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BEFORE THE  
ILLINOIS COMMERCE COMMISSION

BENCH SESSION  
(PUBLIC UTILITIES)

Chicago, Illinois  
Wednesday, July 10, 2013

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

PRESENT:

- MR. DOUGLAS P. SCOTT, Chairman
- MS. ANN McCABE, Commissioner
- MR. MIGUEL DEL VALLE, Acting Commissioner
- MR. JOHN T. COLGAN, Commissioner  
(Via audiovisual conference)
- MS. SHERINA MAYE, Acting Commissioner  
(Via telephone conference)

MIDWEST LITIGATION SERVICES  
By: Pamela S. Morgan, Reporter  
CSR # 084-001687

1           CHAIRMAN SCOTT: Pursuant to the provisions of  
2 the Open Meetings Act, I now convene the regularly  
3 scheduled Bench Session of the Illinois Commerce  
4 Commission.

5           With me in Chicago are Commissioner  
6 McCabe and Acting Commissioner Del Valle. In  
7 Springfield is Commissioner Colgan. I am Chairman  
8 Scott. We have a quorum. We should also have  
9 Acting Commissioner Maye available on the phone.

10           Are you there, Commissioner?

11           ACTING COMMISSIONER MAYE: Good morning, I'm here.

12           CHAIRMAN SCOTT: Great.

13           Under the Commission's rules we will have  
14 to vote to allow Commissioner Maye to participate  
15 by phone.

16           I move to allow Commissioner Maye's  
17 participation by phone.

18           Is there a second?

19           COMMISSIONER McCABE: Second.

20           CHAIRMAN SCOTT: It's been moved and seconded.

21           All in favor say aye.

22           (A chorus of ayes.)

23           Any opposed?

24           (No response.)

1           The vote is four to nothing, and  
2 Acting Commissioner Maye may participate in  
3 today's meeting by phone.

4           Moving into the agenda, according to  
5 Section 1700.10 of Title Two of the Administrative  
6 Code, this is the time for all members of the  
7 public to address the Commission. Members of the  
8 public wishing to address the Commission must  
9 notify the Chief Clerk's Office at least 24 hours  
10 prior to Commission meetings. According to the  
11 Chief Clerk's Office, we have no requests to speak  
12 at today's Bench Session.

13           Moving on to the Public Utility agenda,  
14 we will begin with the approval of minutes from  
15 our June 18th Regular Open Meeting and the June  
16 26th Bench Session. I understand amendments have  
17 been forwarded for both sets of minutes.

18           Is there a motion to approve both sets of  
19 minutes?

20           ACTING COMMISSIONER DEL VALLE: So moved.

21           CHAIRMAN SCOTT: Is there a second?

22           COMMISSIONER McCABE: Second.

23           CHAIRMAN SCOTT: They're moved and seconded.

24           All in favor say aye.

1 (A chorus of ayes.)

2 Any opposed.

3 (No response.)

4 The vote is five to nothing and the  
5 amendments are adopted.

6 Is there now a motion to approve both  
7 sets of minutes as amended?

8 COMMISSIONER McCABE: So moved.

9 CHAIRMAN SCOTT: Is there a second?

10 ACTING COMMISSIONER DEL VALLE: Second.

11 CHAIRMAN SCOTT: They've been moved and  
12 seconded.

13 All in favor say aye.

14 (A chorus of ayes.)

15 Any opposed?

16 (No response.)

17 The vote is five to nothing, and the  
18 minutes from our June 18th Regular Open Meeting  
19 and June 26th Bench Session as amended are  
20 approved.

21 Turning now to the Electric portion of  
22 today's agenda. Items E-1 and E-2 can be taken  
23 together. These items are complaints against  
24 ComEd regarding billing and charges. In both

1 cases, ALJ Benn recommends entry of an Order  
2 dismissing the complaint for want of prosecution.

3 Is there any discussion?

4 (No response.)

