the requirements of Title 83, Section 735.180, of the Administrative Code concerning white pages directory distribution. This item will be held for distribution at a future Commission proceeding.
On to Water and Sewer, Item W-1 is Docket Number 11-0677. This is Jeremy Laramore's complaint against Illinois-American Water Company. We will also be holding disposition of this item until a future Commission proceeding.

Item W-2 is Docket Number 11-0767. This is Illinois-American Water Company's rate case under Section 9-201 of the Public Utilities Act. ALJ Jones recommends entry of an Order setting new water and sewer rates for the company. Judge Jones, if you could, could you update us on any of the comments received on the case?

JUDGE JONES: Thank you, Mr. Chairman. Since this was last discussed, there have been some additional comments, and the total is now 33.

CHAIRMAN SCOTT: Do you want to say that just one more time?

JUDGE JONES: Thank you. Since this was last discussed at a Commission meeting, additional comments have raised the number of comments from customers as filed on e-Docket to 33. Sorry about that.
CHAIRMAN SCOTT: No, that's fine. Thank you.
I understand Commission McCabe has a couple of revisions to propose.

Commissioner?

COMMISSIONER McCabe: Yes, I have two edits. The first deals with chemical expense. I believe the record supports use of the company's multi-year methodology for calculating future chemical expense. Accordingly, the amendment rejects the IIWC adjustment accepted in the Proposed Order.

CHAIRMAN SCOTT: Are you moving that revision?

COMMISSIONER McCabe: 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 of the revision say aye.

COMMISSIONERS: Aye.

CHAIRMAN SCOTT: Any opposed?

(No response.)

The vote is five to nothing, and the
revisin is adopted.

Commissioner McCabe?

COMMISSIONER McCabe: Second, I propose to adopt Illinois-American and Staff's position to allow full recovery of the supplemental audit expenses. The Commission ordered a management audit of IAWC in Docket 09-0319 and that audit is being discussed in a pending case. In addition to the actual amount of the audit, the company incurred implementation costs due to the audit. I agree with Staff that the company justified these costs and hope the audit will address some of the concerns that led to its approval.

So I move that we accept the full supplemental audit expenses.

CHAIRMAN Scott: Is there a second?

COMMISSIONER O'CONNELL-DIAZ: Second.

CHAIRMAN Scott: It's been moved and seconded. Discussion on this item?

COMMISSIONER O'CONNELL-DIAZ: Mr. Chairman?

CHAIRMAN Scott: Yes, Commissioner.

COMMISSIONER O'CONNELL-DIAZ: I would just kind
of -- the question of the audit, you know, audits are extremely expensive. But if this Commission undertakes ordering a company to conduct an audit, which we did on April 13 which I would direct everyone to the minutes from that meeting where Commissioner Ford and I were very vociferous with regard to our opposition to this audit, this does become a ratepayer expense when we direct them to do so.

And I thank Commissioner McCabe for working on the edits for this. When you do this, there are costs that are involved. We exercise that option to direct companies and order them to do audits. In this instance there is an audit in this proceeding addressing a demand study that I am not too sure what we will get out of having spent the ratepayer money in the manner that we have. But given the fact that the horse is out of the barn because the Commission directed the audit, it is up to us to approve the costs that the company has in fact proved up and the Staff has reviewed. And so that's where we find ourselves.
But the cautionary tale, when we see the word "audit" going forward, I think we should all thing about that very carefully because these get very expensive, as is evidenced by the costs in this proceeding.

COMMISSIONER FORD: You are absolutely right, but I do recognize that Staff did review this. I still cannot vote to give this amount of money from the ratepayers for this study. So I would have to vote no.

COMMISSIONER COLGAN: Well, I duly note your cautionary comments, Commissioner O'Connell-Diaz. But I see in the record that the company projected that the supplemental costs would be between four and six hundred thousand dollars, and they overshot that by $122,000. I would be probably willing to support had they been in that range, but I am not going to support this.

CHAIRMAN SCOTT: Further discussion?

(No response.)

All in favor of the revision vote aye.

COMMISSIONERS: Aye.
CHAIRMAN SCOTT: Opposed?

COMMISSIONER COLGAN: No.

COMMISSIONER FORD: No.

CHAIRMAN SCOTT: The vote is three to two, and the revision is adopted.

Are there further revisions to be made?

(No response.)

Any further discussion on the Order as amended?

Commissioner McCabe.

COMMISSIONER McCabe: On capital structure, I just wanted to note that Staff offered an alternative for the first time at briefing so there wasn't an opportunity for full cross examination or responsive evidence. But it would have been interesting to see this alternative more fully explored.

