



Sen. Emil Jones, III

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LRB101 03973 LNS 74533 a

1 AMENDMENT TO HOUSE BILL 156

2 AMENDMENT NO. _____. Amend House Bill 156 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Power Agency Act is amended by
5 changing Section 1-75 as follows:

6 (20 ILCS 3855/1-75)

7 Sec. 1-75. Planning and Procurement Bureau. The Planning
8 and Procurement Bureau has the following duties and
9 responsibilities:

10 (a) The Planning and Procurement Bureau shall each year,
11 beginning in 2008, develop procurement plans and conduct
12 competitive procurement processes in accordance with the
13 requirements of Section 16-111.5 of the Public Utilities Act
14 for the eligible retail customers of electric utilities that on
15 December 31, 2005 provided electric service to at least 100,000
16 customers in Illinois. Beginning with the delivery year

1 commencing on June 1, 2017, the Planning and Procurement Bureau
2 shall develop plans and processes for the procurement of zero
3 emission credits from zero emission facilities in accordance
4 with the requirements of subsection (d-5) of this Section. The
5 Planning and Procurement Bureau shall also develop procurement
6 plans and conduct competitive procurement processes in
7 accordance with the requirements of Section 16-111.5 of the
8 Public Utilities Act for the eligible retail customers of small
9 multi-jurisdictional electric utilities that (i) on December
10 31, 2005 served less than 100,000 customers in Illinois and
11 (ii) request a procurement plan for their Illinois
12 jurisdictional load. This Section shall not apply to a small
13 multi-jurisdictional utility until such time as a small
14 multi-jurisdictional utility requests the Agency to prepare a
15 procurement plan for their Illinois jurisdictional load. For
16 the purposes of this Section, the term "eligible retail
17 customers" has the same definition as found in Section
18 16-111.5(a) of the Public Utilities Act.

19 Beginning with the plan or plans to be implemented in the
20 2017 delivery year, the Agency shall no longer include the
21 procurement of renewable energy resources in the annual
22 procurement plans required by this subsection (a), except as
23 provided in subsection (q) of Section 16-111.5 of the Public
24 Utilities Act, and shall instead develop a long-term renewable
25 resources procurement plan in accordance with subsection (c) of
26 this Section and Section 16-111.5 of the Public Utilities Act.

1 (1) The Agency shall each year, beginning in 2008, as
2 needed, issue a request for qualifications for experts or
3 expert consulting firms to develop the procurement plans in
4 accordance with Section 16-111.5 of the Public Utilities
5 Act. In order to qualify an expert or expert consulting
6 firm must have:

7 (A) direct previous experience assembling
8 large-scale power supply plans or portfolios for
9 end-use customers;

10 (B) an advanced degree in economics, mathematics,
11 engineering, risk management, or a related area of
12 study;

13 (C) 10 years of experience in the electricity
14 sector, including managing supply risk;

15 (D) expertise in wholesale electricity market
16 rules, including those established by the Federal
17 Energy Regulatory Commission and regional transmission
18 organizations;

19 (E) expertise in credit protocols and familiarity
20 with contract protocols;

21 (F) adequate resources to perform and fulfill the
22 required functions and responsibilities; and

23 (G) the absence of a conflict of interest and
24 inappropriate bias for or against potential bidders or
25 the affected electric utilities.

26 (2) The Agency shall each year, as needed, issue a

1 request for qualifications for a procurement administrator
2 to conduct the competitive procurement processes in
3 accordance with Section 16-111.5 of the Public Utilities
4 Act. In order to qualify an expert or expert consulting
5 firm must have:

6 (A) direct previous experience administering a
7 large-scale competitive procurement process;

8 (B) an advanced degree in economics, mathematics,
9 engineering, or a related area of study;

10 (C) 10 years of experience in the electricity
11 sector, including risk management experience;

12 (D) expertise in wholesale electricity market
13 rules, including those established by the Federal
14 Energy Regulatory Commission and regional transmission
15 organizations;

16 (E) expertise in credit and contract protocols;

17 (F) adequate resources to perform and fulfill the
18 required functions and responsibilities; and

19 (G) the absence of a conflict of interest and
20 inappropriate bias for or against potential bidders or
21 the affected electric utilities.

22 (3) The Agency shall provide affected utilities and
23 other interested parties with the lists of qualified
24 experts or expert consulting firms identified through the
25 request for qualifications processes that are under
26 consideration to develop the procurement plans and to serve

1 as the procurement administrator. The Agency shall also
2 provide each qualified expert's or expert consulting
3 firm's response to the request for qualifications. All
4 information provided under this subparagraph shall also be
5 provided to the Commission. The Agency may provide by rule
6 for fees associated with supplying the information to
7 utilities and other interested parties. These parties
8 shall, within 5 business days, notify the Agency in writing
9 if they object to any experts or expert consulting firms on
10 the lists. Objections shall be based on:

11 (A) failure to satisfy qualification criteria;

12 (B) identification of a conflict of interest; or

13 (C) evidence of inappropriate bias for or against
14 potential bidders or the affected utilities.

15 The Agency shall remove experts or expert consulting
16 firms from the lists within 10 days if there is a
17 reasonable basis for an objection and provide the updated
18 lists to the affected utilities and other interested
19 parties. If the Agency fails to remove an expert or expert
20 consulting firm from a list, an objecting party may seek
21 review by the Commission within 5 days thereafter by filing
22 a petition, and the Commission shall render a ruling on the
23 petition within 10 days. There is no right of appeal of the
24 Commission's ruling.

25 (4) The Agency shall issue requests for proposals to
26 the qualified experts or expert consulting firms to develop

1 a procurement plan for the affected utilities and to serve
2 as procurement administrator.

3 (5) The Agency shall select an expert or expert
4 consulting firm to develop procurement plans based on the
5 proposals submitted and shall award contracts of up to 5
6 years to those selected.

7 (6) The Agency shall select an expert or expert
8 consulting firm, with approval of the Commission, to serve
9 as procurement administrator based on the proposals
10 submitted. If the Commission rejects, within 5 days, the
11 Agency's selection, the Agency shall submit another
12 recommendation within 3 days based on the proposals
13 submitted. The Agency shall award a 5-year contract to the
14 expert or expert consulting firm so selected with
15 Commission approval.

16 (b) The experts or expert consulting firms retained by the
17 Agency shall, as appropriate, prepare procurement plans, and
18 conduct a competitive procurement process as prescribed in
19 Section 16-111.5 of the Public Utilities Act, to ensure
20 adequate, reliable, affordable, efficient, and environmentally
21 sustainable electric service at the lowest total cost over
22 time, taking into account any benefits of price stability, for
23 eligible retail customers of electric utilities that on
24 December 31, 2005 provided electric service to at least 100,000
25 customers in the State of Illinois, and for eligible Illinois
26 retail customers of small multi-jurisdictional electric

1 utilities that (i) on December 31, 2005 served less than
2 100,000 customers in Illinois and (ii) request a procurement
3 plan for their Illinois jurisdictional load.

4 (c) Renewable portfolio standard.

5 (1) (A) The Agency shall develop a long-term renewable
6 resources procurement plan that shall include procurement
7 programs and competitive procurement events necessary to
8 meet the goals set forth in this subsection (c). The
9 initial long-term renewable resources procurement plan
10 shall be released for comment no later than 160 days after
11 June 1, 2017 (the effective date of Public Act 99-906). The
12 Agency shall review, and may revise on an expedited basis,
13 the long-term renewable resources procurement plan at
14 least every 2 years, which shall be conducted in
15 conjunction with the procurement plan under Section
16 16-111.5 of the Public Utilities Act to the extent
17 practicable to minimize administrative expense. The
18 long-term renewable resources procurement plans shall be
19 subject to review and approval by the Commission under
20 Section 16-111.5 of the Public Utilities Act.

21 (B) Subject to subparagraph (F) of this paragraph (1),
22 the long-term renewable resources procurement plan shall
23 include the goals for procurement of renewable energy
24 credits to meet at least the following overall percentages:
25 13% by the 2017 delivery year; increasing by at least 1.5%
26 each delivery year thereafter to at least 25% by the 2025

1 delivery year; and continuing at no less than 25% for each
2 delivery year thereafter. In the event of a conflict
3 between these goals and the new wind and new photovoltaic
4 procurement requirements described in items (i) through
5 (iii) of subparagraph (C) of this paragraph (1), the
6 long-term plan shall prioritize compliance with the new
7 wind and new photovoltaic procurement requirements
8 described in items (i) through (iii) of subparagraph (C) of
9 this paragraph (1) over the annual percentage targets
10 described in this subparagraph (B).

11 For the delivery year beginning June 1, 2017, the
12 procurement plan shall include cost-effective renewable
13 energy resources equal to at least 13% of each utility's
14 load for eligible retail customers and 13% of the
15 applicable portion of each utility's load for retail
16 customers who are not eligible retail customers, which
17 applicable portion shall equal 50% of the utility's load
18 for retail customers who are not eligible retail customers
19 on February 28, 2017.

20 For the delivery year beginning June 1, 2018, the
21 procurement plan shall include cost-effective renewable
22 energy resources equal to at least 14.5% of each utility's
23 load for eligible retail customers and 14.5% of the
24 applicable portion of each utility's load for retail
25 customers who are not eligible retail customers, which
26 applicable portion shall equal 75% of the utility's load

1 for retail customers who are not eligible retail customers
2 on February 28, 2017.

3 For the delivery year beginning June 1, 2019, and for
4 each year thereafter, the procurement plans shall include
5 cost-effective renewable energy resources equal to a
6 minimum percentage of each utility's load for all retail
7 customers as follows: 16% by June 1, 2019; increasing by
8 1.5% each year thereafter to 25% by June 1, 2025; and 25%
9 by June 1, 2026 and each year thereafter.

10 For each delivery year, the Agency shall first
11 recognize each utility's obligations for that delivery
12 year under existing contracts. Any renewable energy
13 credits under existing contracts, including renewable
14 energy credits as part of renewable energy resources, shall
15 be used to meet the goals set forth in this subsection (c)
16 for the delivery year.

17 (C) Of the renewable energy credits procured under this
18 subsection (c), at least 75% shall come from wind and
19 photovoltaic projects. The long-term renewable resources
20 procurement plan described in subparagraph (A) of this
21 paragraph (1) shall include the procurement of renewable
22 energy credits in amounts equal to at least the following:

23 (i) By the end of the 2020 delivery year:

24 At least 2,000,000 renewable energy credits
25 for each delivery year shall come from new wind
26 projects; and

1 At least 2,000,000 renewable energy credits
2 for each delivery year shall come from new
3 photovoltaic projects; of that amount, to the
4 extent possible, the Agency shall procure: at
5 least 50% from solar photovoltaic projects using
6 the program outlined in subparagraph (K) of this
7 paragraph (1) from distributed renewable energy
8 generation devices or community renewable
9 generation projects; at least 40% from
10 utility-scale solar projects; at least 2% from
11 brownfield site photovoltaic projects that are not
12 community renewable generation projects; and the
13 remainder shall be determined through the
14 long-term planning process described in
15 subparagraph (A) of this paragraph (1).

16 (ii) By the end of the 2025 delivery year:

17 At least 3,000,000 renewable energy credits
18 for each delivery year shall come from new wind
19 projects; and

20 At least 3,000,000 renewable energy credits
21 for each delivery year shall come from new
22 photovoltaic projects; of that amount, to the
23 extent possible, the Agency shall procure: at
24 least 50% from solar photovoltaic projects using
25 the program outlined in subparagraph (K) of this
26 paragraph (1) from distributed renewable energy

1 devices or community renewable generation
2 projects; at least 40% from utility-scale solar
3 projects; at least 2% from brownfield site
4 photovoltaic projects that are not community
5 renewable generation projects; and the remainder
6 shall be determined through the long-term planning
7 process described in subparagraph (A) of this
8 paragraph (1).

9 (iii) By the end of the 2030 delivery year:

10 At least 4,000,000 renewable energy credits
11 for each delivery year shall come from new wind
12 projects; and

13 At least 4,000,000 renewable energy credits
14 for each delivery year shall come from new
15 photovoltaic projects; of that amount, to the
16 extent possible, the Agency shall procure: at
17 least 50% from solar photovoltaic projects using
18 the program outlined in subparagraph (K) of this
19 paragraph (1) from distributed renewable energy
20 devices or community renewable generation
21 projects; at least 40% from utility-scale solar
22 projects; at least 2% from brownfield site
23 photovoltaic projects that are not community
24 renewable generation projects; and the remainder
25 shall be determined through the long-term planning
26 process described in subparagraph (A) of this

1 paragraph (1).

2 For purposes of this Section:

3 "New wind projects" means wind renewable
4 energy facilities that are energized after June 1,
5 2017 for the delivery year commencing June 1, 2017
6 or within 3 years after the date the Commission
7 approves contracts for subsequent delivery years.

