BEFORE THE
ILLINOIS COMMERCE COMMISSION

BENCH SESSION
(PUBLIC UTILITIES)

Springfield, Illinois

Wednesday, July 31, 2013

Met, pursuant to notice, at 10:30 a.m., Illinois Commerce Commission, 527 East Capitol Avenue, First Floor, Springfield, Illinois.

PRESENT:

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

MIDWEST LITIGATION SERVICES
By: Rhonda Rhodes Bentley, Reporter
License No. 084-002706
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, Commissioner McCabe, and Acting Commissioner Maye. I am Chairman Scott. We have a quorum.

We also have Acting Commissioner Del Valle on the phone in Chicago, and I think I just heard his voice. Commissioner, you're there?

ACTING COMMISSIONER DEL VALLE: Yes, I'm joined by cast of thousands here.

CHAIRMAN SCOTT: Under the Commission's rules, we'll have to vote to allow Acting Commissioner Del Valle to participate by phone. I move to allow Acting Commissioner Del Valle's participation by phone.

Is there a second?

COMMISSIONER McCABE: Second.

CHAIRMAN SCOTT: 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 Del Valle may participate in today's meeting by phone.

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 Bench session.

Moving on to the Public Utility agenda, we'll begin with our semi-annual review of closed transcripts and minutes, some of which the Office of General Counsel recommends be released.

Is there a motion to release the transcripts and minutes recommended by the OGC?

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.

(A chorus of ayes.)

Any opposed?

(No response.)

The vote is five to nothing, and the recommended transcripts and minutes will be released.

Next is our approval of the transcript from our June 25th Electric Policy Meeting. I understand the amendments have been forwarded.

Is there a motion to amend the minutes?

COMMISSIONER Colgan: 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.

(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 the transcript 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.

(A chorus of ayes.)

Any opposed?

(No response.)

The vote is five to nothing, and the transcript from our June 25th Electric Policy Meeting as amended is approved.

Turning now to the Electric portion of today's agenda, Item E-1 is Docket Nos. 11-0354, 11-0355, and 11-0356 (consolidated). This is a reconciliation of revenues collected by Ameren under power procurement riders with actual costs associated with power procurement expenditures. ALJ Jones recommends entry of an Order approving the
reconciliations, as adjusted by Staff.

Is there any discussion?

(No response.)

Is there a motion to enter the Order?

COMMISSIONER McCabe: So moved.

CHAIRMAN Scott: Is there a second?

COMMISSIONER Colgan: Second.

CHAIRMAN Scott: All in favor say aye.

(A chorus of ayes.)

Any opposed?

(No response.)

The vote is five to nothing. The Order has been adopted. We'll use the five to nothing vote for the remainder of the Public Utility agenda unless otherwise noted.

Item E-2 is Docket No. 11-0588.

This is ComEd's petition to determine the applicability of Section 16-125(e) liability to events caused by summer 2011 storm systems. We have reviewed the customer claim form and letter drafted by ComEd and the Commission's Consumer Services Division.

And I want to say, and I know there
may be other Commissioners who have things to say or
maybe some questions to ask, I really appreciate Peter
Muntaner and Randy Nehrt, hiding in the back there,
for all the work that they did in the very short
period of time while working with ComEd to try to get
that -- both the letter and the notice form in a state
that will be usable for the consumers who get that
form, and I just really appreciate that because it's
been a long process already, and being the first time
that something like this has been ruled on and trying
to come up with that, I really appreciate all of your
efforts, gentlemen, in getting that in a form that --
that really makes some sense for the people who are
going to have to fill it out and look at it.

Further discussion?

COMMISSIONER COLGAN: Just that I want to
renew your comments, and thanks a lot for that work.

CHAIRMAN SCOTT: I believe that no action
is required by the Commission on this at this time.
So, gentlemen, we'll be able to proceed with the
notice on the form that they have now worked out with
ComEd.
So thank you very much. Really appreciate it.

Item E-3 is Docket No. 11-0672. This is our investigation into MidAmerican Energy Company's compliance with Section 8-101 of the Public Utilities Act. ALJ Jones recommends entry of an Order concluding the investigation.

This item will be held for disposition at a future Commission proceeding, but I believe Commissioner McCabe today has some questions for Judge Jones.

Commissioner.

