



Rep. William Davis

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1 AMENDMENT TO SENATE BILL 3096

2 AMENDMENT NO. _____. Amend Senate Bill 3096 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Public Utilities Act is amended by changing
5 Section 16-108 as follows:

6 (220 ILCS 5/16-108)

7 Sec. 16-108. Recovery of costs associated with the
8 provision of delivery and other services.

9 (a) An electric utility shall file a delivery services
10 tariff with the Commission at least 210 days prior to the date
11 that it is required to begin offering such services pursuant to
12 this Act. An electric utility shall provide the components of
13 delivery services that are subject to the jurisdiction of the
14 Federal Energy Regulatory Commission at the same prices, terms
15 and conditions set forth in its applicable tariff as approved
16 or allowed into effect by that Commission. The Commission shall

1 otherwise have the authority pursuant to Article IX to review,
2 approve, and modify the prices, terms and conditions of those
3 components of delivery services not subject to the jurisdiction
4 of the Federal Energy Regulatory Commission, including the
5 authority to determine the extent to which such delivery
6 services should be offered on an unbundled basis. In making any
7 such determination the Commission shall consider, at a minimum,
8 the effect of additional unbundling on (i) the objective of
9 just and reasonable rates, (ii) electric utility employees, and
10 (iii) the development of competitive markets for electric
11 energy services in Illinois.

12 (b) The Commission shall enter an order approving, or
13 approving as modified, the delivery services tariff no later
14 than 30 days prior to the date on which the electric utility
15 must commence offering such services. The Commission may
16 subsequently modify such tariff pursuant to this Act.

17 (c) The electric utility's tariffs shall define the classes
18 of its customers for purposes of delivery services charges.
19 Delivery services shall be priced and made available to all
20 retail customers electing delivery services in each such class
21 on a nondiscriminatory basis regardless of whether the retail
22 customer chooses the electric utility, an affiliate of the
23 electric utility, or another entity as its supplier of electric
24 power and energy. Charges for delivery services shall be cost
25 based, and shall allow the electric utility to recover the
26 costs of providing delivery services through its charges to its

1 delivery service customers that use the facilities and services
2 associated with such costs. Such costs shall include the costs
3 of owning, operating and maintaining transmission and
4 distribution facilities. The Commission shall also be
5 authorized to consider whether, and if so to what extent, the
6 following costs are appropriately included in the electric
7 utility's delivery services rates: (i) the costs of that
8 portion of generation facilities used for the production and
9 absorption of reactive power in order that retail customers
10 located in the electric utility's service area can receive
11 electric power and energy from suppliers other than the
12 electric utility, and (ii) the costs associated with the use
13 and redispatch of generation facilities to mitigate
14 constraints on the transmission or distribution system in order
15 that retail customers located in the electric utility's service
16 area can receive electric power and energy from suppliers other
17 than the electric utility. Nothing in this subsection shall be
18 construed as directing the Commission to allocate any of the
19 costs described in (i) or (ii) that are found to be
20 appropriately included in the electric utility's delivery
21 services rates to any particular customer group or geographic
22 area in setting delivery services rates.

23 (d) The Commission shall establish charges, terms and
24 conditions for delivery services that are just and reasonable
25 and shall take into account customer impacts when establishing
26 such charges. In establishing charges, terms and conditions for

1 delivery services, the Commission shall take into account
2 voltage level differences. A retail customer shall have the
3 option to request to purchase electric service at any delivery
4 service voltage reasonably and technically feasible from the
5 electric facilities serving that customer's premises provided
6 that there are no significant adverse impacts upon system
7 reliability or system efficiency. A retail customer shall also
8 have the option to request to purchase electric service at any
9 point of delivery that is reasonably and technically feasible
10 provided that there are no significant adverse impacts on
11 system reliability or efficiency. Such requests shall not be
12 unreasonably denied.

13 (e) Electric utilities shall recover the costs of
14 installing, operating or maintaining facilities for the
15 particular benefit of one or more delivery services customers,
16 including without limitation any costs incurred in complying
17 with a customer's request to be served at a different voltage
18 level, directly from the retail customer or customers for whose
19 benefit the costs were incurred, to the extent such costs are
20 not recovered through the charges referred to in subsections
21 (c) and (d) of this Section.

