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

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

Are you there, Commissioner?

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

CHAIRMAN SCOTT: Great.

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

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

Is there a second?

COMMISSIONER McCABE: Second.

CHAIRMAN SCOTT: It's been moved and seconded.

All in favor say aye.

(A chorus of ayes.)

Any opposed?

(No response.)
The vote is four to nothing, and Acting Commissioner Maye may participate in today's meeting by phone.

Moving into the agenda, according to Section 1700.10 of Title Two of the Administrative Code, this is the time for all 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 Bench Session.

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

Is there a motion to approve both sets of minutes?

ACTING COMMISSIONER DEL VALLE: So moved.
CHAIRMAN SCOTT: Is there a second?
COMMISSIONER McCabe: Second.
CHAIRMAN SCOTT: They're moved and seconded.
All in favor say aye.
(A chorus of ayes.)

Any opposed.

(No response.)

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

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

COMMISSIONER McCabe: So moved.

CHAIRMAN Scott: Is there a second?

ACTING COMMISSIONER Del Valle: Second.

CHAIRMAN Scott: They've been moved and
seconded.

All in favor say aye.

(A chorus of ayes.)

Any opposed?

(No response.)

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

Turning now to the Electric portion of
today's agenda. Items E-1 and E-2 can be taken
一起. These items are complaints against
ComEd regarding billing and charges. In both
cases, ALJ Benn recommends entry of an Order dismissing the complaint for want of prosecution.

Is there any discussion?

(No response.)

Is there a motion to enter the Orders?

COMMISSIONER McCabe: So moved.

CHAIRMAN SCOTT: Is there a second?

ACTING COMMISSIONER DEL VALLE: Second.

CHAIRMAN SCOTT: Any discussion?

(No response.)

All in favor say aye.

(A chorus of ayes.)

Any opposed?

(A chorus of ayes.)

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

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

Item E-3 is Docket Number 13-0341. This is XOOM Energy Illinois's application for the confidential and/or proprietary treatment of Petitioner's 451 Compliance Report. ALJ Riley
recommends entry of an Order granting a request of proprietary treatment.

Is there any discussion?
(No response.)

Any objections?
(No response.)

Hearing none, the Order is entered.

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

Is there any discussion?
(No response.)

Any objections?
(No response.)

Hearing none, the Order is entered.

Items E-5 and E-6 can be taken together. These items are applications for certificates of service authority to operate in areas in Illinois pursuant to Section 16-115 of the Public Utilities Act, or to operate as an agent, broker or consultant pursuant to Section 16-115C of the Act.
In both cases, ALJ Kimbrel recommends entry of an Order granting the certificate.

Is there any discussion?
(No response.)
Any objections?
(No response.)
Hearing none, the Orders are entered.

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

Is there any discussion?
(No response.)
Any objections?
(No response.)
Hearing none, the Order is entered.

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

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

These items are applications for the confidential
and/or proprietary treatment of Petitioner's Part 551 Financial and Dekatherm Reports. ALJ Riley recommends entry of an Order granting the request for relief for a period of two years.

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the orders are entered.

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

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the Orders are entered.

Items T-4 and T-5 can be taken together. These items are applications for certificates of service authority to provide resold non-prepaid wireless service, facilities-based interexchange
services, and resold local and interexchange telecommunication services in Illinois. In both cases, ALJ Benn recommends entry of an Order granting the request of the certificates.

Is there any discussion?
(No response.)

Any objections?
(No response.)

Hearing none, the Orders are entered.

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

Is there any discussion?
(No response.)

Any objections?
(No response.)

Hearing none, the Order is entered.

Item T-7 is Docket Number 13-0352. This is Tempo Telecom's application for a certificate of authority to operate as a reseller of
telecommunications services pursuant to Section 13-401 of the Public Utilities Act. ALJ Riley recommends entry of an Order granting the requested authority.

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the Order is entered.

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

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the Order is entered.

Item T-9 is Docket Number 13-0408. This is the Village of McCook's petition for modification of its existing 911 emergency telephone number system. ALJ Haynes recommends
entry of an Order approving the petition.

Is there any discussion?
(No response.)

Any objections?
(No response.)

Hearing none, the Order is entered. Items T-10 and T-11 can be taken together. These items are joint petitions seeking approval of negotiated interconnection or resale agreements. In both cases, ALJ Baker recommends entry of an Order approving the agreement.

Is there any discussion?
(No response.)

Any objections?
(No response.)

Hearing none, the Orders are entered. Item T-12 is Docket Number 09-0269. This is PlatinumTel's application for designation as an eligible telecommunications carrier for purposes of receiving Federal Universal Service. ALJ Riley recommends entry of an Order granting the application.

Is there any discussion?
(No response.)
Any objections?
(No response.)

Hearing none, the order is entered.

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

Is there any discussion?
(No response.)

Any objections?
(No response.)

Hearing none, the Order is entered.

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

Is there any discussion?
(No response.)

Any objections?
(No response.)

Hearing none, the Order is entered.
We have one miscellaneous item on the agenda today which concerns a proceeding to consider approval of the first annual update to the Illinois Statewide Technical Reference Manual for Energy Efficiency. Staff recommends entry of an Order initiating the proceeding.

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the Order is entered.

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

Is there any discussion?

(No response.)

Is there any objections?
(No response.)

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

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

Is there any discussion?

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

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

CHAIRMAN SCOTT: Further discussion?

(No response.)

Are there any objections to the recommendation?

(No response.)

Hearing none, the Request for Rehearing is denied.

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

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

Is there a motion so go into closed session?

ACTING COMMISSIONER DEL VALLE: So moved.

CHAIRMAN SCOTT: Is there a second?

COMMISSIONER McCabe: Second.

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

All in fair say aye.

(A chorus of ayes.)

Any opposed?
The vote is five to nothing and the Commission will now go into closed session. Please let me know when the room is ready in Springfield.

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

(The following proceedings were had in open session:

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

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

COMMISSIONER COLGAN: So moved.
CHAIRMAN SCOTT: Is there a second?

COMMISSIONER McCabe: Second.

CHAIRMAN SCOTT: It's been moved and seconded.

Any discussion?

(No response.)

All in favor say aye.

(A chorus of ayes.)

Any opposed?

(No response.)

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

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

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

CHAIRMAN SCOTT: Thank you, sir.

Hearing nothing, the meeting stands adjourned.

Thanks, everyone.

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