8 "New photovoltaic projects" means photovoltaic
9 renewable energy facilities that are energized
10 after June 1, 2017. Photovoltaic projects
11 developed under Section 1-56 of this Act shall not
12 apply towards the new photovoltaic project
13 requirements in this subparagraph (C).

14 (D) Renewable energy credits shall be cost effective.
15 For purposes of this subsection (c), "cost effective" means
16 that the costs of procuring renewable energy resources do
17 not cause the limit stated in subparagraph (E) of this
18 paragraph (1) to be exceeded and, for renewable energy
19 credits procured through a competitive procurement event,
20 do not exceed benchmarks based on market prices for like
21 products in the region. For purposes of this subsection
22 (c), "like products" means contracts for renewable energy
23 credits from the same or substantially similar technology,
24 same or substantially similar vintage (new or existing),
25 the same or substantially similar quantity, and the same or
26 substantially similar contract length and structure.

1 Benchmarks shall be developed by the procurement
2 administrator, in consultation with the Commission staff,
3 Agency staff, and the procurement monitor and shall be
4 subject to Commission review and approval. If price
5 benchmarks for like products in the region are not
6 available, the procurement administrator shall establish
7 price benchmarks based on publicly available data on
8 regional technology costs and expected current and future
9 regional energy prices. The benchmarks in this Section
10 shall not be used to curtail or otherwise reduce
11 contractual obligations entered into by or through the
12 Agency prior to June 1, 2017 (the effective date of Public
13 Act 99-906).

14 (E) For purposes of this subsection (c), the required
15 procurement of cost-effective renewable energy resources
16 for a particular year commencing prior to June 1, 2017
17 shall be measured as a percentage of the actual amount of
18 electricity (megawatt-hours) supplied by the electric
19 utility to eligible retail customers in the delivery year
20 ending immediately prior to the procurement, and, for
21 delivery years commencing on and after June 1, 2017, the
22 required procurement of cost-effective renewable energy
23 resources for a particular year shall be measured as a
24 percentage of the actual amount of electricity
25 (megawatt-hours) delivered by the electric utility in the
26 delivery year ending immediately prior to the procurement,

1 to all retail customers in its service territory. For
2 purposes of this subsection (c), the amount paid per
3 kilowatthour means the total amount paid for electric
4 service expressed on a per kilowatthour basis. For purposes
5 of this subsection (c), the total amount paid for electric
6 service includes without limitation amounts paid for
7 supply, transmission, distribution, surcharges, and add-on
8 taxes.

9 Notwithstanding the requirements of this subsection
10 (c), the total of renewable energy resources procured under
11 the procurement plan for any single year shall be subject
12 to the limitations of this subparagraph (E). Such
13 procurement shall be reduced for all retail customers based
14 on the amount necessary to limit the annual estimated
15 average net increase due to the costs of these resources
16 included in the amounts paid by eligible retail customers
17 in connection with electric service to no more than the
18 greater of 2.015% of the amount paid per kilowatthour by
19 those customers during the year ending May 31, 2007 or the
20 incremental amount per kilowatthour paid for these
21 resources in 2011. To arrive at a maximum dollar amount of
22 renewable energy resources to be procured for the
23 particular delivery year, the resulting per kilowatthour
24 amount shall be applied to the actual amount of
25 kilowatthours of electricity delivered, or applicable
26 portion of such amount as specified in paragraph (1) of

1 this subsection (c), as applicable, by the electric utility
2 in the delivery year immediately prior to the procurement
3 to all retail customers in its service territory. The
4 calculations required by this subparagraph (E) shall be
5 made only once for each delivery year at the time that the
6 renewable energy resources are procured. Once the
7 determination as to the amount of renewable energy
8 resources to procure is made based on the calculations set
9 forth in this subparagraph (E) and the contracts procuring
10 those amounts are executed, no subsequent rate impact
11 determinations shall be made and no adjustments to those
12 contract amounts shall be allowed. All costs incurred under
13 such contracts shall be fully recoverable by the electric
14 utility as provided in this Section.

15 (F) If the limitation on the amount of renewable energy
16 resources procured in subparagraph (E) of this paragraph
17 (1) prevents the Agency from meeting all of the goals in
18 this subsection (c), the Agency's long-term plan shall
19 prioritize compliance with the requirements of this
20 subsection (c) regarding renewable energy credits in the
21 following order:

22 (i) renewable energy credits under existing
23 contractual obligations;

24 (i-5) funding for the Illinois Solar for All
25 Program, as described in subparagraph (O) of this
26 paragraph (1);

1 (ii) renewable energy credits necessary to comply
2 with the new wind and new photovoltaic procurement
3 requirements described in items (i) through (iii) of
4 subparagraph (C) of this paragraph (1); and

5 (iii) renewable energy credits necessary to meet
6 the remaining requirements of this subsection (c).

7 (G) The following provisions shall apply to the
8 Agency's procurement of renewable energy credits under
9 this subsection (c):

10 (i) Notwithstanding whether a long-term renewable
11 resources procurement plan has been approved, the
12 Agency shall conduct an initial forward procurement
13 for renewable energy credits from new utility-scale
14 wind projects within 160 days after June 1, 2017 (the
15 effective date of Public Act 99-906). For the purposes
16 of this initial forward procurement, the Agency shall
17 solicit 15-year contracts for delivery of 1,000,000
18 renewable energy credits delivered annually from new
19 utility-scale wind projects to begin delivery on June
20 1, 2019, if available, but not later than June 1, 2021,
21 unless the project has delays in the establishment of
22 an operating interconnection with the applicable
23 transmission or distribution system as a result of the
24 actions or inactions of the transmission or
25 distribution provider, or other causes for force
26 majeure as outlined in the procurement contract, in

1 which case, not later than June 1, 2022. Payments to
2 suppliers of renewable energy credits shall commence
3 upon delivery. Renewable energy credits procured under
4 this initial procurement shall be included in the
5 Agency's long-term plan and shall apply to all
6 renewable energy goals in this subsection (c).

7 (ii) Notwithstanding whether a long-term renewable
8 resources procurement plan has been approved, the
9 Agency shall conduct an initial forward procurement
10 for renewable energy credits from new utility-scale
11 solar projects and brownfield site photovoltaic
12 projects within one year after June 1, 2017 (the
13 effective date of Public Act 99-906). For the purposes
14 of this initial forward procurement, the Agency shall
15 solicit 15-year contracts for delivery of 1,000,000
16 renewable energy credits delivered annually from new
17 utility-scale solar projects and brownfield site
18 photovoltaic projects to begin delivery on June 1,
19 2019, if available, but not later than June 1, 2021,
20 unless the project has delays in the establishment of
21 an operating interconnection with the applicable
22 transmission or distribution system as a result of the
23 actions or inactions of the transmission or
24 distribution provider, or other causes for force
25 majeure as outlined in the procurement contract, in
26 which case, not later than June 1, 2023; provided that

1 the delivery start date under a procurement contract
2 shall be extended to a date not later than June 1, 2023
3 if the project provides notice to the utility
4 counterparty that the project elects to amend its
5 procurement contract to utilize such extension prior
6 to the delivery start date under the procurement
7 contract. The Commission shall approve such a contract
8 date extension upon the request of any contracting
9 party ~~2022~~. The Agency may structure this initial
10 procurement in one or more discrete procurement
11 events. Payments to suppliers of renewable energy
12 credits shall commence upon delivery. Renewable energy
13 credits procured under this initial procurement shall
14 be included in the Agency's long-term plan and shall
15 apply to all renewable energy goals in this subsection
16 (c).

17 (iii) Subsequent forward procurements for
18 utility-scale wind projects shall solicit at least
19 1,000,000 renewable energy credits delivered annually
20 per procurement event and shall be planned, scheduled,
21 and designed such that the cumulative amount of
22 renewable energy credits delivered from all new wind
23 projects in each delivery year shall not exceed the
24 Agency's projection of the cumulative amount of
25 renewable energy credits that will be delivered from
26 all new photovoltaic projects, including utility-scale

1 and distributed photovoltaic devices, in the same
2 delivery year at the time scheduled for wind contract
3 delivery.

4 (iv) If, at any time after the time set for
5 delivery of renewable energy credits pursuant to the
6 initial procurements in items (i) and (ii) of this
7 subparagraph (G), the cumulative amount of renewable
8 energy credits projected to be delivered from all new
9 wind projects in a given delivery year exceeds the
10 cumulative amount of renewable energy credits
11 projected to be delivered from all new photovoltaic
12 projects in that delivery year by 200,000 or more
13 renewable energy credits, then the Agency shall within
14 60 days adjust the procurement programs in the
15 long-term renewable resources procurement plan to
16 ensure that the projected cumulative amount of
17 renewable energy credits to be delivered from all new
18 wind projects does not exceed the projected cumulative
19 amount of renewable energy credits to be delivered from
20 all new photovoltaic projects by 200,000 or more
21 renewable energy credits, provided that nothing in
22 this Section shall preclude the projected cumulative
23 amount of renewable energy credits to be delivered from
24 all new photovoltaic projects from exceeding the
25 projected cumulative amount of renewable energy
26 credits to be delivered from all new wind projects in

1 each delivery year and provided further that nothing in
2 this item (iv) shall require the curtailment of an
3 executed contract. The Agency shall update, on a
4 quarterly basis, its projection of the renewable
5 energy credits to be delivered from all projects in
6 each delivery year. Notwithstanding anything to the
7 contrary, the Agency may adjust the timing of
8 procurement events conducted under this subparagraph
9 (G). The long-term renewable resources procurement
10 plan shall set forth the process by which the
11 adjustments may be made.

12 (v) All procurements under this subparagraph (G)
13 shall comply with the geographic requirements in
14 subparagraph (I) of this paragraph (1) and shall follow
15 the procurement processes and procedures described in
16 this Section and Section 16-111.5 of the Public
17 Utilities Act to the extent practicable, and these
18 processes and procedures may be expedited to
19 accommodate the schedule established by this
20 subparagraph (G).

21 (H) The procurement of renewable energy resources for a
22 given delivery year shall be reduced as described in this
23 subparagraph (H) if an alternative retail electric
24 supplier meets the requirements described in this
25 subparagraph (H).

26 (i) Within 45 days after June 1, 2017 (the

1 effective date of Public Act 99-906), an alternative
2 retail electric supplier or its successor shall submit
3 an informational filing to the Illinois Commerce
4 Commission certifying that, as of December 31, 2015,
5 the alternative retail electric supplier owned one or
6 more electric generating facilities that generates
7 renewable energy resources as defined in Section 1-10
8 of this Act, provided that such facilities are not
9 powered by wind or photovoltaics, and the facilities
10 generate one renewable energy credit for each
11 megawatthour of energy produced from the facility.

12 The informational filing shall identify each
13 facility that was eligible to satisfy the alternative
14 retail electric supplier's obligations under Section
15 16-115D of the Public Utilities Act as described in
16 this item (i).

17 (ii) For a given delivery year, the alternative
18 retail electric supplier may elect to supply its retail
19 customers with renewable energy credits from the
20 facility or facilities described in item (i) of this
21 subparagraph (H) that continue to be owned by the
22 alternative retail electric supplier.

23 (iii) The alternative retail electric supplier
24 shall notify the Agency and the applicable utility, no
25 later than February 28 of the year preceding the
26 applicable delivery year or 15 days after June 1, 2017

1 (the effective date of Public Act 99-906), whichever is
2 later, of its election under item (ii) of this
3 subparagraph (H) to supply renewable energy credits to
4 retail customers of the utility. Such election shall
5 identify the amount of renewable energy credits to be
6 supplied by the alternative retail electric supplier
7 to the utility's retail customers and the source of the
8 renewable energy credits identified in the
9 informational filing as described in item (i) of this
10 subparagraph (H), subject to the following
11 limitations:

12 For the delivery year beginning June 1, 2018,
13 the maximum amount of renewable energy credits to
14 be supplied by an alternative retail electric
15 supplier under this subparagraph (H) shall be 68%
16 multiplied by 25% multiplied by 14.5% multiplied
17 by the amount of metered electricity
18 (megawatt-hours) delivered by the alternative
19 retail electric supplier to Illinois retail
20 customers during the delivery year ending May 31,
21 2016.

22 For delivery years beginning June 1, 2019 and
23 each year thereafter, the maximum amount of
24 renewable energy credits to be supplied by an
25 alternative retail electric supplier under this
26 subparagraph (H) shall be 68% multiplied by 50%

1 multiplied by 16% multiplied by the amount of
2 metered electricity (megawatt-hours) delivered by
3 the alternative retail electric supplier to
4 Illinois retail customers during the delivery year
5 ending May 31, 2016, provided that the 16% value
6 shall increase by 1.5% each delivery year
7 thereafter to 25% by the delivery year beginning
8 June 1, 2025, and thereafter the 25% value shall
9 apply to each delivery year.