22 (f) An electric utility shall be entitled but not required
23 to implement transition charges in conjunction with the
24 offering of delivery services pursuant to Section 16-104. If an
25 electric utility implements transition charges, it shall
26 implement such charges for all delivery services customers and

1 for all customers described in subsection (h), but shall not
2 implement transition charges for power and energy that a retail
3 customer takes from cogeneration or self-generation facilities
4 located on that retail customer's premises, if such facilities
5 meet the following criteria:

6 (i) the cogeneration or self-generation facilities
7 serve a single retail customer and are located on that
8 retail customer's premises (for purposes of this
9 subparagraph and subparagraph (ii), an industrial or
10 manufacturing retail customer and a third party contractor
11 that is served by such industrial or manufacturing customer
12 through such retail customer's own electrical distribution
13 facilities under the circumstances described in subsection
14 (vi) of the definition of "alternative retail electric
15 supplier" set forth in Section 16-102, shall be considered
16 a single retail customer);

17 (ii) the cogeneration or self-generation facilities
18 either (A) are sized pursuant to generally accepted
19 engineering standards for the retail customer's electrical
20 load at that premises (taking into account standby or other
21 reliability considerations related to that retail
22 customer's operations at that site) or (B) if the facility
23 is a cogeneration facility located on the retail customer's
24 premises, the retail customer is the thermal host for that
25 facility and the facility has been designed to meet that
26 retail customer's thermal energy requirements resulting in

1 electrical output beyond that retail customer's electrical
2 demand at that premises, comply with the operating and
3 efficiency standards applicable to "qualifying facilities"
4 specified in title 18 Code of Federal Regulations Section
5 292.205 as in effect on the effective date of this
6 amendatory Act of 1999;

7 (iii) the retail customer on whose premises the
8 facilities are located either has an exclusive right to
9 receive, and corresponding obligation to pay for, all of
10 the electrical capacity of the facility, or in the case of
11 a cogeneration facility that has been designed to meet the
12 retail customer's thermal energy requirements at that
13 premises, an identified amount of the electrical capacity
14 of the facility, over a minimum 5-year period; and

15 (iv) if the cogeneration facility is sized for the
16 retail customer's thermal load at that premises but exceeds
17 the electrical load, any sales of excess power or energy
18 are made only at wholesale, are subject to the jurisdiction
19 of the Federal Energy Regulatory Commission, and are not
20 for the purpose of circumventing the provisions of this
21 subsection (f).

22 If a generation facility located at a retail customer's
23 premises does not meet the above criteria, an electric utility
24 implementing transition charges shall implement a transition
25 charge until December 31, 2006 for any power and energy taken
26 by such retail customer from such facility as if such power and

1 energy had been delivered by the electric utility. Provided,
2 however, that an industrial retail customer that is taking
3 power from a generation facility that does not meet the above
4 criteria but that is located on such customer's premises will
5 not be subject to a transition charge for the power and energy
6 taken by such retail customer from such generation facility if
7 the facility does not serve any other retail customer and
8 either was installed on behalf of the customer and for its own
9 use prior to January 1, 1997, or is both predominantly fueled
10 by byproducts of such customer's manufacturing process at such
11 premises and sells or offers an average of 300 megawatts or
12 more of electricity produced from such generation facility into
13 the wholesale market. Such charges shall be calculated as
14 provided in Section 16-102, and shall be collected on each
15 kilowatt-hour delivered under a delivery services tariff to a
16 retail customer from the date the customer first takes delivery
17 services until December 31, 2006 except as provided in
18 subsection (h) of this Section. Provided, however, that an
19 electric utility, other than an electric utility providing
20 service to at least 1,000,000 customers in this State on
21 January 1, 1999, shall be entitled to petition for entry of an
22 order by the Commission authorizing the electric utility to
23 implement transition charges for an additional period ending no
24 later than December 31, 2008. The electric utility shall file
25 its petition with supporting evidence no earlier than 16
26 months, and no later than 12 months, prior to December 31,

1 2006. The Commission shall hold a hearing on the electric
2 utility's petition and shall enter its order no later than 8
3 months after the petition is filed. The Commission shall
4 determine whether and to what extent the electric utility shall
5 be authorized to implement transition charges for an additional
6 period. The Commission may authorize the electric utility to
7 implement transition charges for some or all of the additional
8 period, and shall determine the mitigation factors to be used
9 in implementing such transition charges; provided, that the
10 Commission shall not authorize mitigation factors less than
11 110% of those in effect during the 12 months ended December 31,
12 2006. In making its determination, the Commission shall
13 consider the following factors: the necessity to implement
14 transition charges for an additional period in order to
15 maintain the financial integrity of the electric utility; the
16 prudence of the electric utility's actions in reducing its
17 costs since the effective date of this amendatory Act of 1997;
18 the ability of the electric utility to provide safe, adequate
19 and reliable service to retail customers in its service area;
20 and the impact on competition of allowing the electric utility
21 to implement transition charges for the additional period.