5 Is there a motion to enter the Orders?

6 COMMISSIONER McCABE: So moved.

7 CHAIRMAN SCOTT: Is there a second?

8 ACTING COMMISSIONER DEL VALLE: Second.

9 CHAIRMAN SCOTT: Any discussion?

10 (No response.)

11 All in favor say aye.

12 (A chorus of ayes.)

13 Any opposed?

14 (A chorus of ayes.)

15 The vote is five to nothing and the  
16 Orders are entered, and the complaints are  
17 dismissed.

18 We will use the five to zero vote for the  
19 remainder of the Public Utility Agenda unless  
20 otherwise noted.

21 Item E-3 is Docket Number 13-0341. This  
22 is XOOM Energy Illinois's application for the  
23 confidential and/or proprietary treatment of  
24 Petitioner's 451 Compliance Report. ALJ Riley

1 recommends entry of an Order granting a request of  
2 proprietary treatment.

3 Is there any discussion?

4 (No response.)

5 Any objections?

6 (No response.)

7 Hearing none, the Order is entered.

8 Item E-4 is Docket Number 13-0375. This  
9 is Corn Belt Energy Corporation and Ameren  
10 Illinois joint petition for approval of amendment  
11 to the service area agreement. ALJ Jones  
12 recommends entry of an order granting the joint  
13 petition.

14 Is there any discussion?

15 (No response.)

16 Any objections?

17 (No response.)

18 Hearing none, the Order is entered.

19 Items E-5 and E-6 can be taken together.  
20 These items are applications for certificates of  
21 service authority to operate in areas in Illinois  
22 pursuant to Section 16-115 of the Public Utilities  
23 Act, or to operate as an agent, broker or  
24 consultant pursuant to Section 16-115C of the Act.

1 In both cases, ALJ Kimbrel recommends entry of an  
2 Order granting the certificate.

3 Is there any discussion?

4 (No response.)

5 Any objections?

6 (No response.)

7 Hearing none, the Orders are entered.

8 Turning now to Natural Gas. Item G-1 is  
9 Docket Number 11-0737. This is Deborah Shaw's  
10 complaint against People's Gas regarding billing  
11 and/or charges. ALJ Benn recommends entry of an  
12 Order denying the complaint with prejudice.

13 Is there any discussion?

14 (No response.)

15 Any objections?

16 (No response.)

17 Hearing none, the Order is entered.

18 Item G-2 is Docket Number 12-0569. This  
19 proceeding is pursuant to Nicor Proposed  
20 Establishment of Rider 17, purchase of receivables  
21 with consolidated billing. This item will be held  
22 for disposition at a future Commission proceeding.

23 Items G-3 and G-4 can be taken together.

24 These items are applications for the confidential

1 and/or proprietary treatment of Petitioner's Part  
2 551 Financial and Dekatherm Reports. ALJ Riley  
3 recommends entry of an Order granting the request  
4 for relief for a period of two years.

5 Is there any discussion?

6 (No response.)

7 Any objections?

8 (No response.)

9 Hearing none, the orders are entered.

10 Moving on to Telecommunications. Items  
11 T-1 through T-3 can be taken together. These  
12 items are petitions to relinquish Petitioner's  
13 certificates of service authority. In each case,  
14 ALJ Jorgensen recommends entry of an Order  
15 granting the petition.

16 Is there any discussion?

17 (No response.)

18 Any objections?

19 (No response.)

20 Hearing none, the Orders are entered.

21 Items T-4 and T-5 can be taken together.  
22 These items are applications for certificates of  
23 service authority to provide resold non-prepaid  
24 wireless service, facilities-based interexchange

1 services, and resold local and interexchange  
2 telecommunication services in Illinois. In both  
3 cases, ALJ Benn recommends entry of an Order  
4 granting the request of the certificates.

5 Is there any discussion?

6 (No response.)

7 Any objections?

8 (No response.)