CHAIRMAN SCOTT: Just really quickly on the consultant's hourly rate which was an issue in the case, and I am going to support the Order and not offer revisions on that, but it is a little bit problematic. Essentially, it says that the lawyer
was very expensive and so we found another occupation
that could perform the same task, took their rate and
averaged it with the lawyers to come up with a rate
in this case.

I would suggest that, while that is
supportable by the record -- as I said, I am not
seeking to change that -- I think in the future the
questions are: Did the company prove up the expense
of the person that they chose to use in this case,
did that person have the requisite skills, what are
the skills and experience he has or she has, what is
that value in the community for those skills, and did
they spend the hours on it that they said they did.
You know, in that case -- what we have in this case
is that the person was by all accounts very expert in
his knowledge and his skill and his experience, but
the rest of it was a little bit lacking.

So while I think that the Judge was
very good about crafting a compromise there that
would work and be supportable in this case, I would
hope in the future we would see something a little
bit different in terms of proving up expenses for
Further discussion?

COMMISSIONER O'CONNELL-DIAZ: Just on that point...

CHAIRMAN SCOTT: Yes.

COMMISSIONER O'CONNELL-DIAZ: Mr. Chairman, I believe you were talking about Mr. Warren's costs.

CHAIRMAN SCOTT: Correct.

COMMISSIONER O'CONNELL-DIAZ: Yes, and I do note that that was quite a hefty fee. However, kind of like us, I think it is a situation where they needed the, I think, the best person, because there was such a complex question. I believe the AG even agreed with that. Their witness agreed that it was a very complex question. So the universe of folks that do that type of work, I would imagine, is quite small.

And, yes, I think the record could be improved with a comparison of what, you know, what that specialist really costs. This is not just a regular CPA. And when you get into those areas of the world and those specialties, you do get into
pretty high fees for their expertise.

So I believe that it was required in this instance and this is due to the audit. So I will just keep saying that audit. I did not vote for it, and here we are. You cannot order a company to do an audit and then say you can't collect the amounts that you prove up.

So certainly there could be more with regard to these type of specialists because that is kind of eye popping when you see those numbers. And I just wish I was one of those experts making that kind of money, so.

Thank you.

CHAIRMAN SCOTT: Further discussion?

(No response.)

Is there a motion to enter the Order as amended?

COMMISSIONER McCabe: 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 Order as amended is entered.

Again, on behalf of the Commission, Judge Jones, thank you very much for all your work in this case. We really appreciate it. Thank you very much.

JUDGE JONES: Thank you, Mr. Chairman.

CHAIRMAN SCOTT: We have two miscellaneous items today. Item M-1 (12-0528) concerns initiating a proceeding for the approval of the statewide technical reference manual for Illinois gas and electric energy efficiency programs. Staff recommends entry of an initiating Order to commence the proceeding with a status hearing.

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the initiating Order is
entered.

Item M-2 is Docket Number 06-0703, and this is a rulemaking proceeding for Title 83, Part 280, of the Administrative Code. We will be holding this item for disposition at a future Commission proceeding. However, we do have a request for oral argument from the AG/AARP to consider the door knock sections of the proposed rule.

Commission Colgan, you want to make a statement briefly?

COMMISSIONER COLGAN: Well, as some of you are aware, I participated in several of the meetings that were the workshop process concerning Part 280 revisions. So on the counsel of the Office of General Counsel and with some regret, I decided that I need to recuse myself on this issue. So I am not going to be voting on the interlocutory review -- or the oral argument, sorry, or on the Part 280 issue at all.

CHAIRMAN SCOTT: Is there any discussion on the request for oral argument?

(No response.)
Is there objection to denying the request for oral argument?

(No response.)

Hearing none, the request for oral argument is denied.

As I just said, we will hold the item for disposition at a future Commission proceeding.

COMMISSIONER COLGAN: If that could be reflected in the report.

CHAIRMAN SCOTT: Yes, very good. Thank you for catching that. The vote on the denial will be four to nothing. Thank you, Commissioner Colgan.

We have a couple of items of other business for consideration today. First up is our annual Communications Competition Report that we will submit to the General Assembly pursuant to Section 13-407 of the Public Utilities Act. Is someone from Staff available for briefing on this?

Mr. Zolnierek, how are you today, sir?

MR. ZOLNIEREK: Pretty good.

CHAIRMAN SCOTT: Go right ahead.

MR. ZOLNIEREK: Good morning, Chairman,
Commissioners. This is a report to the General Assembly pursuant to Section 13-407 of the Public Utilities Act which requires the Commission to collect and report telecommunications competition information to the General Assembly each year. This is the eleventh such report to the General Assembly.