22 (g) The electric utility shall file tariffs that establish
23 the transition charges to be paid by each class of customers to
24 the electric utility in conjunction with the provision of
25 delivery services. The electric utility's tariffs shall define
26 the classes of its customers for purposes of calculating

1 transition charges. The electric utility's tariffs shall
2 provide for the calculation of transition charges on a
3 customer-specific basis for any retail customer whose average
4 monthly maximum electrical demand on the electric utility's
5 system during the 6 months with the customer's highest monthly
6 maximum electrical demands equals or exceeds 3.0 megawatts for
7 electric utilities having more than 1,000,000 customers, and
8 for other electric utilities for any customer that has an
9 average monthly maximum electrical demand on the electric
10 utility's system of one megawatt or more, and (A) for which
11 there exists data on the customer's usage during the 3 years
12 preceding the date that the customer became eligible to take
13 delivery services, or (B) for which there does not exist data
14 on the customer's usage during the 3 years preceding the date
15 that the customer became eligible to take delivery services, if
16 in the electric utility's reasonable judgment there exists
17 comparable usage information or a sufficient basis to develop
18 such information, and further provided that the electric
19 utility can require customers for which an individual
20 calculation is made to sign contracts that set forth the
21 transition charges to be paid by the customer to the electric
22 utility pursuant to the tariff.

23 (h) An electric utility shall also be entitled to file
24 tariffs that allow it to collect transition charges from retail
25 customers in the electric utility's service area that do not
26 take delivery services but that take electric power or energy

1 from an alternative retail electric supplier or from an
2 electric utility other than the electric utility in whose
3 service area the customer is located. Such charges shall be
4 calculated, in accordance with the definition of transition
5 charges in Section 16-102, for the period of time that the
6 customer would be obligated to pay transition charges if it
7 were taking delivery services, except that no deduction for
8 delivery services revenues shall be made in such calculation,
9 and usage data from the customer's class shall be used where
10 historical usage data is not available for the individual
11 customer. The customer shall be obligated to pay such charges
12 on a lump sum basis on or before the date on which the customer
13 commences to take service from the alternative retail electric
14 supplier or other electric utility, provided, that the electric
15 utility in whose service area the customer is located shall
16 offer the customer the option of signing a contract pursuant to
17 which the customer pays such charges ratably over the period in
18 which the charges would otherwise have applied.

19 (i) An electric utility shall be entitled to add to the
20 bills of delivery services customers charges pursuant to
21 Sections 9-221, 9-222 (except as provided in Section 9-222.1),
22 and Section 16-114 of this Act, Section 5-5 of the Electricity
23 Infrastructure Maintenance Fee Law, Section 6-5 of the
24 Renewable Energy, Energy Efficiency, and Coal Resources
25 Development Law of 1997, and Section 13 of the Energy
26 Assistance Act.

1 (j) If a retail customer that obtains electric power and
2 energy from cogeneration or self-generation facilities
3 installed for its own use on or before January 1, 1997,
4 subsequently takes service from an alternative retail electric
5 supplier or an electric utility other than the electric utility
6 in whose service area the customer is located for any portion
7 of the customer's electric power and energy requirements
8 formerly obtained from those facilities (including that amount
9 purchased from the utility in lieu of such generation and not
10 as standby power purchases, under a cogeneration displacement
11 tariff in effect as of the effective date of this amendatory
12 Act of 1997), the transition charges otherwise applicable
13 pursuant to subsections (f), (g), or (h) of this Section shall
14 not be applicable in any year to that portion of the customer's
15 electric power and energy requirements formerly obtained from
16 those facilities, provided, that for purposes of this
17 subsection (j), such portion shall not exceed the average
18 number of kilowatt-hours per year obtained from the
19 cogeneration or self-generation facilities during the 3 years
20 prior to the date on which the customer became eligible for
21 delivery services, except as provided in subsection (f) of
22 Section 16-110.