10 For each delivery year, the total amount of
11 renewable energy credits supplied by all alternative
12 retail electric suppliers under this subparagraph (H)
13 shall not exceed 9% of the Illinois target renewable
14 energy credit quantity. The Illinois target renewable
15 energy credit quantity for the delivery year beginning
16 June 1, 2018 is 14.5% multiplied by the total amount of
17 metered electricity (megawatt-hours) delivered in the
18 delivery year immediately preceding that delivery
19 year, provided that the 14.5% shall increase by 1.5%
20 each delivery year thereafter to 25% by the delivery
21 year beginning June 1, 2025, and thereafter the 25%
22 value shall apply to each delivery year.

23 If the requirements set forth in items (i) through
24 (iii) of this subparagraph (H) are met, the charges
25 that would otherwise be applicable to the retail
26 customers of the alternative retail electric supplier

1 under paragraph (6) of this subsection (c) for the
2 applicable delivery year shall be reduced by the ratio
3 of the quantity of renewable energy credits supplied by
4 the alternative retail electric supplier compared to
5 that supplier's target renewable energy credit
6 quantity. The supplier's target renewable energy
7 credit quantity for the delivery year beginning June 1,
8 2018 is 14.5% multiplied by the total amount of metered
9 electricity (megawatt-hours) delivered by the
10 alternative retail supplier in that delivery year,
11 provided that the 14.5% shall increase by 1.5% each
12 delivery year thereafter to 25% by the delivery year
13 beginning June 1, 2025, and thereafter the 25% value
14 shall apply to each delivery year.

15 On or before April 1 of each year, the Agency shall
16 annually publish a report on its website that
17 identifies the aggregate amount of renewable energy
18 credits supplied by alternative retail electric
19 suppliers under this subparagraph (H).

20 (I) The Agency shall design its long-term renewable
21 energy procurement plan to maximize the State's interest in
22 the health, safety, and welfare of its residents, including
23 but not limited to minimizing sulfur dioxide, nitrogen
24 oxide, particulate matter and other pollution that
25 adversely affects public health in this State, increasing
26 fuel and resource diversity in this State, enhancing the

1 reliability and resiliency of the electricity distribution
2 system in this State, meeting goals to limit carbon dioxide
3 emissions under federal or State law, and contributing to a
4 cleaner and healthier environment for the citizens of this
5 State. In order to further these legislative purposes,
6 renewable energy credits shall be eligible to be counted
7 toward the renewable energy requirements of this
8 subsection (c) if they are generated from facilities
9 located in this State. The Agency may qualify renewable
10 energy credits from facilities located in states adjacent
11 to Illinois if the generator demonstrates and the Agency
12 determines that the operation of such facility or
13 facilities will help promote the State's interest in the
14 health, safety, and welfare of its residents based on the
15 public interest criteria described above. To ensure that
16 the public interest criteria are applied to the procurement
17 and given full effect, the Agency's long-term procurement
18 plan shall describe in detail how each public interest
19 factor shall be considered and weighted for facilities
20 located in states adjacent to Illinois.

21 (J) In order to promote the competitive development of
22 renewable energy resources in furtherance of the State's
23 interest in the health, safety, and welfare of its
24 residents, renewable energy credits shall not be eligible
25 to be counted toward the renewable energy requirements of
26 this subsection (c) if they are sourced from a generating

1 unit whose costs were being recovered through rates
2 regulated by this State or any other state or states on or
3 after January 1, 2017. Each contract executed to purchase
4 renewable energy credits under this subsection (c) shall
5 provide for the contract's termination if the costs of the
6 generating unit supplying the renewable energy credits
7 subsequently begin to be recovered through rates regulated
8 by this State or any other state or states; and each
9 contract shall further provide that, in that event, the
10 supplier of the credits must return 110% of all payments
11 received under the contract. Amounts returned under the
12 requirements of this subparagraph (J) shall be retained by
13 the utility and all of these amounts shall be used for the
14 procurement of additional renewable energy credits from
15 new wind or new photovoltaic resources as defined in this
16 subsection (c). The long-term plan shall provide that these
17 renewable energy credits shall be procured in the next
18 procurement event.

19 Notwithstanding the limitations of this subparagraph
20 (J), renewable energy credits sourced from generating
21 units that are constructed, purchased, owned, or leased by
22 an electric utility as part of an approved project,
23 program, or pilot under Section 1-56 of this Act shall be
24 eligible to be counted toward the renewable energy
25 requirements of this subsection (c), regardless of how the
26 costs of these units are recovered.

1 (K) The long-term renewable resources procurement plan
2 developed by the Agency in accordance with subparagraph (A)
3 of this paragraph (1) shall include an Adjustable Block
4 program for the procurement of renewable energy credits
5 from new photovoltaic projects that are distributed
6 renewable energy generation devices or new photovoltaic
7 community renewable generation projects. The Adjustable
8 Block program shall be designed to provide a transparent
9 schedule of prices and quantities to enable the
10 photovoltaic market to scale up and for renewable energy
11 credit prices to adjust at a predictable rate over time.
12 The prices set by the Adjustable Block program can be
13 reflected as a set value or as the product of a formula.

14 The Adjustable Block program shall include for each
15 category of eligible projects: a schedule of standard block
16 purchase prices to be offered; a series of steps, with
17 associated nameplate capacity and purchase prices that
18 adjust from step to step; and automatic opening of the next
19 step as soon as the nameplate capacity and available
20 purchase prices for an open step are fully committed or
21 reserved. Only projects energized on or after June 1, 2017
22 shall be eligible for the Adjustable Block program. For
23 each block group the Agency shall determine the number of
24 blocks, the amount of generation capacity in each block,
25 and the purchase price for each block, provided that the
26 purchase price provided and the total amount of generation

1 in all blocks for all block groups shall be sufficient to
2 meet the goals in this subsection (c). The Agency may
3 periodically review its prior decisions establishing the
4 number of blocks, the amount of generation capacity in each
5 block, and the purchase price for each block, and may
6 propose, on an expedited basis, changes to these previously
7 set values, including but not limited to redistributing
8 these amounts and the available funds as necessary and
9 appropriate, subject to Commission approval as part of the
10 periodic plan revision process described in Section
11 16-111.5 of the Public Utilities Act. The Agency may define
12 different block sizes, purchase prices, or other distinct
13 terms and conditions for projects located in different
14 utility service territories if the Agency deems it
15 necessary to meet the goals in this subsection (c).

16 The Adjustable Block program shall include at least the
17 following block groups in at least the following amounts,
18 which may be adjusted upon review by the Agency and
19 approval by the Commission as described in this
20 subparagraph (K):

21 (i) At least 25% from distributed renewable energy
22 generation devices with a nameplate capacity of no more
23 than 10 kilowatts.

24 (ii) At least 25% from distributed renewable
25 energy generation devices with a nameplate capacity of
26 more than 10 kilowatts and no more than 2,000

1 kilowatts. The Agency may create sub-categories within
2 this category to account for the differences between
3 projects for small commercial customers, large
4 commercial customers, and public or non-profit
5 customers.

6 (iii) At least 25% from photovoltaic community
7 renewable generation projects.

8 (iv) The remaining 25% shall be allocated as
9 specified by the Agency in the long-term renewable
10 resources procurement plan.

11 The Adjustable Block program shall be designed to
12 ensure that renewable energy credits are procured from
13 photovoltaic distributed renewable energy generation
14 devices and new photovoltaic community renewable energy
15 generation projects in diverse locations and are not
16 concentrated in a few geographic areas.

17 (L) The procurement of photovoltaic renewable energy
18 credits under items (i) through (iv) of subparagraph (K) of
19 this paragraph (1) shall be subject to the following
20 contract and payment terms:

21 (i) The Agency shall procure contracts of at least
22 15 years in length.

23 (ii) For those renewable energy credits that
24 qualify and are procured under item (i) of subparagraph
25 (K) of this paragraph (1), the renewable energy credit
26 purchase price shall be paid in full by the contracting

1 utilities at the time that the facility producing the
2 renewable energy credits is interconnected at the
3 distribution system level of the utility and
4 energized. The electric utility shall receive and
5 retire all renewable energy credits generated by the
6 project for the first 15 years of operation.

7 (iii) For those renewable energy credits that
8 qualify and are procured under item (ii) and (iii) of
9 subparagraph (K) of this paragraph (1) and any
10 additional categories of distributed generation
11 included in the long-term renewable resources
12 procurement plan and approved by the Commission, 20
13 percent of the renewable energy credit purchase price
14 shall be paid by the contracting utilities at the time
15 that the facility producing the renewable energy
16 credits is interconnected at the distribution system
17 level of the utility and energized. The remaining
18 portion shall be paid ratably over the subsequent
19 4-year period. The electric utility shall receive and
20 retire all renewable energy credits generated by the
21 project for the first 15 years of operation.

22 (iv) Each contract shall include provisions to
23 ensure the delivery of the renewable energy credits for
24 the full term of the contract.

25 (v) The utility shall be the counterparty to the
26 contracts executed under this subparagraph (L) that

1 are approved by the Commission under the process
2 described in Section 16-111.5 of the Public Utilities
3 Act. No contract shall be executed for an amount that
4 is less than one renewable energy credit per year.

5 (vi) If, at any time, approved applications for the
6 Adjustable Block program exceed funds collected by the
7 electric utility or would cause the Agency to exceed
8 the limitation described in subparagraph (E) of this
9 paragraph (1) on the amount of renewable energy
10 resources that may be procured, then the Agency shall
11 consider future uncommitted funds to be reserved for
12 these contracts on a first-come, first-served basis,
13 with the delivery of renewable energy credits required
14 beginning at the time that the reserved funds become
15 available.

16 (vii) Nothing in this Section shall require the
17 utility to advance any payment or pay any amounts that
18 exceed the actual amount of revenues collected by the
19 utility under paragraph (6) of this subsection (c) and
20 subsection (k) of Section 16-108 of the Public
21 Utilities Act, and contracts executed under this
22 Section shall expressly incorporate this limitation.

23 (M) The Agency shall be authorized to retain one or
24 more experts or expert consulting firms to develop,
25 administer, implement, operate, and evaluate the
26 Adjustable Block program described in subparagraph (K) of

1 this paragraph (1), and the Agency shall retain the
2 consultant or consultants in the same manner, to the extent
3 practicable, as the Agency retains others to administer
4 provisions of this Act, including, but not limited to, the
5 procurement administrator. The selection of experts and
6 expert consulting firms and the procurement process
7 described in this subparagraph (M) are exempt from the
8 requirements of Section 20-10 of the Illinois Procurement
9 Code, under Section 20-10 of that Code. The Agency shall
10 strive to minimize administrative expenses in the
11 implementation of the Adjustable Block program.

12 The Agency and its consultant or consultants shall
13 monitor block activity, share program activity with
14 stakeholders and conduct regularly scheduled meetings to
15 discuss program activity and market conditions. If
16 necessary, the Agency may make prospective administrative
17 adjustments to the Adjustable Block program design, such as
18 redistributing available funds or making adjustments to
19 purchase prices as necessary to achieve the goals of this
20 subsection (c). Program modifications to any price,
21 capacity block, or other program element that do not
22 deviate from the Commission's approved value by more than
23 25% shall take effect immediately and are not subject to
24 Commission review and approval. Program modifications to
25 any price, capacity block, or other program element that
26 deviate more than 25% from the Commission's approved value

1 must be approved by the Commission as a long-term plan
2 amendment under Section 16-111.5 of the Public Utilities
3 Act. The Agency shall consider stakeholder feedback when
4 making adjustments to the Adjustable Block design and shall
5 notify stakeholders in advance of any planned changes.

6 (N) The long-term renewable resources procurement plan
7 required by this subsection (c) shall include a community
8 renewable generation program. The Agency shall establish
9 the terms, conditions, and program requirements for
10 community renewable generation projects with a goal to
11 expand renewable energy generating facility access to a
12 broader group of energy consumers, to ensure robust
13 participation opportunities for residential and small
14 commercial customers and those who cannot install
15 renewable energy on their own properties. Any plan approved
16 by the Commission shall allow subscriptions to community
17 renewable generation projects to be portable and
18 transferable. For purposes of this subparagraph (N),
19 "portable" means that subscriptions may be retained by the
20 subscriber even if the subscriber relocates or changes its
21 address within the same utility service territory; and
22 "transferable" means that a subscriber may assign or sell
23 subscriptions to another person within the same utility
24 service territory.

25 Electric utilities shall provide a monetary credit to a
26 subscriber's subsequent bill for service for the

1 proportional output of a community renewable generation
2 project attributable to that subscriber as specified in
3 Section 16-107.5 of the Public Utilities Act.

4 The Agency shall purchase renewable energy credits
5 from subscribed shares of photovoltaic community renewable
6 generation projects through the Adjustable Block program
7 described in subparagraph (K) of this paragraph (1) or
8 through the Illinois Solar for All Program described in
9 Section 1-56 of this Act. The electric utility shall
10 purchase any unsubscribed energy from community renewable
11 generation projects that are Qualifying Facilities ("QF")
12 under the electric utility's tariff for purchasing the
13 output from QFs under Public Utilities Regulatory Policies
14 Act of 1978.

