**Section 411.220 Proceedings to Determine Responsibility Under 220 ILCS 5/16-125(e) & (f)**

a) In the event that more than 30,000 customers of a utility, or 0.8% of the utility's total customers, whichever is less, are subjected to a power interruption that meets the conditions set forth in Section 16-125(e) of the Act and the utility or the Commission believes that the interruption is due to one or more of the causes set forth in Section 16-125(e)(1) through (4) of the Act, then the utility may commence a proceeding before the Commission, or the Commission may commence on its own motion a proceeding, seeking a declaration that the subject interruption was due to one or more of those causes and that liability under Section 16-125(e) of the Act should be waived by the Commission. Any such proceeding shall be commenced by the utility or the Commission no later than 30 days after the date on which a claim is filed with the Commission seeking damages or expense reimbursement. The Commission's decision in that proceeding shall be appealable by any party thereto, and except as reversed or modified on appeal, the determination of the cause of the interruption in this proceeding and the Commission's decision to grant or deny a waiver of liability in connection with the interruption shall be final and shall be binding on both the utility and claimants in actions before the Commission to recover damages under Section 16-125(e) of the Act. This proceeding shall determine only the liability of the utility under Section 16-125(e) of the Act and shall not constitute a finding or determination, for the purpose of this or any other proceeding, that the utility was or was not negligent, did or did not breach a contract, or violated or did not violate any other legal duty or obligation.

b) In the event that more than 30,000 customers of a utility, or 0.8% of the utility's total customers, whichever is less, are subjected to a power surge or other fluctuation that meets the conditions set forth in Section 16-125(f) of the Act, and the utility or the Commission believes that the power surge or other fluctuation is due to one or more of the causes set forth in Section 16-125(f)(1) through (4) of the Act, then the utility may commence a proceeding before the Commission, or the Commission may commence on its own motion a proceeding, seeking a determination from the Commission that the subject power surge or other fluctuation was due to one or more of those causes and that, therefore, no liability attaches under Section 16-125(f) of the Act. Any such proceeding shall be commenced by the utility or the Commission no later than 30 days after the date on which a claim is filed with the Commission seeking damages or expense reimbursement. The Commission's decision in the proceeding shall be appealable by any party to the proceeding and, except as reversed or modified on appeal, the determination of the cause of the power surge or other fluctuation in this proceeding shall be final and binding on both the utility and claimants in actions before the Commission to recover damages under Section 16-125(f) of the Act. This proceeding shall determine only the liability of the utility under Section 16-125(f) of the Act and shall not constitute a finding or determination, for the purpose of this or any other proceeding, that the utility was or was not negligent, did or did not breach a contract, or violated or did not violate any other legal duty or obligation.

c) Any customer affected by the subject interruption, power surge or other fluctuation, or a unit of local government in which the interruption, power surge or other fluctuation occurred, shall be entitled to intervene in a proceeding brought pursuant to this Section. Informal and formal complaints pursuant to the Commission's Rules of Practice (83 Ill. Adm. Code 200) brought by affected customers and units of local government shall be stayed pending disposition of this proceeding and appeals thereof, or consolidated with this proceeding for the purposes of liability.

(Source: Amended at 44 Ill. Reg. 4598, effective March 4, 2020)