9 Hearing none, the Orders are entered.

10 Item T-6 is Docket Number 13-0319. This  
11 is Clearvon, LLC's application for a certificate  
12 of local exchange and interexchange authority to  
13 operate as a reseller of telecommunications  
14 service pursuant to Section 13-404 of the Public  
15 Utilities Act. ALJ Benn recommends entry of an  
16 Order granting the requested authority.

17 Is there any discussion?

18 (No response.)

19 Any objections?

20 (No response.)

21 Hearing none, the Order is entered.

22 Item T-7 is Docket Number 13-0352. This  
23 is Tempo Telecom's application for a certificate  
24 of authority to operate as a reseller of

1 telecommunications services pursuant to Section  
2 13-401 of the Public Utilities Act. ALJ Riley  
3 recommends entry of an Order granting the  
4 requested authority.

5 Is there any discussion?

6 (No response.)

7 Any objections?

8 (No response.)

9 Hearing none, the Order is entered.

10 Item T-8 is Docket Number 13-0366. This  
11 is EarthLink's application for certificates of  
12 local exchange and interexchange authority to  
13 operate as a reseller and facilities-based carrier  
14 of telecommunications services and resold  
15 cellular/wireless service in Illinois.

16 Is there any discussion?

17 (No response.)

18 Any objections?

19 (No response.)

20 Hearing none, the Order is entered.

21 Item T-9 is Docket Number 13-0408. This  
22 is the Village of McCook's petition for  
23 modification of its existing 911 emergency  
24 telephone number system. ALJ Haynes recommends

1 entry of an Order approving the petition.

2 Is there any discussion?

3 (No response.)

4 Any objections?

5 (No response.)

6 Hearing none, the Order is entered.

7 Items T-10 and T-11 can be taken

8 together. These items are joint petitions seeking

9 approval of negotiated interconnection or resale

10 agreements. In both cases, ALJ Baker recommends

11 entry of an Order approving the agreement.

12 Is there any discussion?

13 (No response.)

14 Any objections?

15 (No response.)

16 Hearing none, the Orders are entered.

17 Item T-12 is Docket Number 09-0269. This

18 is PlatinumTel's application for designation as an

19 eligible telecommunications carrier for purposes

20 of receiving Federal Universal Service. ALJ Riley

21 recommends entry of an Order granting the

22 application.

23 Is there any discussion?

24 (No response.)

1 Any objections?

2 (No response.)

3 Hearing none, the order is entered.

4 Item T-13 is Docket Number 11-0579. This  
5 is Global Connection's application for designation  
6 as an eligible telecommunications carrier. The  
7 applicant has filed a Motion to Withdraw, which  
8 ALJ Riley recommends we grant.

9 Is there any discussion?

10 (No response.)

11 Any objections?

12 (No response.)

13 Hearing none, the Order is entered.

14 Item T-14 is Docket Number 13-0224. This  
15 is XO Communications' petition for emergency  
16 relief for the confidential and/or proprietary  
17 treatment of its 2012 Annual Report. ALJ Riley  
18 recommends entry of an Order granting request of  
19 relief.

20 Is there any discussion?

21 (No response.)

22 Any objections?

23 (No response.)

24 Hearing none, the Order is entered.

1           We have one miscellaneous item on the  
2 agenda today which concerns a proceeding to  
3 consider approval of the first annual update to  
4 the Illinois Statewide Technical Reference Manual  
5 for Energy Efficiency. Staff recommends entry of  
6 an Order initiating the proceeding.

7           Is there any discussion?

8           (No response.)

9           Any objections?

10          (No response.)

11          Hearing none, the Order is entered.

12          We have three Petitions for Rehearing to  
13 consider today. First is item PR-1, Docket  
14 Numbers 01-0705, 02-0067, and 02-0725,  
15 consolidated. This concerns RESA, IGS, the  
16 Attorney General, and Citizens Utility Board's  
17 Petitions for Rehearing, and in the case of RESA,  
18 IGS for a stay of a portion of the Commission's  
19 decision. ALJs Dolan and Haynes recommend entry  
20 of an Order denying the Petitions for Rehearing  
21 and denying the Petition for Stay.