15 The owners of and any subscribers to a community
16 renewable generation project shall not be considered
17 public utilities or alternative retail electricity
18 suppliers under the Public Utilities Act solely as a result
19 of their interest in or subscription to a community
20 renewable generation project and shall not be required to
21 become an alternative retail electric supplier by
22 participating in a community renewable generation project
23 with a public utility.

24 (O) For the delivery year beginning June 1, 2018, the
25 long-term renewable resources procurement plan required by
26 this subsection (c) shall provide for the Agency to procure

1 contracts to continue offering the Illinois Solar for All
2 Program described in subsection (b) of Section 1-56 of this
3 Act, and the contracts approved by the Commission shall be
4 executed by the utilities that are subject to this
5 subsection (c). The long-term renewable resources
6 procurement plan shall allocate 5% of the funds available
7 under the plan for the applicable delivery year, or
8 \$10,000,000 per delivery year, whichever is greater, to
9 fund the programs, and the plan shall determine the amount
10 of funding to be apportioned to the programs identified in
11 subsection (b) of Section 1-56 of this Act; provided that
12 for the delivery years beginning June 1, 2017, June 1,
13 2021, and June 1, 2025, the long-term renewable resources
14 procurement plan shall allocate 10% of the funds available
15 under the plan for the applicable delivery year, or
16 \$20,000,000 per delivery year, whichever is greater, and
17 \$10,000,000 of such funds in such year shall be used by an
18 electric utility that serves more than 3,000,000 retail
19 customers in the State to implement a Commission-approved
20 plan under Section 16-108.12 of the Public Utilities Act.
21 In making the determinations required under this
22 subparagraph (O), the Commission shall consider the
23 experience and performance under the programs and any
24 evaluation reports. The Commission shall also provide for
25 an independent evaluation of those programs on a periodic
26 basis that are funded under this subparagraph (O).

1 (2) (Blank).

2 (3) (Blank).

3 (4) The electric utility shall retire all renewable
4 energy credits used to comply with the standard.

5 (5) Beginning with the 2010 delivery year and ending
6 June 1, 2017, an electric utility subject to this
7 subsection (c) shall apply the lesser of the maximum
8 alternative compliance payment rate or the most recent
9 estimated alternative compliance payment rate for its
10 service territory for the corresponding compliance period,
11 established pursuant to subsection (d) of Section 16-115D
12 of the Public Utilities Act to its retail customers that
13 take service pursuant to the electric utility's hourly
14 pricing tariff or tariffs. The electric utility shall
15 retain all amounts collected as a result of the application
16 of the alternative compliance payment rate or rates to such
17 customers, and, beginning in 2011, the utility shall
18 include in the information provided under item (1) of
19 subsection (d) of Section 16-111.5 of the Public Utilities
20 Act the amounts collected under the alternative compliance
21 payment rate or rates for the prior year ending May 31.
22 Notwithstanding any limitation on the procurement of
23 renewable energy resources imposed by item (2) of this
24 subsection (c), the Agency shall increase its spending on
25 the purchase of renewable energy resources to be procured
26 by the electric utility for the next plan year by an amount

1 equal to the amounts collected by the utility under the
2 alternative compliance payment rate or rates in the prior
3 year ending May 31.

4 (6) The electric utility shall be entitled to recover
5 all of its costs associated with the procurement of
6 renewable energy credits under plans approved under this
7 Section and Section 16-111.5 of the Public Utilities Act.
8 These costs shall include associated reasonable expenses
9 for implementing the procurement programs, including, but
10 not limited to, the costs of administering and evaluating
11 the Adjustable Block program, through an automatic
12 adjustment clause tariff in accordance with subsection (k)
13 of Section 16-108 of the Public Utilities Act.

14 (7) Renewable energy credits procured from new
15 photovoltaic projects or new distributed renewable energy
16 generation devices under this Section after June 1, 2017
17 (the effective date of Public Act 99-906) must be procured
18 from devices installed by a qualified person in compliance
19 with the requirements of Section 16-128A of the Public
20 Utilities Act and any rules or regulations adopted
21 thereunder.

22 In meeting the renewable energy requirements of this
23 subsection (c), to the extent feasible and consistent with
24 State and federal law, the renewable energy credit
25 procurements, Adjustable Block solar program, and
26 community renewable generation program shall provide

1 employment opportunities for all segments of the
2 population and workforce, including minority-owned and
3 female-owned business enterprises, and shall not,
4 consistent with State and federal law, discriminate based
5 on race or socioeconomic status.

6 (d) Clean coal portfolio standard.

7 (1) The procurement plans shall include electricity
8 generated using clean coal. Each utility shall enter into
9 one or more sourcing agreements with the initial clean coal
10 facility, as provided in paragraph (3) of this subsection
11 (d), covering electricity generated by the initial clean
12 coal facility representing at least 5% of each utility's
13 total supply to serve the load of eligible retail customers
14 in 2015 and each year thereafter, as described in paragraph
15 (3) of this subsection (d), subject to the limits specified
16 in paragraph (2) of this subsection (d). It is the goal of
17 the State that by January 1, 2025, 25% of the electricity
18 used in the State shall be generated by cost-effective
19 clean coal facilities. For purposes of this subsection (d),
20 "cost-effective" means that the expenditures pursuant to
21 such sourcing agreements do not cause the limit stated in
22 paragraph (2) of this subsection (d) to be exceeded and do
23 not exceed cost-based benchmarks, which shall be developed
24 to assess all expenditures pursuant to such sourcing
25 agreements covering electricity generated by clean coal
26 facilities, other than the initial clean coal facility, by

1 the procurement administrator, in consultation with the
2 Commission staff, Agency staff, and the procurement
3 monitor and shall be subject to Commission review and
4 approval.

5 A utility party to a sourcing agreement shall
6 immediately retire any emission credits that it receives in
7 connection with the electricity covered by such agreement.

8 Utilities shall maintain adequate records documenting
9 the purchases under the sourcing agreement to comply with
10 this subsection (d) and shall file an accounting with the
11 load forecast that must be filed with the Agency by July 15
12 of each year, in accordance with subsection (d) of Section
13 16-111.5 of the Public Utilities Act.

14 A utility shall be deemed to have complied with the
15 clean coal portfolio standard specified in this subsection
16 (d) if the utility enters into a sourcing agreement as
17 required by this subsection (d).

18 (2) For purposes of this subsection (d), the required
19 execution of sourcing agreements with the initial clean
20 coal facility for a particular year shall be measured as a
21 percentage of the actual amount of electricity
22 (megawatt-hours) supplied by the electric utility to
23 eligible retail customers in the planning year ending
24 immediately prior to the agreement's execution. For
25 purposes of this subsection (d), the amount paid per
26 kilowatthour means the total amount paid for electric

1 service expressed on a per kilowatthour basis. For purposes
2 of this subsection (d), the total amount paid for electric
3 service includes without limitation amounts paid for
4 supply, transmission, distribution, surcharges and add-on
5 taxes.

6 Notwithstanding the requirements of this subsection
7 (d), the total amount paid under sourcing agreements with
8 clean coal facilities pursuant to the procurement plan for
9 any given year shall be reduced by an amount necessary to
10 limit the annual estimated average net increase due to the
11 costs of these resources included in the amounts paid by
12 eligible retail customers in connection with electric
13 service to:

14 (A) in 2010, no more than 0.5% of the amount paid
15 per kilowatthour by those customers during the year
16 ending May 31, 2009;

17 (B) in 2011, the greater of an additional 0.5% of
18 the amount paid per kilowatthour by those customers
19 during the year ending May 31, 2010 or 1% of the amount
20 paid per kilowatthour by those customers during the
21 year ending May 31, 2009;

22 (C) in 2012, the greater of an additional 0.5% of
23 the amount paid per kilowatthour by those customers
24 during the year ending May 31, 2011 or 1.5% of the
25 amount paid per kilowatthour by those customers during
26 the year ending May 31, 2009;

1 (D) in 2013, the greater of an additional 0.5% of
2 the amount paid per kilowatthour by those customers
3 during the year ending May 31, 2012 or 2% of the amount
4 paid per kilowatthour by those customers during the
5 year ending May 31, 2009; and

6 (E) thereafter, the total amount paid under
7 sourcing agreements with clean coal facilities
8 pursuant to the procurement plan for any single year
9 shall be reduced by an amount necessary to limit the
10 estimated average net increase due to the cost of these
11 resources included in the amounts paid by eligible
12 retail customers in connection with electric service
13 to no more than the greater of (i) 2.015% of the amount
14 paid per kilowatthour by those customers during the
15 year ending May 31, 2009 or (ii) the incremental amount
16 per kilowatthour paid for these resources in 2013.
17 These requirements may be altered only as provided by
18 statute.

19 No later than June 30, 2015, the Commission shall
20 review the limitation on the total amount paid under
21 sourcing agreements, if any, with clean coal facilities
22 pursuant to this subsection (d) and report to the General
23 Assembly its findings as to whether that limitation unduly
24 constrains the amount of electricity generated by
25 cost-effective clean coal facilities that is covered by
26 sourcing agreements.

1 (3) Initial clean coal facility. In order to promote
2 development of clean coal facilities in Illinois, each
3 electric utility subject to this Section shall execute a
4 sourcing agreement to source electricity from a proposed
5 clean coal facility in Illinois (the "initial clean coal
6 facility") that will have a nameplate capacity of at least
7 500 MW when commercial operation commences, that has a
8 final Clean Air Act permit on June 1, 2009 (the effective
9 date of Public Act 95-1027), and that will meet the
10 definition of clean coal facility in Section 1-10 of this
11 Act when commercial operation commences. The sourcing
12 agreements with this initial clean coal facility shall be
13 subject to both approval of the initial clean coal facility
14 by the General Assembly and satisfaction of the
15 requirements of paragraph (4) of this subsection (d) and
16 shall be executed within 90 days after any such approval by
17 the General Assembly. The Agency and the Commission shall
18 have authority to inspect all books and records associated
19 with the initial clean coal facility during the term of
20 such a sourcing agreement. A utility's sourcing agreement
21 for electricity produced by the initial clean coal facility
22 shall include:

23 (A) a formula contractual price (the "contract
24 price") approved pursuant to paragraph (4) of this
25 subsection (d), which shall:

26 (i) be determined using a cost of service

1 methodology employing either a level or deferred
2 capital recovery component, based on a capital
3 structure consisting of 45% equity and 55% debt,
4 and a return on equity as may be approved by the
5 Federal Energy Regulatory Commission, which in any
6 case may not exceed the lower of 11.5% or the rate
7 of return approved by the General Assembly
8 pursuant to paragraph (4) of this subsection (d);
9 and

10 (ii) provide that all miscellaneous net
11 revenue, including but not limited to net revenue
12 from the sale of emission allowances, if any,
13 substitute natural gas, if any, grants or other
14 support provided by the State of Illinois or the
15 United States Government, firm transmission
16 rights, if any, by-products produced by the
17 facility, energy or capacity derived from the
18 facility and not covered by a sourcing agreement
19 pursuant to paragraph (3) of this subsection (d) or
20 item (5) of subsection (d) of Section 16-115 of the
21 Public Utilities Act, whether generated from the
22 synthesis gas derived from coal, from SNG, or from
23 natural gas, shall be credited against the revenue
24 requirement for this initial clean coal facility;

25 (B) power purchase provisions, which shall:

26 (i) provide that the utility party to such

1 sourcing agreement shall pay the contract price
2 for electricity delivered under such sourcing
3 agreement;

4 (ii) require delivery of electricity to the
5 regional transmission organization market of the
6 utility that is party to such sourcing agreement;

7 (iii) require the utility party to such
8 sourcing agreement to buy from the initial clean
9 coal facility in each hour an amount of energy
10 equal to all clean coal energy made available from
11 the initial clean coal facility during such hour
12 times a fraction, the numerator of which is such
13 utility's retail market sales of electricity
14 (expressed in kilowatthours sold) in the State
15 during the prior calendar month and the
16 denominator of which is the total retail market
17 sales of electricity (expressed in kilowatthours
18 sold) in the State by utilities during such prior
19 month and the sales of electricity (expressed in
20 kilowatthours sold) in the State by alternative
21 retail electric suppliers during such prior month
22 that are subject to the requirements of this
23 subsection (d) and paragraph (5) of subsection (d)
24 of Section 16-115 of the Public Utilities Act,
25 provided that the amount purchased by the utility
26 in any year will be limited by paragraph (2) of

1 this subsection (d); and

2 (iv) be considered pre-existing contracts in
3 such utility's procurement plans for eligible
4 retail customers;

5 (C) contract for differences provisions, which
6 shall:

7 (i) require the utility party to such sourcing
8 agreement to contract with the initial clean coal
9 facility in each hour with respect to an amount of
10 energy equal to all clean coal energy made
11 available from the initial clean coal facility
12 during such hour times a fraction, the numerator of
13 which is such utility's retail market sales of
14 electricity (expressed in kilowatthours sold) in
15 the utility's service territory in the State
16 during the prior calendar month and the
17 denominator of which is the total retail market
18 sales of electricity (expressed in kilowatthours
19 sold) in the State by utilities during such prior
20 month and the sales of electricity (expressed in
21 kilowatthours sold) in the State by alternative
22 retail electric suppliers during such prior month
23 that are subject to the requirements of this
24 subsection (d) and paragraph (5) of subsection (d)
25 of Section 16-115 of the Public Utilities Act,
26 provided that the amount paid by the utility in any

