**Section 445.50 Reporting Requirements**

a) The owner(s) or operator of a qualified solid waste energy facility (excluding facilities fueled by methane gas generated from landfills) shall annually report to the Commission that the facility has met the requirements of the Illinois Environmental Protection Agency pursuant to the Local Solid Waste Disposal Act.

b) The owner(s) or operator of a qualified solid waste energy facility (excluding facilities fueled by methane gas generated from landfills) shall certify to the Commission, on an annual basis following the date of commercial operation of the facility, that solid waste is expected to comprise, at the minimum, 95 percent of the annual fuel loading for the following twelve months. In December of each year following the year of the facility's commercial operation date, the owner(s) or operator shall report the actual fuel loading for the twelve month period ending on November 30th of the same year. The use of natural gas, oil, or other fuels in connection with ignition, start-up, testing, flame stabilization and control, maintenance of minimum combustion temperatures, and during unanticipated outages of the solid waste sources shall not be included in any calculation of annual fuel loading.

c) The owner(s) or operator of a qualified solid waste energy facility (excluding facilities fueled by methane gas generated from landfills) shall certify to the Commission, on an annual basis following the date of commercial operation of the facility, that the solid waste throughput volume for the following twelve months shall, at a minimum, be 66 percent of the yearly design capacity of the facility. In December of each year following the year of the facility's commercial operation date, the owner(s) or operator shall report the throughput volume for the twelve month period ending on November 30th of the same year.

d) The owner(s) or operator of a qualified solid waste energy facility shall notify the Commission and all electric utilities to which the facility sells electric energy within 30 days of the date of a decision by a court or agency of competent jurisdiction in which the facility loses its status under the Act or this Part. The notification shall state that the facility no longer qualifies, the reasons therefor, and the anticipated date when the facility shall again qualify under the Act or this Part.

e) Displacement reports

1) Each electric utility shall report to the Commission in December of each year an estimate of the amounts and types of fuels displaced pursuant to Section 8-403.1(g) of the Act. Each utility also shall report an estimate of additional costs it incurred to alter its economic dispatch procedures pursuant to Section 8-403.1(g) of the Act. These costs may include added fuel costs caused by deviating from economic dispatch, computer software costs to alter plant dispatching, monitoring and control costs, as well as any other costs incurred to comply with Section 8-403.1(g) of the Act.

2) In the event that an electric utility is constrained from displacement of fuels by existing technical, contractual or other circumstances, the utility shall report such circumstances and show why displacement is not practicable. The Commission will weigh the practicability of displacement against the general requirement of displacement pursuant to Section 8-403.1(g) of the Act. In case of a successful showing of cause for exemption from displacement, the utility need not comply with the reporting requirements of subsection (e).

f) Each electric utility shall report to the Commission in December of each year any economic loss it incurred during the twelve month period ending on November 30th of the same year in complying with the requirements of Section 8-403.1 of the Act and this Part.

g) Within 60 days of the signing of a contract with a qualified solid waste energy facility, each electric utility shall report to the Commission the amounts of electric energy contracted for each year of the contract period.

h) Each electric utility shall list separately in its monthly reports of tax credits to the Commission and the Illinois Department of Revenue:

1) any reasonable and necessary costs incurred in displacing electric energy from qualifying facilities because of purchases made pursuant to Section 8-403.1 of the Act, and

2) its avoided total costs from electric energy purchases from qualified solid waste energy facilities and a breakdown of these costs into energy and capacity as defined by 83 Ill. Adm. Code 430.30.

i) Each utility shall provide to all qualified solid waste energy facilities from which the utility purchases electric energy the information submitted to the Commission under subsections (e), (f), (g), (h), and a detailed breakdown of costs described in Section 8-403.1(d)(ii) of the Act assigned to the qualified solid waste energy facility specified. A facility may file a petition with the Commission under Section 445.80 contesting the validity of the information.

j) In the event that a qualified solid waste facility fails to comply with the certification requirements of subsections (a), (b) or (c), or in the event that for an annual reporting period as referred in the above sections (b) and (c) the facility ceases to be in compliance with the qualifying requirements of this Part or Section 8-403.1 of the Act, provided that the owner(s) or operator of the facility makes efforts to remedy noncompliance, the facility shall have 90 days in which to cure its noncompliance. If at the end of the 90-day cure period the facility has failed to comply with the said requirements, the purchase rate provided in Section 445.60(b) shall be suspended until such time as the facility certifies that it has complied with this Part, which in the case of subsection (a) shall be at any time, and in the case of subsection (b) or (c) shall be for the latest 12 months of facility operation. If the facility continues to maintain its status as a qualifying facility, it shall receive during the suspension period the rate that the utility would have paid for purchases of electric energy from a qualifying facility pursuant to 83 Ill. Adm. Code 430.80.

(Source: Amended at 16 Ill. Reg. 2535, effective February 1, 1992)