23 (k) The electric utility shall be entitled to recover
24 through tariffed charges all of the costs associated with the
25 purchase of zero emission credits from zero emission facilities
26 to meet the requirements of subsection (d-5) of Section 1-75 of

1 the Illinois Power Agency Act. Such costs shall include the
2 costs of procuring the zero emission credits, as well as the
3 reasonable costs that the utility incurs as part of the
4 procurement processes and to implement and comply with plans
5 and processes approved by the Commission under such subsection
6 (d-5). The costs shall be allocated across all retail customers
7 through a single, uniform cents per kilowatt-hour charge
8 applicable to all retail customers, which shall appear as a
9 separate line item on each customer's bill. Beginning June 1,
10 2017, the electric utility shall be entitled to recover through
11 tariffed charges all of the costs associated with the purchase
12 of renewable energy resources to meet the renewable energy
13 resource standards of subsection (c) of Section 1-75 of the
14 Illinois Power Agency Act, under procurement plans as approved
15 in accordance with that Section and Section 16-111.5 of this
16 Act. Such costs shall include the costs of procuring the
17 renewable energy resources, as well as the reasonable costs
18 that the utility incurs as part of the procurement processes
19 and to implement and comply with plans and processes approved
20 by the Commission under such Sections. The costs associated
21 with the purchase of renewable energy resources shall be
22 allocated across all retail customers in proportion to the
23 amount of renewable energy resources the utility procures for
24 such customers through a single, uniform cents per
25 kilowatt-hour charge applicable to such retail customers,
26 which shall appear as a separate line item on each such

1 customer's bill.

2 Notwithstanding whether the Commission has approved the
3 initial long-term renewable resources procurement plan as of
4 June 1, 2017, an electric utility shall place new tariffed
5 charges into effect beginning with the June 2017 monthly
6 billing period, to the extent practicable, to begin recovering
7 the costs of procuring renewable energy resources, as those
8 charges are calculated under the limitations described in
9 subparagraph (E) of paragraph (1) of subsection (c) of Section
10 1-75 of the Illinois Power Agency Act. Notwithstanding the date
11 on which the utility places such new tariffed charges into
12 effect, the utility shall be permitted to collect the charges
13 under such tariff as if the tariff had been in effect beginning
14 with the first day of the June 2017 monthly billing period. For
15 the delivery years commencing June 1, 2017, June 1, 2018, ~~and~~
16 June 1, 2019, June 1, 2020, and June 1, 2021, the electric
17 utility shall deposit into a separate interest bearing account
18 of a financial institution the monies collected under the
19 tariffed charges. Any interest earned shall be credited back to
20 retail customers under the reconciliation proceeding provided
21 for in this subsection (k), provided that the electric utility
22 shall first be reimbursed from the interest for the
23 administrative costs that it incurs to administer and manage
24 the account. Any taxes due on the funds in the account, or
25 interest earned on it, will be paid from the account or, if
26 insufficient monies are available in the account, from the

1 monies collected under the tariffed charges to recover the
2 costs of procuring renewable energy resources. Monies
3 deposited in the account shall be subject to the review,
4 reconciliation, and true-up process described in this
5 subsection (k) that is applicable to the funds collected and
6 costs incurred for the procurement of renewable energy
7 resources.

8 The electric utility shall be entitled to recover all of
9 the costs identified in this subsection (k) through automatic
10 adjustment clause tariffs applicable to all of the utility's
11 retail customers that allow the electric utility to adjust its
12 tariffed charges consistent with this subsection (k). The
13 determination as to whether any excess funds were collected
14 during a given delivery year for the purchase of renewable
15 energy resources, and the crediting of any excess funds back to
16 retail customers, shall not be made until after the close of
17 the delivery year, which will ensure that the maximum amount of
18 funds is available to implement the approved long-term
19 renewable resources procurement plan during a given delivery
20 year. The amount of excess funds credited back to retail
21 customers shall be reduced by an amount equal to the payment
22 obligations required by any contracts entered into by an
23 electric utility under the Adjustable Block Program described
24 in subparagraphs (K) through (M) of paragraph (1) of subsection
25 (c) of Section 1-75 of the Illinois Power Agency Act or the
26 Illinois Solar for All Program described in subsection (b) of

1 Section 1-56 of the Illinois Power Agency Act, even if such
2 payments have not yet been made. The electric utility's
3 collections under such automatic adjustment clause tariffs to
4 recover the costs of renewable energy resources and zero
5 emission credits from zero emission facilities shall be subject
6 to separate annual review, reconciliation, and true-up against
7 actual costs by the Commission under a procedure that shall be
8 specified in the electric utility's automatic adjustment
9 clause tariffs and that shall be approved by the Commission in
10 connection with its approval of such tariffs. The procedure
11 shall provide that any difference between the electric
12 utility's collections under the automatic adjustment charges
13 for an annual period and the electric utility's actual costs of
14 renewable energy resources and zero emission credits from zero
15 emission facilities for that same annual period shall be
16 refunded to or collected from, as applicable, the electric
17 utility's retail customers in subsequent periods.