1 year will be limited by paragraph (2) of this
2 subsection (d);

3 (ii) provide that the utility's payment
4 obligation in respect of the quantity of
5 electricity determined pursuant to the preceding
6 clause (i) shall be limited to an amount equal to
7 (1) the difference between the contract price
8 determined pursuant to subparagraph (A) of
9 paragraph (3) of this subsection (d) and the
10 day-ahead price for electricity delivered to the
11 regional transmission organization market of the
12 utility that is party to such sourcing agreement
13 (or any successor delivery point at which such
14 utility's supply obligations are financially
15 settled on an hourly basis) (the "reference
16 price") on the day preceding the day on which the
17 electricity is delivered to the initial clean coal
18 facility busbar, multiplied by (2) the quantity of
19 electricity determined pursuant to the preceding
20 clause (i); and

21 (iii) not require the utility to take physical
22 delivery of the electricity produced by the
23 facility;

24 (D) general provisions, which shall:

25 (i) specify a term of no more than 30 years,
26 commencing on the commercial operation date of the

1 facility;

2 (ii) provide that utilities shall maintain
3 adequate records documenting purchases under the
4 sourcing agreements entered into to comply with
5 this subsection (d) and shall file an accounting
6 with the load forecast that must be filed with the
7 Agency by July 15 of each year, in accordance with
8 subsection (d) of Section 16-111.5 of the Public
9 Utilities Act;

10 (iii) provide that all costs associated with
11 the initial clean coal facility will be
12 periodically reported to the Federal Energy
13 Regulatory Commission and to purchasers in
14 accordance with applicable laws governing
15 cost-based wholesale power contracts;

16 (iv) permit the Illinois Power Agency to
17 assume ownership of the initial clean coal
18 facility, without monetary consideration and
19 otherwise on reasonable terms acceptable to the
20 Agency, if the Agency so requests no less than 3
21 years prior to the end of the stated contract term;

22 (v) require the owner of the initial clean coal
23 facility to provide documentation to the
24 Commission each year, starting in the facility's
25 first year of commercial operation, accurately
26 reporting the quantity of carbon emissions from

1 the facility that have been captured and
2 sequestered and report any quantities of carbon
3 released from the site or sites at which carbon
4 emissions were sequestered in prior years, based
5 on continuous monitoring of such sites. If, in any
6 year after the first year of commercial operation,
7 the owner of the facility fails to demonstrate that
8 the initial clean coal facility captured and
9 sequestered at least 50% of the total carbon
10 emissions that the facility would otherwise emit
11 or that sequestration of emissions from prior
12 years has failed, resulting in the release of
13 carbon dioxide into the atmosphere, the owner of
14 the facility must offset excess emissions. Any
15 such carbon offsets must be permanent, additional,
16 verifiable, real, located within the State of
17 Illinois, and legally and practicably enforceable.
18 The cost of such offsets for the facility that are
19 not recoverable shall not exceed \$15 million in any
20 given year. No costs of any such purchases of
21 carbon offsets may be recovered from a utility or
22 its customers. All carbon offsets purchased for
23 this purpose and any carbon emission credits
24 associated with sequestration of carbon from the
25 facility must be permanently retired. The initial
26 clean coal facility shall not forfeit its

1 designation as a clean coal facility if the
2 facility fails to fully comply with the applicable
3 carbon sequestration requirements in any given
4 year, provided the requisite offsets are
5 purchased. However, the Attorney General, on
6 behalf of the People of the State of Illinois, may
7 specifically enforce the facility's sequestration
8 requirement and the other terms of this contract
9 provision. Compliance with the sequestration
10 requirements and offset purchase requirements
11 specified in paragraph (3) of this subsection (d)
12 shall be reviewed annually by an independent
13 expert retained by the owner of the initial clean
14 coal facility, with the advance written approval
15 of the Attorney General. The Commission may, in the
16 course of the review specified in item (vii),
17 reduce the allowable return on equity for the
18 facility if the facility willfully fails to comply
19 with the carbon capture and sequestration
20 requirements set forth in this item (v);

21 (vi) include limits on, and accordingly
22 provide for modification of, the amount the
23 utility is required to source under the sourcing
24 agreement consistent with paragraph (2) of this
25 subsection (d);

26 (vii) require Commission review: (1) to

1 determine the justness, reasonableness, and
2 prudence of the inputs to the formula referenced in
3 subparagraphs (A)(i) through (A)(iii) of paragraph
4 (3) of this subsection (d), prior to an adjustment
5 in those inputs including, without limitation, the
6 capital structure and return on equity, fuel
7 costs, and other operations and maintenance costs
8 and (2) to approve the costs to be passed through
9 to customers under the sourcing agreement by which
10 the utility satisfies its statutory obligations.
11 Commission review shall occur no less than every 3
12 years, regardless of whether any adjustments have
13 been proposed, and shall be completed within 9
14 months;

15 (viii) limit the utility's obligation to such
16 amount as the utility is allowed to recover through
17 tariffs filed with the Commission, provided that
18 neither the clean coal facility nor the utility
19 waives any right to assert federal pre-emption or
20 any other argument in response to a purported
21 disallowance of recovery costs;

22 (ix) limit the utility's or alternative retail
23 electric supplier's obligation to incur any
24 liability until such time as the facility is in
25 commercial operation and generating power and
26 energy and such power and energy is being delivered

1 to the facility busbar;

2 (x) provide that the owner or owners of the
3 initial clean coal facility, which is the
4 counterparty to such sourcing agreement, shall
5 have the right from time to time to elect whether
6 the obligations of the utility party thereto shall
7 be governed by the power purchase provisions or the
8 contract for differences provisions;

9 (xi) append documentation showing that the
10 formula rate and contract, insofar as they relate
11 to the power purchase provisions, have been
12 approved by the Federal Energy Regulatory
13 Commission pursuant to Section 205 of the Federal
14 Power Act;

15 (xii) provide that any changes to the terms of
16 the contract, insofar as such changes relate to the
17 power purchase provisions, are subject to review
18 under the public interest standard applied by the
19 Federal Energy Regulatory Commission pursuant to
20 Sections 205 and 206 of the Federal Power Act; and

21 (xiii) conform with customary lender
22 requirements in power purchase agreements used as
23 the basis for financing non-utility generators.

24 (4) Effective date of sourcing agreements with the
25 initial clean coal facility. Any proposed sourcing
26 agreement with the initial clean coal facility shall not

1 become effective unless the following reports are prepared
2 and submitted and authorizations and approvals obtained:

3 (i) Facility cost report. The owner of the initial
4 clean coal facility shall submit to the Commission, the
5 Agency, and the General Assembly a front-end
6 engineering and design study, a facility cost report,
7 method of financing (including but not limited to
8 structure and associated costs), and an operating and
9 maintenance cost quote for the facility (collectively
10 "facility cost report"), which shall be prepared in
11 accordance with the requirements of this paragraph (4)
12 of subsection (d) of this Section, and shall provide
13 the Commission and the Agency access to the work
14 papers, relied upon documents, and any other backup
15 documentation related to the facility cost report.

16 (ii) Commission report. Within 6 months following
17 receipt of the facility cost report, the Commission, in
18 consultation with the Agency, shall submit a report to
19 the General Assembly setting forth its analysis of the
20 facility cost report. Such report shall include, but
21 not be limited to, a comparison of the costs associated
22 with electricity generated by the initial clean coal
23 facility to the costs associated with electricity
24 generated by other types of generation facilities, an
25 analysis of the rate impacts on residential and small
26 business customers over the life of the sourcing

1 agreements, and an analysis of the likelihood that the
2 initial clean coal facility will commence commercial
3 operation by and be delivering power to the facility's
4 busbar by 2016. To assist in the preparation of its
5 report, the Commission, in consultation with the
6 Agency, may hire one or more experts or consultants,
7 the costs of which shall be paid for by the owner of
8 the initial clean coal facility. The Commission and
9 Agency may begin the process of selecting such experts
10 or consultants prior to receipt of the facility cost
11 report.

12 (iii) General Assembly approval. The proposed
13 sourcing agreements shall not take effect unless,
14 based on the facility cost report and the Commission's
15 report, the General Assembly enacts authorizing
16 legislation approving (A) the projected price, stated
17 in cents per kilowatthour, to be charged for
18 electricity generated by the initial clean coal
19 facility, (B) the projected impact on residential and
20 small business customers' bills over the life of the
21 sourcing agreements, and (C) the maximum allowable
22 return on equity for the project; and

23 (iv) Commission review. If the General Assembly
24 enacts authorizing legislation pursuant to
25 subparagraph (iii) approving a sourcing agreement, the
26 Commission shall, within 90 days of such enactment,

1 complete a review of such sourcing agreement. During
2 such time period, the Commission shall implement any
3 directive of the General Assembly, resolve any
4 disputes between the parties to the sourcing agreement
5 concerning the terms of such agreement, approve the
6 form of such agreement, and issue an order finding that
7 the sourcing agreement is prudent and reasonable.

8 The facility cost report shall be prepared as follows:

9 (A) The facility cost report shall be prepared by
10 duly licensed engineering and construction firms
11 detailing the estimated capital costs payable to one or
12 more contractors or suppliers for the engineering,
13 procurement and construction of the components
14 comprising the initial clean coal facility and the
15 estimated costs of operation and maintenance of the
16 facility. The facility cost report shall include:

17 (i) an estimate of the capital cost of the core
18 plant based on one or more front end engineering
19 and design studies for the gasification island and
20 related facilities. The core plant shall include
21 all civil, structural, mechanical, electrical,
22 control, and safety systems.

23 (ii) an estimate of the capital cost of the
24 balance of the plant, including any capital costs
25 associated with sequestration of carbon dioxide
26 emissions and all interconnects and interfaces

1 required to operate the facility, such as
2 transmission of electricity, construction or
3 backfeed power supply, pipelines to transport
4 substitute natural gas or carbon dioxide, potable
5 water supply, natural gas supply, water supply,
6 water discharge, landfill, access roads, and coal
7 delivery.

8 The quoted construction costs shall be expressed
9 in nominal dollars as of the date that the quote is
10 prepared and shall include capitalized financing costs
11 during construction, taxes, insurance, and other
12 owner's costs, and an assumed escalation in materials
13 and labor beyond the date as of which the construction
14 cost quote is expressed.

15 (B) The front end engineering and design study for
16 the gasification island and the cost study for the
17 balance of plant shall include sufficient design work
18 to permit quantification of major categories of
19 materials, commodities and labor hours, and receipt of
20 quotes from vendors of major equipment required to
21 construct and operate the clean coal facility.

22 (C) The facility cost report shall also include an
23 operating and maintenance cost quote that will provide
24 the estimated cost of delivered fuel, personnel,
25 maintenance contracts, chemicals, catalysts,
26 consumables, spares, and other fixed and variable

1 operations and maintenance costs. The delivered fuel
2 cost estimate will be provided by a recognized third
3 party expert or experts in the fuel and transportation
4 industries. The balance of the operating and
5 maintenance cost quote, excluding delivered fuel
6 costs, will be developed based on the inputs provided
7 by duly licensed engineering and construction firms
8 performing the construction cost quote, potential
9 vendors under long-term service agreements and plant
10 operating agreements, or recognized third party plant
11 operator or operators.

12 The operating and maintenance cost quote
13 (including the cost of the front end engineering and
14 design study) shall be expressed in nominal dollars as
15 of the date that the quote is prepared and shall
16 include taxes, insurance, and other owner's costs, and
17 an assumed escalation in materials and labor beyond the
18 date as of which the operating and maintenance cost
19 quote is expressed.

20 (D) The facility cost report shall also include an
21 analysis of the initial clean coal facility's ability
22 to deliver power and energy into the applicable
23 regional transmission organization markets and an
24 analysis of the expected capacity factor for the
25 initial clean coal facility.

26 (E) Amounts paid to third parties unrelated to the

1 owner or owners of the initial clean coal facility to
2 prepare the core plant construction cost quote,
3 including the front end engineering and design study,
4 and the operating and maintenance cost quote will be
5 reimbursed through Coal Development Bonds.

6 (5) Re-powering and retrofitting coal-fired power
7 plants previously owned by Illinois utilities to qualify as
8 clean coal facilities. During the 2009 procurement
9 planning process and thereafter, the Agency and the
10 Commission shall consider sourcing agreements covering
11 electricity generated by power plants that were previously
12 owned by Illinois utilities and that have been or will be
13 converted into clean coal facilities, as defined by Section
14 1-10 of this Act. Pursuant to such procurement planning
15 process, the owners of such facilities may propose to the
16 Agency sourcing agreements with utilities and alternative
17 retail electric suppliers required to comply with
18 subsection (d) of this Section and item (5) of subsection
19 (d) of Section 16-115 of the Public Utilities Act, covering
20 electricity generated by such facilities. In the case of
21 sourcing agreements that are power purchase agreements,
22 the contract price for electricity sales shall be
23 established on a cost of service basis. In the case of
24 sourcing agreements that are contracts for differences,
25 the contract price from which the reference price is
26 subtracted shall be established on a cost of service basis.