One note of interest, Item T-9 on this agenda actually had a rule that requires the companies to produce data each year. Previous years we have submitted an Order for your approval each year and the companies submitted data in response to that Order. From here on out, it will be submitted pursuant to a rule, so I will need to issue that Order that year. And it also nails down the information collected each year. After ten years I believe we have sort of settled on a set of data that works for us.

Just a brief summary on the report, the trends and patterns we have seen over the past, last few years have continued. There is a decline in the number of reported lines that we see which we have seen every year since we started collecting this
information. There is line lost due to VoIP --
unreported voice over internet protocol lines, line
lost to wireless, and none of these should come as a
surprise to anyone. Maybe the only surprise is that
it keeps -- the pace at which line loss occurs keeps
growing so quickly.

Estimated losses from the 9-1-1 data
base that we estimate on the residential side for
VoIP lines is about 224,000. That's just
residential. We don't really have a good way to
estimate the number of unreported business VoIP
lines.

Estimates of residential losses with
wireless on the residential side, again, CDC as we
talked about last year collects data, some survey
data, and they estimate that 32.3 percent of the
whole population in Illinois live within households
that only have wireless service. So wireless
substitution keeps increasing year to year.

ILEC lines have decreased. CLEC lines
remain relatively flat. The overall share of the
CLEC reported lines went up with the ILEC line
decrease. Mobile subscribership, no surprise, has seen an increase. We have about 12.3 million mobile lines at mid-year 2011. The number of broadband lines also continues to increase. There are estimated about 8.6 million broadband lines in Illinois at year end 2011.

According to numbers collected here at the state level by the Partnership to Connect Illinois and reported to the federal government, approximately 99.9 percent of the population has access to some form of broadband with speeds at 769 kilobits download speeds. At this point that's a pretty relatively low speed, but we have do have a high percent of coverage that are --

COMMISSIONER O'CONNELL-DIAZ: Mr. Zolnierek, I couldn't hear that first part of your statement.

MR. ZOLNIEREK: Sure. According to information collected through the Partnership to Connect Illinois and reported to the federal government, 99.9 percent of the population in Illinois has access to broadband at speeds of 769 kilobits download or faster. 97.8 percent has access to speeds of 3 megabits per second
download or faster. And that is the same thing about price. Some of the prices for those speeds can be quite high.

And that's one of the things we have observed in the data, that even though 97.8 percent of residential households have access to 3 megabits download, only 39 percent of connections in Illinois are at that speed. So that suggests customers are selecting lower speeds presumably for price and other reasons. That's about --

COMMISSIONER O'CONNELL-DIAZ: What happens to those you are just kind of left back in the stone ages? What can we do about that?

MR. ZOLNIEREK: There are currently several efforts, both at the federal level and the state level, to identify and fill those holes. There are still -- the report summarizes several subsidy deployment programs out there. Sierra Funding is still going to several projects around the state that we summarized. The Partnership to Connect Illinois continues to look for ways to find holes and fill those holes through partnerships with carriers, both
incumbents, competitors. So the State continues to pursue that and we have an active role in that both through this reporting and through our involvement in the broadband deployment council. So the State continues efforts along those lines.

CHAIRMAN SCOTT: When you say availability, Mr. Zolnierek, is that availability at home or just availability generally? You could go to school or they have it through a church or --

MR. ZOLNIEREK: This is measured at the home. But it can be -- a lot of the coverage is, for example, you could buy a wireless card and have wireless access which may be something sufficient for somebody who needs satellite access. There is going to be coverage there. That took -- actually, the numbers I quoted, that excludes the satellite. They do include the wireless, so.

COMMISSIONER O'CONNELL-DIAZ: And, of course, those costs would be quite expensive for a typical home to have, even if you could get good wireless coverage and that's always the question, but some of these alternate providers in those areas, it is quite
costly to have that type of service, isn't it?

MR. ZOLNIEREK: Absolutely. And that is something that I think is ripe for further examination by the council and everyone involved.

CHAIRMAN SCOTT: Further questions? Further discussion?

COMMISSIONER McCabe: In addition to sending the report to the General Assembly, will there be any offerings of briefings?

MR. ZOLNIEREK: To the general public?

COMMISSIONER McCabe: No, to the General Assembly members or Staff that might be interested.

MR. ZOLNIEREK: We are always available. If they request explanation or discussion, we are happy to do that. We haven't scheduled anything generally, but we are always available for questions.

CHAIRMAN SCOTT: Anything further?

(No response.)

Thank you very much. Are there any objections to approving the report and having it sent to the General Assembly?

(No response.)
Hearing none, the report is approved and it will be sent to the General Assembly.