COMMISSIONER McCabe: Judge Jones, I wondered if you'd just expand a little bit on what the Staff wanted in this -- in this case.

JUDGE JONES: Okay. Thank you, Commissioner. Staff made four recommendations in the proceeding. The one that is, I guess, still at issue is a portion of recommendation four, and that is whether MEC should be required with respect to all future OSHA-reportable incidents to conduct its own separate independent investigation of that incident.
COMMISSIONER McCabe: And what Staff recommends, would that be in keeping with the practice for other utilities? I don't know if you know that, whether it would be setting a new precedent or policy?

JUDGE JONES: At least on MEC side, they claim that adopting the Staff recommendation in full, at least to the extent that the Staff will take it, could have adverse effects on the practices of other utilities with reference to contract review, or I think widespread ramifications was the term that they used, they would say yes.

COMMISSIONER McCabe: Okay. Thank you.

CHAIRMAN Scott: Further questions for the Judge? Thanks, Judge. Okay.

JUDGE JONES: Thank you, Mr. Chairman.

CHAIRMAN Scott: As I indicated, this item will be held for disposition at a future Commission proceeding.

Item E-4 is Docket No. 12-0111.

This is 401 North Wabash's complaint against ComEd regarding billing/charges. ALJ Kimbrel recommends entry of an Order dismissing the complaint.
Is there any discussion?

(No response.)

Are there any objections?

(No response.)

Hearing none, the Order is entered, and the complaint is dismissed.

Item E-5 is Docket No. 12-0598.

This is Ameren Transmission Company of Illinois' Petition for a Certification 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 the counties of Adams, Brown, Cass, Champaign, Christian, Clark, Coles, Edgar, Fulton, Macon, Montgomery, Morgan, Moultrie, Pike, Sangamon, Schuyler, Scott, and Shelby. Four parties, Adams County Property Owners and Tenant Farmers ("ACPO") Morgan, Sangamon & Scott Counties Land Preservation Group ("MSSCLPG") and Champaign/Savoy have requested oral argument which ALJs Albers and Yoder recommend we deny.
With respect to oral argument, is there any discussion?

(No response.)

Is there a motion to deny oral argument?

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 request for oral argument is denied.

In addition, ALJ Albers and Yoder recommend an entry of post exceptions Order. That Order will be held for disposition at a future Commission proceeding, but Commissioner McCabe has some questions on this matter as well.
COMMISSIONER McCABE: Thank you. Good morning.

ALJ ALBERS: Good morning.

COMMISSIONER McCABE: If we adopt the conclusions in the proposed orders, will ATXI need to come back to the Commission to get a certificate for the unapproved line portions?

ALJ ALBERS: Only ATXI did not request rehearing, and the Commission -- and/or the Commission didn't grant rehearing on those issues. Assuming ATXI would request a hearing on that, the Commission could then grant rehearing and we could take care of it then.

COMMISSIONER McCABE: Okay.

ALJ ALBERS: Again assuming there was nothing in motion.

COMMISSIONER McCABE: Does the record indicate if the MZ-K, the Mt. Zion to Kansas route, was studied as part of the MISO process?

ALJ ALBERS: That was part of the problem we had generally. We don't know exactly what MISO --
what particular routes MISO considered. So no, the
record doesn't indicate one way or the other.

COMMISSIONER McCabe: Okay. And with
regard to the unapproved substations where the
remaining issue is often adequate existing space,
could Ameren or other intervenors provide more
evidence in a petition for the Commission to consider
on rehearing if granted?

ALJ Albers: Yes.

COMMISSIONER McCabe: Okay. Thank you.

ALJ Albers: You're welcome.

CHAIRMAN Scott: Any other questions for
the judges?

(No response.)

Thank you, gentlemen. As I indicated this
item was held for disposition at a future Commission
proceeding.

Item E-6 is Docket No. 12-0537.

This is Ronald Richards' complaint against ComEd as to
billing/charges in Lake Villa, Illinois. The parties
have apparently settled their differences and have
brought a Joint Motion to Dismiss, which ALJ Teague
recommends we grant.

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the Joint Motion to Dismiss is granted.

Item E-7 is Docket No. 13-0037.

This is our citation against Real Energy Solutions for a failure to file its compliance recertification report. Respondent filed its compliance report on January 16, 2013, thus ALJ Baker recommends we dismiss this proceeding.