1 The Agency and the Commission may approve any such utility
2 sourcing agreements that do not exceed cost-based
3 benchmarks developed by the procurement administrator, in
4 consultation with the Commission staff, Agency staff and
5 the procurement monitor, subject to Commission review and
6 approval. The Commission shall have authority to inspect
7 all books and records associated with these clean coal
8 facilities during the term of any such contract.

9 (6) Costs incurred under this subsection (d) or
10 pursuant to a contract entered into under this subsection
11 (d) shall be deemed prudently incurred and reasonable in
12 amount and the electric utility shall be entitled to full
13 cost recovery pursuant to the tariffs filed with the
14 Commission.

15 (d-5) Zero emission standard.

16 (1) Beginning with the delivery year commencing on June
17 1, 2017, the Agency shall, for electric utilities that
18 serve at least 100,000 retail customers in this State,
19 procure contracts with zero emission facilities that are
20 reasonably capable of generating cost-effective zero
21 emission credits in an amount approximately equal to 16% of
22 the actual amount of electricity delivered by each electric
23 utility to retail customers in the State during calendar
24 year 2014. For an electric utility serving fewer than
25 100,000 retail customers in this State that requested,
26 under Section 16-111.5 of the Public Utilities Act, that

1 the Agency procure power and energy for all or a portion of
2 the utility's Illinois load for the delivery year
3 commencing June 1, 2016, the Agency shall procure contracts
4 with zero emission facilities that are reasonably capable
5 of generating cost-effective zero emission credits in an
6 amount approximately equal to 16% of the portion of power
7 and energy to be procured by the Agency for the utility.
8 The duration of the contracts procured under this
9 subsection (d-5) shall be for a term of 10 years ending May
10 31, 2027. The quantity of zero emission credits to be
11 procured under the contracts shall be all of the zero
12 emission credits generated by the zero emission facility in
13 each delivery year; however, if the zero emission facility
14 is owned by more than one entity, then the quantity of zero
15 emission credits to be procured under the contracts shall
16 be the amount of zero emission credits that are generated
17 from the portion of the zero emission facility that is
18 owned by the winning supplier.

19 The 16% value identified in this paragraph (1) is the
20 average of the percentage targets in subparagraph (B) of
21 paragraph (1) of subsection (c) of this Section for the 5
22 delivery years beginning June 1, 2017.

23 The procurement process shall be subject to the
24 following provisions:

25 (A) Those zero emission facilities that intend to
26 participate in the procurement shall submit to the

1 Agency the following eligibility information for each
2 zero emission facility on or before the date
3 established by the Agency:

4 (i) the in-service date and remaining useful
5 life of the zero emission facility;

6 (ii) the amount of power generated annually
7 for each of the years 2005 through 2015, and the
8 projected zero emission credits to be generated
9 over the remaining useful life of the zero emission
10 facility, which shall be used to determine the
11 capability of each facility;

12 (iii) the annual zero emission facility cost
13 projections, expressed on a per megawatthour
14 basis, over the next 6 delivery years, which shall
15 include the following: operation and maintenance
16 expenses; fully allocated overhead costs, which
17 shall be allocated using the methodology developed
18 by the Institute for Nuclear Power Operations;
19 fuel expenditures; non-fuel capital expenditures;
20 spent fuel expenditures; a return on working
21 capital; the cost of operational and market risks
22 that could be avoided by ceasing operation; and any
23 other costs necessary for continued operations,
24 provided that "necessary" means, for purposes of
25 this item (iii), that the costs could reasonably be
26 avoided only by ceasing operations of the zero

1 emission facility; and

2 (iv) a commitment to continue operating, for
3 the duration of the contract or contracts executed
4 under the procurement held under this subsection
5 (d-5), the zero emission facility that produces
6 the zero emission credits to be procured in the
7 procurement.

8 The information described in item (iii) of this
9 subparagraph (A) may be submitted on a confidential
10 basis and shall be treated and maintained by the
11 Agency, the procurement administrator, and the
12 Commission as confidential and proprietary and exempt
13 from disclosure under subparagraphs (a) and (g) of
14 paragraph (1) of Section 7 of the Freedom of
15 Information Act. The Office of Attorney General shall
16 have access to, and maintain the confidentiality of,
17 such information pursuant to Section 6.5 of the
18 Attorney General Act.

19 (B) The price for each zero emission credit
20 procured under this subsection (d-5) for each delivery
21 year shall be in an amount that equals the Social Cost
22 of Carbon, expressed on a price per megawatthour basis.
23 However, to ensure that the procurement remains
24 affordable to retail customers in this State if
25 electricity prices increase, the price in an
26 applicable delivery year shall be reduced below the

1 Social Cost of Carbon by the amount ("Price
2 Adjustment") by which the market price index for the
3 applicable delivery year exceeds the baseline market
4 price index for the consecutive 12-month period ending
5 May 31, 2016. If the Price Adjustment is greater than
6 or equal to the Social Cost of Carbon in an applicable
7 delivery year, then no payments shall be due in that
8 delivery year. The components of this calculation are
9 defined as follows:

10 (i) Social Cost of Carbon: The Social Cost of
11 Carbon is \$16.50 per megawatthour, which is based
12 on the U.S. Interagency Working Group on Social
13 Cost of Carbon's price in the August 2016 Technical
14 Update using a 3% discount rate, adjusted for
15 inflation for each year of the program. Beginning
16 with the delivery year commencing June 1, 2023, the
17 price per megawatthour shall increase by \$1 per
18 megawatthour, and continue to increase by an
19 additional \$1 per megawatthour each delivery year
20 thereafter.

21 (ii) Baseline market price index: The baseline
22 market price index for the consecutive 12-month
23 period ending May 31, 2016 is \$31.40 per
24 megawatthour, which is based on the sum of (aa) the
25 average day-ahead energy price across all hours of
26 such 12-month period at the PJM Interconnection

1 LLC Northern Illinois Hub, (bb) 50% multiplied by
2 the Base Residual Auction, or its successor,
3 capacity price for the rest of the RTO zone group
4 determined by PJM Interconnection LLC, divided by
5 24 hours per day, and (cc) 50% multiplied by the
6 Planning Resource Auction, or its successor,
7 capacity price for Zone 4 determined by the
8 Midcontinent Independent System Operator, Inc.,
9 divided by 24 hours per day.

10 (iii) Market price index: The market price
11 index for a delivery year shall be the sum of
12 projected energy prices and projected capacity
13 prices determined as follows:

14 (aa) Projected energy prices: the
15 projected energy prices for the applicable
16 delivery year shall be calculated once for the
17 year using the forward market price for the PJM
18 Interconnection, LLC Northern Illinois Hub.
19 The forward market price shall be calculated as
20 follows: the energy forward prices for each
21 month of the applicable delivery year averaged
22 for each trade date during the calendar year
23 immediately preceding that delivery year to
24 produce a single energy forward price for the
25 delivery year. The forward market price
26 calculation shall use data published by the

1 Intercontinental Exchange, or its successor.

2 (bb) Projected capacity prices:

3 (I) For the delivery years commencing
4 June 1, 2017, June 1, 2018, and June 1,
5 2019, the projected capacity price shall
6 be equal to the sum of (1) 50% multiplied
7 by the Base Residual Auction, or its
8 successor, price for the rest of the RTO
9 zone group as determined by PJM
10 Interconnection LLC, divided by 24 hours
11 per day and, (2) 50% multiplied by the
12 resource auction price determined in the
13 resource auction administered by the
14 Midcontinent Independent System Operator,
15 Inc., in which the largest percentage of
16 load cleared for Local Resource Zone 4,
17 divided by 24 hours per day, and where such
18 price is determined by the Midcontinent
19 Independent System Operator, Inc.

20 (II) For the delivery year commencing
21 June 1, 2020, and each year thereafter, the
22 projected capacity price shall be equal to
23 the sum of (1) 50% multiplied by the Base
24 Residual Auction, or its successor, price
25 for the ComEd zone as determined by PJM
26 Interconnection LLC, divided by 24 hours

1 per day, and (2) 50% multiplied by the
2 resource auction price determined in the
3 resource auction administered by the
4 Midcontinent Independent System Operator,
5 Inc., in which the largest percentage of
6 load cleared for Local Resource Zone 4,
7 divided by 24 hours per day, and where such
8 price is determined by the Midcontinent
9 Independent System Operator, Inc.

10 For purposes of this subsection (d-5):

11 "Rest of the RTO" and "ComEd Zone" shall have
12 the meaning ascribed to them by PJM
13 Interconnection, LLC.

14 "RTO" means regional transmission
15 organization.

16 (C) No later than 45 days after June 1, 2017 (the
17 effective date of Public Act 99-906), the Agency shall
18 publish its proposed zero emission standard
19 procurement plan. The plan shall be consistent with the
20 provisions of this paragraph (1) and shall provide that
21 winning bids shall be selected based on public interest
22 criteria that include, but are not limited to,
23 minimizing carbon dioxide emissions that result from
24 electricity consumed in Illinois and minimizing sulfur
25 dioxide, nitrogen oxide, and particulate matter
26 emissions that adversely affect the citizens of this

1 State. In particular, the selection of winning bids
2 shall take into account the incremental environmental
3 benefits resulting from the procurement, such as any
4 existing environmental benefits that are preserved by
5 the procurements held under Public Act 99-906 and would
6 cease to exist if the procurements were not held,
7 including the preservation of zero emission
8 facilities. The plan shall also describe in detail how
9 each public interest factor shall be considered and
10 weighted in the bid selection process to ensure that
11 the public interest criteria are applied to the
12 procurement and given full effect.

13 For purposes of developing the plan, the Agency
14 shall consider any reports issued by a State agency,
15 board, or commission under House Resolution 1146 of the
16 98th General Assembly and paragraph (4) of subsection
17 (d) of this Section, as well as publicly available
18 analyses and studies performed by or for regional
19 transmission organizations that serve the State and
20 their independent market monitors.

21 Upon publishing of the zero emission standard
22 procurement plan, copies of the plan shall be posted
23 and made publicly available on the Agency's website.
24 All interested parties shall have 10 days following the
25 date of posting to provide comment to the Agency on the
26 plan. All comments shall be posted to the Agency's

1 website. Following the end of the comment period, but
2 no more than 60 days later than June 1, 2017 (the
3 effective date of Public Act 99-906), the Agency shall
4 revise the plan as necessary based on the comments
5 received and file its zero emission standard
6 procurement plan with the Commission.

7 If the Commission determines that the plan will
8 result in the procurement of cost-effective zero
9 emission credits, then the Commission shall, after
10 notice and hearing, but no later than 45 days after the
11 Agency filed the plan, approve the plan or approve with
12 modification. For purposes of this subsection (d-5),
13 "cost effective" means the projected costs of
14 procuring zero emission credits from zero emission
15 facilities do not cause the limit stated in paragraph
16 (2) of this subsection to be exceeded.

17 (C-5) As part of the Commission's review and
18 acceptance or rejection of the procurement results,
19 the Commission shall, in its public notice of
20 successful bidders:

21 (i) identify how the winning bids satisfy the
22 public interest criteria described in subparagraph
23 (C) of this paragraph (1) of minimizing carbon
24 dioxide emissions that result from electricity
25 consumed in Illinois and minimizing sulfur
26 dioxide, nitrogen oxide, and particulate matter

1 emissions that adversely affect the citizens of
2 this State;

3 (ii) specifically address how the selection of
4 winning bids takes into account the incremental
5 environmental benefits resulting from the
6 procurement, including any existing environmental
7 benefits that are preserved by the procurements
8 held under Public Act 99-906 and would have ceased
9 to exist if the procurements had not been held,
10 such as the preservation of zero emission
11 facilities;

12 (iii) quantify the environmental benefit of
13 preserving the resources identified in item (ii)
14 of this subparagraph (C-5), including the
15 following:

16 (aa) the value of avoided greenhouse gas
17 emissions measured as the product of the zero
18 emission facilities' output over the contract
19 term multiplied by the U.S. Environmental
20 Protection Agency eGrid subregion carbon
21 dioxide emission rate and the U.S. Interagency
22 Working Group on Social Cost of Carbon's price
23 in the August 2016 Technical Update using a 3%
24 discount rate, adjusted for inflation for each
25 delivery year; and

26 (bb) the costs of replacement with other

1 zero carbon dioxide resources, including wind
2 and photovoltaic, based upon the simple
3 average of the following:

4 (I) the price, or if there is more than
5 one price, the average of the prices, paid
6 for renewable energy credits from new
7 utility-scale wind projects in the
8 procurement events specified in item (i)
9 of subparagraph (G) of paragraph (1) of
10 subsection (c) of this Section; and

11 (II) the price, or if there is more
12 than one price, the average of the prices,
13 paid for renewable energy credits from new
14 utility-scale solar projects and
15 brownfield site photovoltaic projects in
16 the procurement events specified in item
17 (ii) of subparagraph (G) of paragraph (1)
18 of subsection (c) of this Section and,
19 after January 1, 2015, renewable energy
20 credits from photovoltaic distributed
21 generation projects in procurement events
22 held under subsection (c) of this Section.