And next up is a briefing from our Executive Director Jonathan Feipel in regard to questions that have been raised regarding AMI meter installations and a potential connection to an overheating issue. We talked about this last week.

Mr. Feipel?

DIRECTOR FEIPEL: Good morning. And just to kind of bridge the gap between the discussion last week and our actions to date, like I pointed out last week, we have also expanded those discussions regarding Smart Meter potential problems to our other utilities, Ameren, MEC and Mt. Carmel.

So far there is no indication that they are experiencing similar problems. ComEd has also responded to our more detailed questions that we submitted a while back now, and we are still going through those. To date we have no evidence that suggests that the Smart Meters that were actually installed in Illinois have inherently any problem in and of themselves. So at this point we are really
focusing in on things like installation, other pieces of equipment on the network, and the like.

We still continue to view this as two distinct issues, one being those meters that are currently installed in ComEd's territory based on the pilot program, the 130,000 or so odd that are out there, those AMI meters. The second piece is, of course, going forward we have got more time to deal with that. So our real focus is turning toward making sure that those that are already installed are absolutely safe.

Next step is we have got another follow-up meeting with ComEd. We are going to be issuing them some more follow-up questions to the responses that we have received so far, and that takes us in through the next week.

CHAIRMAN SCOTT: Is there any -- I know one of the issues that came up was about the reporting of these. We have a little bit different system now than maybe we did a few weeks ago in terms of reporting, these instances being reported to us.

DIRECTOR FEIPEL: That's right. All of the
utilities now are on notice that we are very
interested and want to know immediately if there are
any more incidents of this kind.

CHAIRMAN SCOTT: I just wanted to also say that
I had an opportunity last week at a discussion I was
at to speak with both the chairman of the
Pennsylvania and of the Maryland public utility
commissions about this issue and opened up that line
of communication with them, and we are continuing to
gather information from them as they are -- to the
extent we can, given their docket, their open docket
limitations as well, but I think that will be a
useful source of information to us as well, although
the technology may not be exactly the same, but the
issues are obviously the same.

Commissioner Colgan.

COMMISSIONER COLGAN: Well, I'm glad to hear
that you had those discussions. That was going to be
my question, that have we reached out to other
jurisdictions. You know, having followed this issue,
this evolving issue, of smart metering for several
years, I think all of us have. It kind of caught me
by surprise to hear these newspaper stories about Smart Meters and potential fire hazards that might be somehow associated with the meters. So I think maybe we should take a look at it with a, you know, a broad view to see if there are -- it seemed like out of the ordinary, out of the norm in terms of something I had never thought about or anticipated.

But if -- I also think that you need to make sure that if there is a problem here, we need to try to, you know, get to the root of it and make sure that we are not jeopardizing people's health and safety as a result. And not even beginning to try to say that I think that that is what's happening, I just want to make sure that we know what the lay of the land is. And I think a bigger outreach to other jurisdictions might be in our best interests.

DIRECTOR FEIPEL: Agreed, and we are in contact on the Staff side as well.

COMMISSIONER O'CONNELL-DIAZ: Mr. Feipel, just to clarify, the meters in question are both traditional meters and the newer meters, isn't that correct?
DIRECTOR FEIPEL: That's right. We took a broader view of this from the beginning to make sure that it is not just a potential Smart Meter AMI problem, but to make sure that there is no across-the-board installation problems, and we continue to treat this that way, too.

COMMISSIONER O'CONNELL-DIAZ: But my question is that there has been -- there is occurrences on meters other than the Smart Meters, correct?

DIRECTOR FEIPEL: There have been issues throughout the state over time, yes.

COMMISSIONER O'CONNELL-DIAZ: I think that's an important distinction so, you know, the Smart Meters don't get tagged solely. We are looking at the whole universe of meters that have ever had this type of a situation which certainly is concerning. And since our Staff became aware of it, they have been doing their job in their analysis and will continue to do so. And I -- you know, it is great to reach out to other commissions, but I think we need to figure out what's going on in our own backyard and figure out what exactly is the problem on the older meters and
the Smart Meters, and certainly collaborate once we have that foundational information and also create a safe -- a feeling of safety for the people that have those on their homes, shooting communications from the company with regard to those affected customers.

So this is an ongoing search for scientific information, I think, and I know our Staff is up to the job working with the company to get us to a better place where we can actually have the full information we need.

Thank you.

CHAIRMAN SCOTT: Further discussion? Further questions?

(No response.)

Director Feipel, thanks very much.

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

JUDGE WALLACE: That's it.

CHAIRMAN SCOTT: Thank you, sir. Hearing none, this meeting stands adjourned. Thank you, everyone.

BENCH SESSION CONCLUDED