



Rep. Keith Farnham

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09700HB1260ham001

LRB097 06188 ASK 51735 a

1 AMENDMENT TO HOUSE BILL 1260

2 AMENDMENT NO. _____. Amend House Bill 1260 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Public Utilities Act is amended by changing
5 Section 8-206 as follows:

6 (220 ILCS 5/8-206) (from Ch. 111 2/3, par. 8-206)

7 Sec. 8-206. Winter termination for nonpayment.

8 (a) Notwithstanding any other provision of this Act, no
9 electric or gas public utility shall disconnect service to any
10 residential customer or mastermetersed apartment building for
11 nonpayment of a bill or deposit where gas or electricity is
12 used as the primary source of space heating or is used to
13 control or operate the primary source of space heating
14 equipment at the premises during the period of time from
15 December 1 through and including March 31 of the immediately
16 succeeding calendar year, unless:

1 (1) The utility (i) has offered the customer a deferred
2 payment arrangement allowing for payment of past due
3 amounts over a period of not less than 4 months not to
4 extend beyond the following November and the option to
5 enter into a levelized payment plan for the payment of
6 future bills. The maximum down payment requirements shall
7 not exceed 10% of the amount past due and owing at the time
8 of entering into the agreement; and (ii) has provided the
9 customer with the names, addresses and telephone numbers of
10 governmental and private agencies which may provide
11 assistance to customers of public utilities in paying their
12 utility bills; the utility shall obtain the approval of an
13 agency before placing the name of that agency on any list
14 which will be used to provide such information to
15 customers;

16 (2) The customer has refused or failed to enter into a
17 deferred payment arrangement as described in paragraph (1)
18 of this subsection (a); and

19 (3) All notice requirements as provided by law and
20 rules or regulations of the Commission have been met.

21 (b) Prior to termination of service for any residential
22 customer or mastermeters apartment building during the period
23 from December 1 through and including March 31 of the
24 immediately succeeding calendar year, all electric and gas
25 public utilities shall, in addition to all other notices:

26 (1) Notify the customer or an adult residing at the

1 customer's premises by telephone, a personal visit to the
2 customer's premises or by first class mail, informing the
3 customer that:

4 (i) the customer's account is in arrears and the
5 customer's service is subject to termination for
6 nonpayment of a bill;

7 (ii) the customer can avoid disconnection of
8 service by entering into a deferred payment agreement
9 to pay past due amounts over a period not to extend
10 beyond the following November and the customer has the
11 option to enter into a levelized payment plan for the
12 payment of future bills;

13 (iii) the customer may apply for any available
14 assistance to aid in the payment of utility bills from
15 any governmental or private agencies from the list of
16 such agencies provided to the customer by the utility.

17 Provided, however, that a public utility shall be
18 required to make only one such contact with the customer
19 during any such period from December 1 through and
20 including March 31 of the immediately succeeding calendar
21 year.

22 (2) Each public utility shall maintain records which
23 shall include, but not necessarily be limited to, the
24 manner by which the customer was notified and the time,
25 date and manner by which any prior but unsuccessful
26 attempts to contact were made. These records shall also

1 describe the terms of the deferred payment arrangements
2 offered to the customer and those entered into by the
3 utility and customers. These records shall indicate the
4 total amount past due, the down payment, the amount
5 remaining to be paid and the number of months allowed to
6 pay the outstanding balance. No public utility shall be
7 required to retain records pertaining to unsuccessful
8 attempts to contact or deferred payment arrangements
9 rejected by the customer after such customer has entered
10 into a deferred payment arrangement with such utility.

11 (c) No public utility shall disconnect service for
12 nonpayment of a bill until the lapse of 6 business days after
13 making the notification required by paragraph (1) of subsection
14 (b) so as to allow the customer an opportunity to:

15 (1) Enter into a deferred payment arrangement and the
16 option to enter into a levelized payment plan for the
17 payment of future bills.

18 (2) Contact a governmental or private agency that may
19 provide assistance to customers for the payment of public
20 utility bills.