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the proceeding is dismissed.

Item E-8 is Docket 13-0199. This is Michael Flynn's complaint against Ameren as to billing/charges in Danville, Illinois. The parties have apparently settled their differences and have
brought a Joint Motion to Dismiss, which ALJ Yoder
recommends we grant.

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the Joint Mission to Dismiss
is granted.

Item E-9 is Docket No. 13-0193.

This is AEP Energy's Petition to withdraw its
Certificate of Authority to Operate as an Electric
ABC. ALJ Baker recommends entry of an Order granting
the withdrawal of the certificate.

Is there any discussion?

(No response.)

Are there any objections?

(No response.)

Hearing none, the order is entered.

Item E-10 is Docket 13-0345. This
is Amped Up Sales' application for licensure as an
agent, broker, and consultant under Section 16-115C of
the Public Utilities Act. This item will be held for
disposition at a future Commission proceeding.

Items E-11 through E-17 can be taken together. These items are 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.)

Are there any objections?

(No response.)

Hearing none, the Orders are entered.

Item E-18 is Docket 13-0425. This is Interstate Gas Supply's application for a Certificate of Service Authority pursuant to Section 16-115 of the Public Utilities Act, to operate as an ARES. ALJ Von Qualen recommends entry of an Order granting the requested certificate.

Is there any discussion?

(No response.)

Are there any objections?

(No response.)
Hearing none, the Order is entered.

Items E-19 and 20 can be taken together. These are petitions by IDOT for approval of the taking of certain property owned by ComEd by exercising eminent domain authority. In both cases ALJ Hilliard recommends entry of an Order approving the petition.

Is there any discussion?

(No response.)

Are there any objections?

(No response.)

Hearing none, the Orders are entered.

Item E-21 is Docket No. 13-0428.

This is ComEd's petition seeking confidential and/or proprietary treatment of a portion of its annual AMI implementation report. ALJ Sainsot recommends entry of an Order granting this request for a period of five years.

Is there any discussion?

(No response.)

Are there any objections?

(No response.)
1 Heating none, the Order is entered.

2 Turning now to Natural Gas, Item G-1

3 is our initiation of a rulemaking proceeding to adopt

4 emergency rules to implement provisions of Section

5 9-220.3, which became effective on July 5, 2013, and

6 which authorize the Commission to approve tariffs

7 which allow gas utilities to recover the cost of

8 qualified infrastructure investment without seeking a

9 general increase in rates. Staff recommends entry of

10 an Order initiating the rulemaking proceeding,

11 authorizing the first notice period and adopting the

12 emergency rules.

13 Is there any discussion?

14 (No response.)

15 Are there any objections?

16 (No response.)

17 Hearing none, the Orders are entered.

18 Items G-2 and G3 can be taken

19 together. These items concern citation proceedings

20 for alleged violations of the Minimum Safety Standards

21 for Transportation of Gas and for Gas Pipeline

22 Facilities. In both cases Staff recommends entry of
an Order initiating the proceeding.

Is there any discussion?

(No response.)

Are there any objections?

(No response.)

Hearing none, the Orders are entered.

Item G-4 is Docket No. 12-0624.

This is our citation proceeding against People's Gas for alleged violations of federal rules regarding horizontal directional drilling. ALJ Kimbrel recommends entry of an Order approving the parties' stipulation.

Is there any discussion?

(No response.)

Are there any objections?

(No response.)

Hearing none, the Order is entered.

Item G-5 is Docket No. 13-0351.

This is Deborah Thomas Ying's complaint against Nicor as to billing/charges. The parties have apparently settled their differences and have brought a Joint Motion to Dismiss, which ALJ Yoder recommends we
grant.

Is there any discussion?

(No response.)

Any objections?

(No response.)

Hearing none, the Joint Motion to Dismiss is granted.

Moving on to Telecommunications, Items T-1 through T-6 can be taken together. These are petitions to abandon or cancel previously granted certifications to perform various telecommunications services in Illinois. In each case ALJ Baker recommends entry of an Order granting the requested relief.

Is there any discussion?

(No response.)

Are there any objections?

(No response.)

Hearing none, the Orders are entered.

