**Section 445.60 Purchase Rates**

a) Within 60 days of the effective date of this Part, each electric utility shall file and at all times thereafter have on file with the Commission tariffs or riders applicable to purchases of electric energy generated from qualified solid waste energy facilities.

b) Each tariff or rider shall at a minimum include:

1) the billing period;

2) a reconciliation procedure; and

3) the methodology for determining purchase rates, including the methodology for determining the rate at which free service would have been billed had it not been provided free of charge. The purchase rate contained in tariffs and riders shall be equal to the average price of electricity per kilowatt-hour (excluding amounts paid for street lighting and pumping) paid for by a unit or units of local government to the electric utility during the latest twelve month period, including free service electricity, if any, at the rate that the unit or units of local government would have been billed had the electricity not been provided free of charge.

c) In the event that the purchase rate pursuant to Section 8-403.1(c) of the Act applicable to all electric energy purchased by a utility from qualified solid waste energy facilities is expected to result in monthly tax credits for a utility which will exceed its tax obligations under The Public Utilities Revenue Act (Ill. Rev. Stat. 1987, ch. 120, pars. 468 et seq.), qualified solid waste energy facilities shall be paid the purchase rate specified in Section 8-403.1(c) of the Act on a "first come, first served" basis determined from the date that the facility has obtained, and continues to hold, a valid development permit under Section 39 of the Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111½, par. 1039) and, for facilities other than those fueled by methane gas generated from landfills, a service agreement with a unit or units of local government. Notice of said approval shall be provided to the Commission. After all available tax credits are used, remaining electric energy purchases from qualified solid waste energy facilities shall be paid at the elected rate under 83 Ill. Adm. Code 430.80, notwithstanding the contracted for purchase rate.