18 Nothing in this subsection (k) is intended to affect,
19 limit, or change the right of the electric utility to recover
20 the costs associated with the procurement of renewable energy
21 resources for periods commencing before, on, or after June 1,
22 2017, as otherwise provided in the Illinois Power Agency Act.

23 Notwithstanding anything to the contrary, the Commission
24 shall not conduct an annual review, reconciliation, and true-up
25 associated with renewable energy resources' collections and
26 costs for the delivery years commencing June 1, 2017, June 1,

1 2018, June 1, 2019, ~~and~~ June 1, 2020, June 1, 2021, and June 1,
2 2022, and shall instead conduct a single review,
3 reconciliation, and true-up associated with renewable energy
4 resources' collections and costs for the 6-year ~~4-year~~ period
5 beginning June 1, 2017 and ending May 31, 2023 ~~2021~~, provided
6 that the review, reconciliation, and true-up shall not be
7 initiated until after August 31, 2023 ~~2021~~. During the 6-year
8 ~~4-year~~ period, the utility shall be permitted to collect and
9 retain funds under this subsection (k) and to purchase
10 renewable energy resources under an approved long-term
11 renewable resources procurement plan using those funds
12 regardless of the delivery year in which the funds were
13 collected during the 6-year ~~4-year~~ period.

14 If the amount of funds collected during the delivery year
15 commencing June 1, 2017, exceeds the costs incurred during that
16 delivery year, then up to half of this excess amount, as
17 calculated on June 1, 2018, may be used to fund the programs
18 under subsection (b) of Section 1-56 of the Illinois Power
19 Agency Act in the same proportion the programs are funded under
20 that subsection (b). However, any amount identified under this
21 subsection (k) to fund programs under subsection (b) of Section
22 1-56 of the Illinois Power Agency Act shall be reduced if it
23 exceeds the funding shortfall. For purposes of this Section,
24 "funding shortfall" means the difference between \$200,000,000
25 and the amount appropriated by the General Assembly to the
26 Illinois Power Agency Renewable Energy Resources Fund during

1 the period that commences on the effective date of this
2 amendatory act of the 99th General Assembly and ends on August
3 1, 2018.

4 If the amount of funds collected during the delivery year
5 commencing June 1, 2018, exceeds the costs incurred during that
6 delivery year, then up to half of this excess amount, as
7 calculated on June 1, 2019, may be used to fund the programs
8 under subsection (b) of Section 1-56 of the Illinois Power
9 Agency Act in the same proportion the programs are funded under
10 that subsection (b). However, any amount identified under this
11 subsection (k) to fund programs under subsection (b) of Section
12 1-56 of the Illinois Power Agency Act shall be reduced if it
13 exceeds the funding shortfall.

14 If the amount of funds collected during the delivery year
15 commencing June 1, 2019, exceeds the costs incurred during that
16 delivery year, then up to half of this excess amount, as
17 calculated on June 1, 2020, may be used to fund the programs
18 under subsection (b) of Section 1-56 of the Illinois Power
19 Agency Act in the same proportion the programs are funded under
20 that subsection (b). However, any amount identified under this
21 subsection (k) to fund programs under subsection (b) of Section
22 1-56 of the Illinois Power Agency Act shall be reduced if it
23 exceeds the funding shortfall.

24 If the amount of funds collected during the delivery year
25 commencing June 1, 2020, exceeds the costs incurred during that
26 delivery year, then up to half of this excess amount, as

1 calculated on June 1, 2021, may be used to fund the programs
2 under subsection (b) of Section 1-56 of the Illinois Power
3 Agency Act in the same proportion the programs are funded under
4 that subsection (b). However, any amount identified under this
5 subsection (k) to fund programs under subsection (b) of Section
6 1-56 of the Illinois Power Agency Act shall be reduced if it
7 exceeds the funding shortfall.

8 If the amount of funds collected during the delivery year
9 commencing June 1, 2021, exceeds the costs incurred during that
10 delivery year, then up to half of this excess amount, as
11 calculated on June 1, 2022, may be used to fund the programs
12 under subsection (b) of Section 1-56 of the Illinois Power
13 Agency Act in the same proportion the programs are funded under
14 that subsection (b). However, any amount identified under this
15 subsection (k) to fund programs under subsection (b) of Section
16 1-56 of the Illinois Power Agency Act shall be reduced if it
17 exceeds the funding shortfall.