23 Each utility shall enter into binding contractual
24 arrangements with the winning suppliers.

25 The procurement described in this subsection
26 (d-5), including, but not limited to, the execution of

1 all contracts procured, shall be completed no later
2 than May 10, 2017. Based on the effective date of
3 Public Act 99-906, the Agency and Commission may, as
4 appropriate, modify the various dates and timelines
5 under this subparagraph and subparagraphs (C) and (D)
6 of this paragraph (1). The procurement and plan
7 approval processes required by this subsection (d-5)
8 shall be conducted in conjunction with the procurement
9 and plan approval processes required by subsection (c)
10 of this Section and Section 16-111.5 of the Public
11 Utilities Act, to the extent practicable.
12 Notwithstanding whether a procurement event is
13 conducted under Section 16-111.5 of the Public
14 Utilities Act, the Agency shall immediately initiate a
15 procurement process on June 1, 2017 (the effective date
16 of Public Act 99-906).

17 (D) Following the procurement event described in
18 this paragraph (1) and consistent with subparagraph
19 (B) of this paragraph (1), the Agency shall calculate
20 the payments to be made under each contract for the
21 next delivery year based on the market price index for
22 that delivery year. The Agency shall publish the
23 payment calculations no later than May 25, 2017 and
24 every May 25 thereafter.

25 (E) Notwithstanding the requirements of this
26 subsection (d-5), the contracts executed under this

1 subsection (d-5) shall provide that the zero emission
2 facility may, as applicable, suspend or terminate
3 performance under the contracts in the following
4 instances:

5 (i) A zero emission facility shall be excused
6 from its performance under the contract for any
7 cause beyond the control of the resource,
8 including, but not restricted to, acts of God,
9 flood, drought, earthquake, storm, fire,
10 lightning, epidemic, war, riot, civil disturbance
11 or disobedience, labor dispute, labor or material
12 shortage, sabotage, acts of public enemy,
13 explosions, orders, regulations or restrictions
14 imposed by governmental, military, or lawfully
15 established civilian authorities, which, in any of
16 the foregoing cases, by exercise of commercially
17 reasonable efforts the zero emission facility
18 could not reasonably have been expected to avoid,
19 and which, by the exercise of commercially
20 reasonable efforts, it has been unable to
21 overcome. In such event, the zero emission
22 facility shall be excused from performance for the
23 duration of the event, including, but not limited
24 to, delivery of zero emission credits, and no
25 payment shall be due to the zero emission facility
26 during the duration of the event.

1 (ii) A zero emission facility shall be
2 permitted to terminate the contract if legislation
3 is enacted into law by the General Assembly that
4 imposes or authorizes a new tax, special
5 assessment, or fee on the generation of
6 electricity, the ownership or leasehold of a
7 generating unit, or the privilege or occupation of
8 such generation, ownership, or leasehold of
9 generation units by a zero emission facility.
10 However, the provisions of this item (ii) do not
11 apply to any generally applicable tax, special
12 assessment or fee, or requirements imposed by
13 federal law.

14 (iii) A zero emission facility shall be
15 permitted to terminate the contract in the event
16 that the resource requires capital expenditures in
17 excess of \$40,000,000 that were neither known nor
18 reasonably foreseeable at the time it executed the
19 contract and that a prudent owner or operator of
20 such resource would not undertake.

21 (iv) A zero emission facility shall be
22 permitted to terminate the contract in the event
23 the Nuclear Regulatory Commission terminates the
24 resource's license.

25 (F) If the zero emission facility elects to
26 terminate a contract under subparagraph (E) of this

1 paragraph (1), then the Commission shall reopen the
2 docket in which the Commission approved the zero
3 emission standard procurement plan under subparagraph
4 (C) of this paragraph (1) and, after notice and
5 hearing, enter an order acknowledging the contract
6 termination election if such termination is consistent
7 with the provisions of this subsection (d-5).

8 (2) For purposes of this subsection (d-5), the amount
9 paid per kilowatthour means the total amount paid for
10 electric service expressed on a per kilowatthour basis. For
11 purposes of this subsection (d-5), the total amount paid
12 for electric service includes, without limitation, amounts
13 paid for supply, transmission, distribution, surcharges,
14 and add-on taxes.

15 Notwithstanding the requirements of this subsection
16 (d-5), the contracts executed under this subsection (d-5)
17 shall provide that the total of zero emission credits
18 procured under a procurement plan shall be subject to the
19 limitations of this paragraph (2). For each delivery year,
20 the contractual volume receiving payments in such year
21 shall be reduced for all retail customers based on the
22 amount necessary to limit the net increase that delivery
23 year to the costs of those credits included in the amounts
24 paid by eligible retail customers in connection with
25 electric service to no more than 1.65% of the amount paid
26 per kilowatthour by eligible retail customers during the

1 year ending May 31, 2009. The result of this computation
2 shall apply to and reduce the procurement for all retail
3 customers, and all those customers shall pay the same
4 single, uniform cents per kilowatthour charge under
5 subsection (k) of Section 16-108 of the Public Utilities
6 Act. To arrive at a maximum dollar amount of zero emission
7 credits to be paid for the particular delivery year, the
8 resulting per kilowatthour amount shall be applied to the
9 actual amount of kilowatthours of electricity delivered by
10 the electric utility in the delivery year immediately prior
11 to the procurement, to all retail customers in its service
12 territory. Unpaid contractual volume for any delivery year
13 shall be paid in any subsequent delivery year in which such
14 payments can be made without exceeding the amount specified
15 in this paragraph (2). The calculations required by this
16 paragraph (2) shall be made only once for each procurement
17 plan year. Once the determination as to the amount of zero
18 emission credits to be paid is made based on the
19 calculations set forth in this paragraph (2), no subsequent
20 rate impact determinations shall be made and no adjustments
21 to those contract amounts shall be allowed. All costs
22 incurred under those contracts and in implementing this
23 subsection (d-5) shall be recovered by the electric utility
24 as provided in this Section.

25 No later than June 30, 2019, the Commission shall
26 review the limitation on the amount of zero emission

1 credits procured under this subsection (d-5) and report to
2 the General Assembly its findings as to whether that
3 limitation unduly constrains the procurement of
4 cost-effective zero emission credits.

5 (3) Six years after the execution of a contract under
6 this subsection (d-5), the Agency shall determine whether
7 the actual zero emission credit payments received by the
8 supplier over the 6-year period exceed the Average ZEC
9 Payment. In addition, at the end of the term of a contract
10 executed under this subsection (d-5), or at the time, if
11 any, a zero emission facility's contract is terminated
12 under subparagraph (E) of paragraph (1) of this subsection
13 (d-5), then the Agency shall determine whether the actual
14 zero emission credit payments received by the supplier over
15 the term of the contract exceed the Average ZEC Payment,
16 after taking into account any amounts previously credited
17 back to the utility under this paragraph (3). If the Agency
18 determines that the actual zero emission credit payments
19 received by the supplier over the relevant period exceed
20 the Average ZEC Payment, then the supplier shall credit the
21 difference back to the utility. The amount of the credit
22 shall be remitted to the applicable electric utility no
23 later than 120 days after the Agency's determination, which
24 the utility shall reflect as a credit on its retail
25 customer bills as soon as practicable; however, the credit
26 remitted to the utility shall not exceed the total amount

1 of payments received by the facility under its contract.

2 For purposes of this Section, the Average ZEC Payment
3 shall be calculated by multiplying the quantity of zero
4 emission credits delivered under the contract times the
5 average contract price. The average contract price shall be
6 determined by subtracting the amount calculated under
7 subparagraph (B) of this paragraph (3) from the amount
8 calculated under subparagraph (A) of this paragraph (3), as
9 follows:

10 (A) The average of the Social Cost of Carbon, as
11 defined in subparagraph (B) of paragraph (1) of this
12 subsection (d-5), during the term of the contract.

13 (B) The average of the market price indices, as
14 defined in subparagraph (B) of paragraph (1) of this
15 subsection (d-5), during the term of the contract,
16 minus the baseline market price index, as defined in
17 subparagraph (B) of paragraph (1) of this subsection
18 (d-5).

19 If the subtraction yields a negative number, then the
20 Average ZEC Payment shall be zero.

21 (4) Cost-effective zero emission credits procured from
22 zero emission facilities shall satisfy the applicable
23 definitions set forth in Section 1-10 of this Act.

24 (5) The electric utility shall retire all zero emission
25 credits used to comply with the requirements of this
26 subsection (d-5).

1 (6) Electric utilities shall be entitled to recover all
2 of the costs associated with the procurement of zero
3 emission credits through an automatic adjustment clause
4 tariff in accordance with subsection (k) and (m) of Section
5 16-108 of the Public Utilities Act, and the contracts
6 executed under this subsection (d-5) shall provide that the
7 utilities' payment obligations under such contracts shall
8 be reduced if an adjustment is required under subsection
9 (m) of Section 16-108 of the Public Utilities Act.

10 (7) This subsection (d-5) shall become inoperative on
11 January 1, 2028.

12 (e) The draft procurement plans are subject to public
13 comment, as required by Section 16-111.5 of the Public
14 Utilities Act.

15 (f) The Agency shall submit the final procurement plan to
16 the Commission. The Agency shall revise a procurement plan if
17 the Commission determines that it does not meet the standards
18 set forth in Section 16-111.5 of the Public Utilities Act.

19 (g) The Agency shall assess fees to each affected utility
20 to recover the costs incurred in preparation of the annual
21 procurement plan for the utility.

22 (h) The Agency shall assess fees to each bidder to recover
23 the costs incurred in connection with a competitive procurement
24 process.

25 (i) A renewable energy credit, carbon emission credit, or
26 zero emission credit can only be used once to comply with a

1 single portfolio or other standard as set forth in subsection
2 (c), subsection (d), or subsection (d-5) of this Section,
3 respectively. A renewable energy credit, carbon emission
4 credit, or zero emission credit cannot be used to satisfy the
5 requirements of more than one standard. If more than one type
6 of credit is issued for the same megawatt hour of energy, only
7 one credit can be used to satisfy the requirements of a single
8 standard. After such use, the credit must be retired together
9 with any other credits issued for the same megawatt hour of
10 energy.

11 (Source: P.A. 100-863, eff. 8-14-18; 101-81, eff. 7-12-19;
12 101-113, eff. 1-1-20.)

13 Section 10. The Transportation Network Providers Act is
14 amended by adding Section 33 as follows:

15 (625 ILCS 57/33 new)

16 Sec. 33. Continuation of Act; validation.

17 (a) The General Assembly finds and declares that:

18 (1) Public Act 101-639, which took effect on June 12,
19 2020, changed the repeal date set for the Transportation
20 Network Providers Act from June 1, 2020 to June 1, 2021.

21 (2) The Statute on Statutes sets forth general rules on
22 the repeal of statutes and the construction of multiple
23 amendments, but Section 1 of that Act also states that
24 these rules will not be observed when the result would be

1 "inconsistent with the manifest intent of the General
2 Assembly or repugnant to the context of the statute".

3 (3) This amendatory Act of the 101st General Assembly
4 manifests the intention of the General Assembly to extend
5 the repeal of the Transportation Network Providers Act and
6 have the Transportation Network Providers Act continue in
7 effect until June 1, 2021.

8 (4) The Transportation Network Providers Act was
9 originally enacted to protect, promote, and preserve the
10 general welfare. Any construction of this Act that results
11 in the repeal of this Act on June 1, 2020 would be
12 inconsistent with the manifest intent of the General
13 Assembly and repugnant to the context of the Transportation
14 Network Providers Act.

15 (b) It is hereby declared to have been the intent of the
16 General Assembly that the Transportation Network Providers Act
17 not be subject to repeal on June 1, 2020.

18 (c) The Transportation Network Providers Act shall be
19 deemed to have been in continuous effect since June 1, 2015
20 (the effective date of Public Act 98-1173), and it shall
21 continue to be in effect until it is otherwise lawfully
22 repealed. All previously enacted amendments to the Act taking
23 effect on or after June 1, 2020, are hereby validated.

24 (d) All actions taken in reliance on or pursuant to the
25 Transportation Network Providers Act by any person or entity
26 are hereby validated.

1 (e) In order to ensure the continuing effectiveness of the
2 Transportation Network Providers Act, it is set forth in full
3 and reenacted by this amendatory Act of the 101st General
4 Assembly. Striking and underscoring are used only to show
5 changes being made to the base text. This reenactment is
6 intended as a continuation of the Act. It is not intended to
7 supersede any amendment to the Act that is enacted by the 101st
8 General Assembly.

