**Section 455.130 Alternative Compliance Payment Requirements**

a) Alternative compliance payments may, subject to the requirements and limitations in Section 455.110, be used to meet RES renewable portfolio standard requirements.

b) The dollar amount of alternative compliance payments shall be calculated using the applicable alternative compliance payment rates approved by the Commission.

c) Alternative compliance payments shall be made by September 1, 2010 for the compliance period of June 1, 2009 to May 31, 2010, and by September 1 of each succeeding year for each subsequent compliance period.

d) Submission of Compliance Payments

1) Alternative compliance payments for the compliance periods ending on or before May 31, 2016 shall be made by check, payable to "Illinois Commerce Commission", and shall be delivered to the following address:

Illinois Commerce Commission

Administrative Services Division

Attn: Manager of the Revenues Section

Re: Illinois Power Agency Renewable Energy Resources Fund

527 East Capitol Avenue

Springfield IL 62701

2) Alternative compliance payments shall be deemed made only when actually received at the office of the Commission at the specified address. Payment by a check that does not clear after being deposited by the Commission shall be deemed to not have been made.

3) Alternative compliance payments for the compliance periods ending on or after May 31, 2017, shall be submitted to each electric utility within whose service area the RES has provided energy to retail customers in a manner specified in electric utility tariffs in effect when the payment is made. If an electric utility does not have a tariff governing the alternative compliance payments in effect at the time alternative compliance payments for the compliance period are due, the RES is still obligated to make payment for the compliance period but the RES shall hold the payment until such time as the electric utility's tariff goes into effect. Alternative compliance payments shall be deemed made only when actually received by the electric utility. Payment by a check that does not clear after being deposited by the electric utility shall be deemed not to have been made.

e) Within one business day after the submission of any alternative compliance payments, whether submitted to the Commission or an electric utility, the RES shall send a letter to the Chief Clerk of the Commission containing the following information:

1) "Re: 83 Ill. Adm. Code 455.130";

2) Name and address of RES;

3) The RES' FEIN;

4) Name and telephone number of person writing the letter;

5) Dollar amounts of the alternative compliance payments;

6) The payee for each payment;

7) Compliance period for which the payment is being made (e.g., June 1, 2009 through May 31, 2010); and

8) An indication whether the payment is intended to satisfy the balance of alternative compliance payment requirements for the compliance period or whether more payments may be forthcoming.

f) The Commission shall deposit all amounts received for compliance periods ending on or before May 31, 2016 into the Illinois Power Agency Renewable Energy Resources Fund, a special fund in the State treasury administered by the Illinois Power Agency.

g) The Commission shall carry forward to subsequent compliance periods the dollar amount of any compliance payments recognized by the Commission to be in excess of requirements, unless and to the extent to which the RES petitions for and is granted permission to apply for a refund.

h) For purposes of ensuring RES compliance with this Part, electric utilities shall submit reports to the Commission and the Illinois Power Agency in years 2017, 2018 and 2019. These reports shall contain the following information:

1) On or before September 1: Metered usage data by RES; and

2) On or before September 30: The amount and date of alternative compliance payments made by each RES to the utility and any refunds made by the utility to an RES pursuant to Section 455.150(c).

(Source: Amended at 41 Ill. Reg. 13580, effective October 26, 2017)