22          Is there any discussion?

23          (No response.)

24          Is there any objections?

1 (No response.)

2 Hearing none, the Order is entered and  
3 the Petitions for Rehearing and Stay are denied.

4 Item PR-2 is Docket Number 11-0588. This  
5 is the Attorney General's Petition for a Rehearing  
6 regarding the applicability of 16-125(e) liability  
7 to events caused by the summer of 2011 storm  
8 systems petition pursuant to Section 16-125 of the  
9 Public Utilities Act. ALJ Dolan recommends that  
10 the application for rehearing be denied.

11 Is there any discussion?

12 COMMISSIONER McCABE: I have a question for  
13 Judge Dolan. I just want to make sure I  
14 understood the necessary parties referenced in  
15 your memo, and that that refers back to the Order,  
16 and those parties are the Commission?

17 JUDGE DOLAN: Yes, that is correct,  
18 Commissioner. Commissioner Maye actually added  
19 language at the end that required ComEd to work  
20 with our Consumers Services Division, and within  
21 60 days prepare notice to the necessary parties  
22 and also provide it to our Consumer Service  
23 Counselors. So we will have that information for  
24 our purposes, yes.

1 COMMISSIONER McCABE: Thank you.

2 CHAIRMAN SCOTT: Further discussion?

3 (No response.)

4 Are there any objections to the  
5 recommendation?

6 (No response.)

7 Hearing none, the Request for Rehearing  
8 is denied.

9 Item PR-3 is Docket Number 11-0662. This  
10 item has been withdrawn from today's agenda.

11 We have two items of other business to  
12 consider today, which are FERC matters concerning  
13 pending litigations. So we will go into closed  
14 session to address those.

15 Is there a motion so go into closed  
16 session?

17 ACTING COMMISSIONER DEL VALLE: So moved.

18 CHAIRMAN SCOTT: Is there a second?

19 COMMISSIONER McCABE: Second.

20 CHAIRMAN SCOTT: The motion's been moved and  
21 seconded.

22 All in fair say aye.

23 (A chorus of ayes.)

24 Any opposed?

1 (No response.)

2 The vote is five to nothing and the  
3 Commission will now go into closed session.  
4 Please let me know when the room is ready in  
5 Springfield.

6 (Whereupon a closed session was had and  
7 is transcribed under a separate  
8 transcript.)

9 (The following proceedings were had in  
10 open session:)

11 CHAIRMAN SCOTT: In closed session, the  
12 Commission discussed a recent Seventh Circuit  
13 opinion on a case filed by the ICC, and also the  
14 ICC's request to file comments and a reservation  
15 of right regarding the complaint of Prairie Power,  
16 Inc., and Ameren Services Company, Ameren Illinois  
17 Company, and Ameren Transmission Company of  
18 Illinois.

19 With respect to the Prairie Power and  
20 Ameren case, is there a motion to file a comments,  
21 reservation of rights with FERC and give the OGC  
22 the ability to act as set forth in the closed  
23 session briefing?

24 COMMISSIONER COLGAN: So moved.

1 CHAIRMAN SCOTT: Is there a second?

2 COMMISSIONER McCABE: Second.

3 CHAIRMAN SCOTT: It's been moved and seconded.

4 Any discussion?

5 (No response.)

6 All in favor say aye.

7 (A chorus of ayes.)

8 Any opposed?

9 (No response.)

10 The vote is five to nothing and the  
11 filing made with FERC.

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

14 JUDGE WALLACE: No, that's all, Mr. Chairman.

15 CHAIRMAN SCOTT: Thank you, sir.

16 Hearing nothing, the meeting stands  
17 adjourned.

18 Thanks, everyone.

19 (Which were all the proceedings had for  
20 the Public Utilities agenda.)

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