9 (f) The Transportation Network Providers Act applies to all
10 claims, civil actions, and proceedings pending on or filed on
11 or before the effective date of this amendatory Act of the
12 101st General Assembly.

13 Section 15. The Transportation Network Providers Act is
14 reenacted as follows:

15 (625 ILCS 57/Act title)

16 An Act concerning regulation.

17 (625 ILCS 57/1)

18 Sec. 1. Short title. This Act may be cited as the
19 Transportation Network Providers Act.

20 (Source: P.A. 98-1173, eff. 6-1-15.)

21 (625 ILCS 57/5)

22 Sec. 5. Definitions.

1 "Transportation network company" or "TNC" means an entity
2 operating in this State that uses a digital network or software
3 application service to connect passengers to transportation
4 network company services provided by transportation network
5 company drivers. A TNC is not deemed to own, control, operate,
6 or manage the vehicles used by TNC drivers, and is not a
7 taxicab association or a for-hire vehicle owner.

8 "Transportation network company driver" or "TNC driver"
9 means an individual who operates a motor vehicle that is:

10 (1) owned, leased, or otherwise authorized for use by
11 the individual;

12 (2) not a taxicab or for-hire public passenger vehicle;
13 and

14 (3) used to provide transportation network company
15 services.

16 "Transportation network company services" or "TNC
17 services" means transportation of a passenger between points
18 chosen by the passenger and prearranged with a TNC driver
19 through the use of a TNC digital network or software
20 application. TNC services shall begin when a TNC driver accepts
21 a request for transportation received through the TNC's digital
22 network or software application service, continue while the TNC
23 driver transports the passenger in the TNC driver's vehicle,
24 and end when the passenger exits the TNC driver's vehicle. TNC
25 service is not a taxicab, for-hire vehicle, or street hail
26 service.

1 (Source: P.A. 98-1173, eff. 6-1-15.)

2 (625 ILCS 57/10)

3 Sec. 10. Insurance.

4 (a) Transportation network companies and participating TNC
5 drivers shall comply with the automobile liability insurance
6 requirements of this Section as required.

7 (b) The following automobile liability insurance
8 requirements shall apply from the moment a participating TNC
9 driver logs on to the transportation network company's digital
10 network or software application until the TNC driver accepts a
11 request to transport a passenger, and from the moment the TNC
12 driver completes the transaction on the digital network or
13 software application or the ride is complete, whichever is
14 later, until the TNC driver either accepts another ride request
15 on the digital network or software application or logs off the
16 digital network or software application:

17 (1) Automobile liability insurance shall be in the
18 amount of at least \$50,000 for death and personal injury
19 per person, \$100,000 for death and personal injury per
20 incident, and \$25,000 for property damage.

21 (2) Contingent automobile liability insurance in the
22 amounts required in paragraph (1) of this subsection (b)
23 shall be maintained by a transportation network company and
24 provide coverage in the event a participating TNC driver's
25 own automobile liability policy excludes coverage

1 according to its policy terms or does not provide at least
2 the limits of coverage required in paragraph (1) of this
3 subsection (b).

4 (c) The following automobile liability insurance
5 requirements shall apply from the moment a TNC driver accepts a
6 ride request on the transportation network company's digital
7 network or software application until the TNC driver completes
8 the transaction on the digital network or software application
9 or until the ride is complete, whichever is later:

10 (1) Automobile liability insurance shall be primary
11 and in the amount of \$1,000,000 for death, personal injury,
12 and property damage. The requirements for the coverage
13 required by this paragraph (1) may be satisfied by any of
14 the following:

15 (A) automobile liability insurance maintained by a
16 participating TNC driver;

17 (B) automobile liability company insurance
18 maintained by a transportation network company; or

19 (C) any combination of subparagraphs (A) and (B).

20 (2) Insurance coverage provided under this subsection
21 (c) shall also provide for uninsured motorist coverage and
22 underinsured motorist coverage in the amount of \$50,000
23 from the moment a passenger enters the vehicle of a
24 participating TNC driver until the passenger exits the
25 vehicle.

26 (3) The insurer, in the case of insurance coverage

1 provided under this subsection (c), shall have the duty to
2 defend and indemnify the insured.

3 (4) Coverage under an automobile liability insurance
4 policy required under this subsection (c) shall not be
5 dependent on a personal automobile insurance policy first
6 denying a claim nor shall a personal automobile insurance
7 policy be required to first deny a claim.

8 (d) In every instance when automobile liability insurance
9 maintained by a participating TNC driver to fulfill the
10 insurance obligations of this Section has lapsed or ceased to
11 exist, the transportation network company shall provide the
12 coverage required by this Section beginning with the first
13 dollar of a claim.

14 (e) This Section shall not limit the liability of a
15 transportation network company arising out of an automobile
16 accident involving a participating TNC driver in any action for
17 damages against a transportation network company for an amount
18 above the required insurance coverage.

19 (f) The transportation network company shall disclose in
20 writing to TNC drivers, as part of its agreement with those TNC
21 drivers, the following:

22 (1) the insurance coverage and limits of liability that
23 the transportation network company provides while the TNC
24 driver uses a vehicle in connection with a transportation
25 network company's digital network or software application;
26 and

1 (2) that the TNC driver's own insurance policy may not
2 provide coverage while the TNC driver uses a vehicle in
3 connection with a transportation network company digital
4 network depending on its terms.

5 (g) An insurance policy required by this Section may be
6 placed with an admitted Illinois insurer, or with an authorized
7 surplus line insurer under Section 445 of the Illinois
8 Insurance Code; and is not subject to any restriction or
9 limitation on the issuance of a policy contained in Section
10 445a of the Illinois Insurance Code.

11 (h) Any insurance policy required by this Section shall
12 satisfy the financial responsibility requirement for a motor
13 vehicle under Sections 7-203 and 7-601 of the Illinois Vehicle
14 Code.

15 (i) If a transportation network company's insurer makes a
16 payment for a claim covered under comprehensive coverage or
17 collision coverage, the transportation network company shall
18 cause its insurer to issue the payment directly to the business
19 repairing the vehicle, or jointly to the owner of the vehicle
20 and the primary lienholder on the covered vehicle.

21 (Source: P.A. 98-1173, eff. 6-1-15; 99-56, eff. 7-16-15.)

22 (625 ILCS 57/15)

23 Sec. 15. Driver requirements.

24 (a) Prior to permitting an individual to act as a TNC
25 driver on its digital platform, the TNC shall:

1 (1) require the individual to submit an application to
2 the TNC or a third party on behalf of the TNC, which
3 includes information regarding his or her full legal name,
4 social security number, address, age, date of birth,
5 driver's license, driving history, motor vehicle
6 registration, automobile liability insurance, and other
7 information required by the TNC;

8 (2) conduct, or have a third party conduct, a local and
9 national criminal history background check for each
10 individual applicant that shall include:

11 (A) Multi-State or Multi-Jurisdictional Criminal
12 Records Locator or other similar commercial nationwide
13 database with validation (primary source search); and

14 (B) National Sex Offenders Registry database; and

15 (3) obtain and review a driving history research report
16 for the individual.

17 (b) The TNC shall not permit an individual to act as a TNC
18 driver on its digital platform who:

19 (1) has had more than 3 moving violations in the prior
20 three-year period, or one major violation in the prior
21 three-year period including, but not limited to,
22 attempting to evade the police, reckless driving, or
23 driving on a suspended or revoked license;

24 (2) has been convicted, within the past 7 years, of
25 driving under the influence of drugs or alcohol, fraud,
26 sexual offenses, use of a motor vehicle to commit a felony,

1 a crime involving property damage, or theft, acts of
2 violence, or acts of terror;

3 (3) is a match in the National Sex Offenders Registry
4 database;

5 (4) does not possess a valid driver's license;

6 (5) does not possess proof of registration for the
7 motor vehicle used to provide TNC services;

8 (6) does not possess proof of automobile liability
9 insurance for the motor vehicle used to provide TNC
10 services; or

11 (7) is under 19 years of age.

12 (c) An individual who submits an application under
13 paragraph (1) of subsection (a) that contains false or
14 incomplete information shall be guilty of a petty offense.

15 (Source: P.A. 100-738, eff. 8-7-18.)

16 (625 ILCS 57/20)

17 Sec. 20. Non-discrimination.

18 (a) The TNC shall adopt and notify TNC drivers of a policy
19 of non-discrimination on the basis of destination, race, color,
20 national origin, religious belief or affiliation, sex,
21 disability, age, sexual orientation, or gender identity with
22 respect to passengers and potential passengers.

23 (b) TNC drivers shall comply with all applicable laws
24 regarding non-discrimination against passengers or potential
25 passengers on the basis of destination, race, color, national

1 origin, religious belief or affiliation, sex, disability, age,
2 sexual orientation, or gender identity.

3 (c) TNC drivers shall comply with all applicable laws
4 relating to accommodation of service animals.

5 (d) A TNC shall not impose additional charges for providing
6 services to persons with physical disabilities because of those
7 disabilities.

8 (e) A TNC shall provide passengers an opportunity to
9 indicate whether they require a wheelchair accessible vehicle.
10 If a TNC cannot arrange wheelchair-accessible TNC service in
11 any instance, it shall direct the passenger to an alternate
12 provider of wheelchair-accessible service, if available.

13 (f) If a unit of local government has requirements for
14 licensed chauffeurs not to discriminate in providing service in
15 under-served areas, TNC drivers participating in TNC services
16 within that unit of local government shall be subject to the
17 same non-discrimination requirements for providing service in
18 under-served areas.

19 (Source: P.A. 98-1173, eff. 6-1-15.)

20 (625 ILCS 57/25)

21 Sec. 25. Safety.

22 (a) The TNC shall implement a zero tolerance policy on the
23 use of drugs or alcohol while a TNC driver is providing TNC
24 services or is logged into the TNC's digital network but is not
25 providing TNC services.

1 (b) The TNC shall provide notice of the zero tolerance
2 policy on its website, as well as procedures to report a
3 complaint about a driver with whom a passenger was matched and
4 whom the passenger reasonably suspects was under the influence
5 of drugs or alcohol during the course of the trip.

6 (c) Upon receipt of a passenger's complaint alleging a
7 violation of the zero tolerance policy, the TNC shall
8 immediately suspend the TNC driver's access to the TNC's
9 digital platform, and shall conduct an investigation into the
10 reported incident. The suspension shall last the duration of
11 the investigation.

12 (d) The TNC shall require that any motor vehicle that a TNC
13 driver will use to provide TNC services meets vehicle safety
14 and emissions requirements for a private motor vehicle in this
15 State.

16 (e) TNCs or TNC drivers are not common carriers, contract
17 carriers or motor carriers, as defined by applicable State law,
18 nor do they provide taxicab or for-hire vehicle service.

19 (Source: P.A. 98-1173, eff. 6-1-15.)

20 (625 ILCS 57/30)

21 Sec. 30. Operational.

22 (a) A TNC may charge a fare for the services provided to
23 passengers; provided that, if a fare is charged, the TNC shall
24 disclose to passengers the fare calculation method on its
25 website or within the software application service.

1 (b) The TNC shall provide passengers with the applicable
2 rates being charged and the option to receive an estimated fare
3 before the passenger enters the TNC driver's vehicle.

4 (c) The TNC's software application or website shall display
5 a picture of the TNC driver, and the license plate number of
6 the motor vehicle utilized for providing the TNC service before
7 the passenger enters the TNC driver's vehicle.

8 (d) Within a reasonable period of time following the
9 completion of a trip, a TNC shall transmit an electronic
10 receipt to the passenger that lists:

11 (1) the origin and destination of the trip;

12 (2) the total time and distance of the trip; and

13 (3) an itemization of the total fare paid, if any.

14 (e) Dispatches for TNC services shall be made only to
15 eligible TNC drivers under Section 15 of this Act who are
16 properly licensed under State law and local ordinances
17 addressing these drivers if applicable.

18 (f) A taxicab may accept a request for transportation
19 received through a TNC's digital network or software
20 application service, and may charge a fare for those services
21 that is similar to those charged by a TNC.

22 (Source: P.A. 98-1173, eff. 6-1-15.)

23 (625 ILCS 57/32)

24 Sec. 32. Preemption. A unit of local government, whether or
25 not it is a home rule unit, may not regulate transportation

1 network companies, transportation network company drivers, or
2 transportation network company services in a manner that is
3 less restrictive than the regulation by the State under this
4 Act. This Section is a limitation under subsection (i) of
5 Section 6 of Article VII of the Illinois Constitution on the
6 concurrent exercise by home rule units of powers and functions
7 exercised by the State.

8 (Source: P.A. 99-56, eff. 7-16-15.)

9 (625 ILCS 57/34)

10 Sec. 34. Repeal. This Act is repealed on June 1, 2021.

11 (Source: P.A. 101-639, eff. 6-12-20.)

12 Section 99. Effective date. This Act takes effect upon
13 becoming law."