21 (d) Any residential customer who enters into a deferred
22 payment arrangement pursuant to this Act, and subsequently
23 during that period of time set forth in subsection (a) becomes
24 subject to termination, shall be given notice as required by
25 law and any rule or regulation of the Commission prior to
26 termination of service.

1 (e) During that time period set forth in subsection (a), a
2 utility shall not require a down payment for a deposit from a
3 residential customer in excess of 20% of the total deposit
4 requested. An additional 4 months shall be allowed to pay the
5 remainder of the deposit. This provision shall not apply to
6 mastermetered apartment buildings or other nonresidential
7 customers.

8 (f) During that period of time set forth in subsection (a),
9 no utility may refuse to offer a deferred payment agreement to
10 a residential customer who has defaulted on such an agreement
11 within the past 12 months. However, no utility shall be
12 required to enter into more than one deferred payment
13 arrangement under this Section with any residential customer or
14 mastermetered apartment building during the period from
15 December 1 through and including March 31 of the immediately
16 succeeding calendar year.

17 (g) In order to enable customers to take advantage of
18 energy assistance programs, customers who can demonstrate that
19 their applications for a local, state or federal energy
20 assistance program have been approved may request that the
21 amount they will be entitled to receive as a regular energy
22 assistance payment be deducted and set aside from the amount
23 past due on which they make deferred payment arrangements.
24 Payment on the set-aside amount shall be credited when the
25 energy assistance voucher or check is received, according to
26 the utility's common business practice.

1 (h) In no event shall any utility send a final notice to
2 any customer who has entered into a current deferred payment
3 agreement and has not defaulted on that deferred payment
4 agreement, unless the final notice pertains to a deposit
5 request.

6 (i) Each utility shall include with each disconnection
7 notice sent during the period for December 1 through and
8 including March 31 of the immediately succeeding calendar year
9 to a residential customer an insert explaining the above
10 provisions and providing a telephone number of the utility
11 company which the consumer may call to receive further
12 information.

13 (j) Each utility shall file with the Commission prior to
14 December 1 of each year a plan detailing the implementation of
15 this Section. This plan shall contain, but not be limited to:

16 (1) a description of the methods to be used to notify
17 residential customers as required in this Section,
18 including the forms of written and oral notices which shall
19 be required to include all the information contained in
20 subsection (b) of this Section.

21 (2) a listing of the names, addresses and telephone
22 numbers of governmental and private agencies which may
23 provide assistance to residential customers in paying
24 their utility bills.

25 (3) the program of employee education and information
26 which shall be used by the company in the implementation of

1 this Section.

2 (4) a description of methods to be utilized to inform
3 residential customers of those governmental and private
4 agencies and current and planned methods of cooperation
5 with those agencies to identify the customers who qualify
6 for assistance in paying their utility bills.

7 A utility which has a plan on file with the Commission need
8 not resubmit a new plan each year. However, any alteration of
9 the plan on file must be submitted and approved prior to
10 December 1 of any year.

11 All plans are subject to review and approval by the
12 Commission. The Commission may direct a utility to alter its
13 plan to comply with the requirements of this Section.

14 (k) Notwithstanding any other provision of this Act, no
15 electric or gas public utility shall disconnect service to any
16 residential customer who is a participant under Section 6 of
17 the Energy Assistance Act for nonpayment of a bill or deposit
18 where gas or electricity is used as the primary source of space
19 heating or is used to control or operate the primary source of
20 space heating equipment at the premises during the period of
21 time from December 1 through and including March 31 of the
22 immediately succeeding calendar year.

23 (l) Notwithstanding any other provision of this Act, no
24 electric or gas public utility shall disconnect service to any
25 residential customer who has notified the utility that he or
26 she is a service member or veteran for nonpayment of a bill or

1 deposit where gas or electricity is used as the primary source
2 of space heating or is used to control or operate the primary
3 source of space heating equipment at the premises during the
4 period of time from December 1 through and including March 31
5 of the immediately succeeding calendar year.

6 (Source: P.A. 95-331, eff. 8-21-07; 95-876, eff. 8-21-08.)".