Items T-7 and T-8 can be taken together. These are applications for Certificates of Authority to provide telecommunications services
pursuant to Sections 13-401, 13-404 and 13-405 of the
Public Utilities Act. The final orders
unintentionally omitted language granting authority to
provide local facilities-based telecommunications
services; thus, in both cases ALJ Benn recommends
entry of an Amendatory Order granting this authority.

Is there any discussion?

(No response.)

Are there any objections?

(No response.)

Hearing none, the Amendatory Orders are
entered.

Item T-9 is Docket No. 13-0400.

This is BCN Telecom's petition for a Certificate of
Authority to operate as a reseller of
telecommunications in Illinois. ALJ Riley recommends
entry of an Order granting the requested certificate.

Is there any discussion?

(No response.)

Are there any objections?

(No response.)

Hearing none, the Order is entered.
Item T-10 is Docket No. 12-0550.

This is Sprint's Petition for Arbitration pursuant to Section 2529(b) of the Telecommunication Act, to establish an interconnection agreement with Illinois Bell. On July 10th the parties filed an agreed emergency motion to extend the time for filing the final agreement to July 19th. ALJ Jorgenson recommends the Commission grant nunc pro tunc the July 10th motion.

Is there any discussion?

(No response.)

Are there any objections to granting the motion?

(No response.)

Hearing none, the motion is granted.

Item T-11 and T-12 can be taken together. These items are applications for designation as an eligible telecommunications carrier in Illinois. In both cases the petitioner has filed a Motion to Withdraw which ALJ Riley recommends we grant.

Is there any discussion?
Are there any objections to granting the motions?

(No response.)

Hearing none, the Motions to Withdraw are granted.

On to water and sewer, Item W-1 is Docket No. 12-0290. This is Forestview Utilities, North Forestview Properties and Central Illinois Land Incorporated's Joint Application for Approval of a Proposed Reorganization. ALJ Von Qualen recommends entry of an Order granting the requested relief.

Is there any discussion?

(No response.)

Are there any objections?

(No response.)

Hearing none, the Order is entered.

We have two Petitions For Rehearing to consider today; Item PR-1 is Docket No. 13-0062. This is Marcia Roa Wyett's complaint against ComEd as to billing/charges. ALJ Benn recommends entry of an Order granting the petition.
Is there any discussion?
(No response.)

Are there any objections?
(No response.)

Hearing none, the Order for rehearing is granted.

Item PR-2 is Docket No. 13-0285.

This is our investigation in the ComEd's 2013 Smart Grid Annual Implementation and Progress Report. The Citizen's Utility Board has filed a Petition For Rehearing which ALJs Sainsot and Kimbrel recommend we deny.

Is there any discussion?
(No response.)

Are there any objections to denying rehearing?
(No response.)

Hearing none, the Order for -- the motion -- the Petition For Rehearing is denied.

We have three items of other business to consider today.

The first item is our approval of
the Report on Telecommunications Markets in Illinois,
which will be submitted to the Illinois General
Assembly, pursuant to Section 13-407 of the Public
Utilities Act.

Are there any questions or
discussion about the report?

(No response.)

Are there any objections to submitting the
report?

(No response.)

Hearing none, the Report is accepted.

The second and third items of other
business 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?

COMMISSIONER COLGAN: 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.
(A chorus of ayes.)

Any opposed?

(No response.)

The vote is five to nothing. The Commission will now go into closed session. Please let me know when the room is ready in Chicago.

(Whereupon, a closed session was had and is transcribed under a separate transcript.)
(The following proceedings were had in open session:)

CHAIRMAN SCOTT: Thank you. In closed session, the Commission discussed the ICC's motion for Leave to Answer and Answer in Response to a Motion filed by Ameren Energy Resources Generating Company, in FERC Docket Nos. ER12-2302-000 and 001.

Is there a motion to file the motion with FERC?

COMMISSIONER COLGAN: So move.

CHAIRMAN SCOTT: 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 five to nothing, and the filing will be made with FERC.

In closed session, the Commission also discussed the ICC's comments in Response to the System Support Resource Agreement filed by MISO and

Is there a motion to file the Comments with FERC?

COMMISSIONER COLGAN: So move.

CHAIRMAN SCOTT: Is there a second?

ACTING COMMISSIONER MAYE: 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 five to nothing, and the filing will be 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 none, this meeting stands adjourned.

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