



Sen. Michael W. Frerichs

**Filed: 4/4/2013**

09800SB0105sam001

LRB098 06908 CEL 43696 a

1 AMENDMENT TO SENATE BILL 105

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 105 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Public Utilities Act is amended by adding  
5 Section 16-103.2 as follows:

6 (220 ILCS 5/16-103.2 new)

7 Sec. 16-103.2. Market Settlement Service.

8 (a) Notwithstanding anything to the contrary, an electric  
9 utility shall be permitted, at its election, to provide Market  
10 Settlement Service, which, for purposes of this Section, shall  
11 mean a tariffed, unbundled electric power and energy supply  
12 service applicable to all of the electric utility's retail  
13 customers having maximum demands exceeding 400 kilowatts, as  
14 measured in accordance with the electric utility's retail  
15 tariffs, that do not otherwise purchase all of their electric  
16 power and energy supply service from the electric utility.

1 Market Settlement Service shall apply to the difference between  
2 (i) the actual quantities of electric power and energy supply  
3 provided to any such retail customer during a given period and  
4 (ii) the quantities of such supply that were deemed to have  
5 been provided to such retail customer for the purposes of the  
6 applicable regional transmission organization's final  
7 wholesale market settlements during that same period. An  
8 electric utility providing Market Settlement Service may also,  
9 at its election, include in Market Settlement Service electric  
10 capacity, transmission services, or other services that are  
11 also provided by or through a regional transmission  
12 organization to retail customers who receive tariffed electric  
13 power and energy supply service with hourly pricing provisions  
14 at quantities assigned to such retail customer pursuant to the  
15 electric utility's Market Settlement Service tariff. Charges  
16 (if the actual quantities provided were greater) or credits (if  
17 the actual quantities provided were less) shall be calculated  
18 based on the same unit rate or rates set forth in the electric  
19 utility's tariff or tariffs for electric power and energy  
20 supply service with hourly pricing provisions applicable to its  
21 retail customers having maximum demands exceeding 400  
22 kilowatts, provided, however, that any reconciliation  
23 provision set forth in such tariff or tariffs, including any  
24 charges or credits resulting therefrom, shall not apply to  
25 Market Settlement Service.

26 An electric utility providing Market Settlement Service

1 shall be permitted to recover all of its reasonable and  
2 prudently incurred administrative and operational costs of  
3 providing this service from all of its retail customers through  
4 its delivery services charges.

5 (b) Market Settlement Service shall be provided pursuant to  
6 a tariff of the electric utility on file with the Commission.  
7 The electric utility's Market Settlement Service tariff shall  
8 include provisions for the determination of the quantities  
9 subject to Market Settlement Service for any retail customer  
10 that receives only a portion of its electric power and energy  
11 requirements from an alternative retail electric supplier or  
12 electric utility operating outside of its service territory.  
13 Notwithstanding subsection (a) of this Section, the electric  
14 utility may elect to (i) exclude from Market Settlement Service  
15 any portion of the difference described in subsection (a) of  
16 this Section attributable to a delayed initial retail electric  
17 service bill for a given period and (ii) provide Market  
18 Settlement Service limited to an entire retail billing period  
19 or periods, without proration, notwithstanding that the  
20 applicable regional transmission organization's final  
21 wholesale market settlements may have occurred on a date within  
22 a retail billing period.

23 (c) An electric utility that has a tariff in effect  
24 pursuant to this Section shall not be subject to, or allowed to  
25 pursue, any other claims, adjustments, settlements, or offsets  
26 related to the cost of any difference in the actual quantities

1 of electric energy, capacity, transmission services, or other  
2 services included in Market Settlement Service, provided,  
3 however, that the provisions of this subsection (c) shall not,  
4 consistent with the provisions of this Act, (i) preclude any  
5 subsequent and separate adjustments made to the same retail  
6 customer's electric service account pursuant to a tariff  
7 authorized by this Section because of other differences,  
8 whether for the same or a different meter or for the same or  
9 different period or (ii) reduce or impair in any way an  
10 electric utility's authority to charge a retail customer for  
11 unmetered electric service related to the retail customer's  
12 unlawful tampering with or interference with electric service,  
13 including, but not limited to, any other charges allowed by law  
14 or the electric utility's tariffs.

15 (d) A tariff authorized by this Section may be established  
16 outside of either (i) a filing seeking a general change in  
17 rates under Article IX of this Act or (ii) a filing authorized  
18 under Section 16-108.5 of this Act. The Commission shall review  
19 and by order approve, or approve as modified, the proposed  
20 tariff within 180 days after the date on which it is filed. In  
21 the event the Commission approves such a tariff with  
22 modifications, the electric utility shall not be obligated to  
23 place the modified tariff into effect. In such event, the  
24 electric utility must, within 14 days after any Commission  
25 order, withdraw its proposed tariff and its election to provide  
26 Market Settlement Service. If a Market Settlement Service

1 tariff does become effective, such tariff shall remain in  
2 effect thereafter at the discretion of the electric utility.

3 (e) Notwithstanding anything in the Act to the contrary, an  
4 electric utility providing Market Settlement Service shall not  
5 be liable to any retail customer, alternative retail electric  
6 supplier, or electric utility operating outside of its service  
7 territory for any adjustment in the quantity of any  
8 transmission or retail electric supply service for which the  
9 applicable regional transmission organization under its  
10 tariffs, agreements, and market and business rules will no  
11 longer make a corresponding adjustment to the wholesale market  
12 settlements."