18 The funding available under this subsection (k), if any,
19 for the programs described under subsection (b) of Section 1-56
20 of the Illinois Power Agency Act shall not reduce the amount of
21 funding for the programs described in subparagraph (O) of
22 paragraph (1) of subsection (c) of Section 1-75 of the Illinois
23 Power Agency Act. If funding is available under this subsection
24 (k) for programs described under subsection (b) of Section 1-56
25 of the Illinois Power Agency Act, then the long-term renewable
26 resources plan shall provide for the Agency to procure

1 contracts in an amount that does not exceed the funding, and
2 the contracts approved by the Commission shall be executed by
3 the applicable utility or utilities.

4 (k-5)(1) The General Assembly finds and declares that
5 maintaining continuity in funding for new renewable energy
6 projects in Illinois is critical to preserving jobs, providing
7 lower customer bills, helping to improve the economic
8 well-being of the State of Illinois, and improving the
9 environment. To preserve jobs and avoid industry disruption,
10 this Act requires that the Illinois Power Agency update its
11 long-term renewable energy resources procurement plan approved
12 by the Commission pursuant to paragraph (5) of subsection (b)
13 of Section 16-111.5 of the Public Utilities Act to leverage
14 funds preserved for renewable energy resource procurement
15 through this amendatory Act of the 101st General Assembly. This
16 update shall be a one-time update to the long-term renewable
17 resources procurement plan and is intended to be a one-time
18 stimulus program using only that funding preserved from
19 reconciliation through this amendatory Act of the 101st General
20 Assembly, and shall be referred to as the "Emergency Relief for
21 Renewable Jobs Program".

22 (2) Notwithstanding anything to the contrary, the Agency
23 shall file an update to the revised long-term renewable
24 resources procurement plan approved by the Commission on
25 February 18, 2020 within 15 days after the effective date of
26 this amendatory Act of the 101st General Assembly in accordance

1 with Section 16-111.5 of the Public Utilities Act and paragraph
2 (3) of this subsection. This update shall be limited to
3 specifying how the Agency will allocate capacity between and
4 within programs and procurements pursuant to this Act using any
5 additional funding made available as a result of this
6 amendatory Act of the 101st General Assembly. The Commission
7 shall approve the update, after notice and hearing, no later
8 than 30 days after it is filed by the Agency.

9 (3) The update to the revised long-term renewable resources
10 procurement plan shall, at a minimum, provide for the
11 following:

12 (A) Procurement of additional renewable energy credits
13 from the categories of the Adjustable Block Program
14 established pursuant to items (i), (ii), and (iii) of
15 subparagraph (K) of paragraph (1) of subsection (c) of
16 Section 1-75 of the Illinois Power Agency Act at the
17 minimum percentages required for each block by
18 subparagraph (K) of paragraph (1) of subsection (c) of
19 Section 1-75 of the Illinois Power Agency Act, and with the
20 remaining 25% allocated to the procurement of renewable
21 energy credits from the categories of the Adjustable Block
22 Program established pursuant to items (i), (ii), and (iii)
23 of subparagraph (K) of paragraph (1) of subsection (c) of
24 Section 1-75 of the Illinois Power Agency Act that are
25 sourced from or the balance of the project developed by
26 businesses that are owned by minority persons, women, or

1 persons with disabilities. The terms "minority persons",
2 "women", and "persons with disabilities" have the same
3 meaning as provided in Section 2 of the Business Enterprise
4 for Minorities, Women, and Persons with Disabilities Act.
5 The Agency shall seek to fill a minimum of one block for
6 each of the groups and categories specified in the revised
7 long-term renewable resources procurement plan. Blocks
8 need not conform to each other or previous block sizes.
9 Block capacity in each group and category shall be assigned
10 to waitlisted projects first. The renewable energy credit
11 price for the first block opened in each group and each
12 category of the Emergency Relief for Renewable Jobs Program
13 shall be the same as the renewable energy credit price in
14 the last open block for each respective group and category.
15 The Agency shall collect information necessary to assess
16 the percentage of renewable energy credits that are
17 procured from businesses owned by minority persons, women,
18 and persons with disabilities.

19 (B) Procurement of renewable energy credits from new
20 utility-scale wind projects, new utility-scale solar
21 projects, and new brownfield site photovoltaic projects.
22 The update shall identify proposed procurement quantities
23 for a single procurement event from new utility-scale wind
24 projects, new utility-scale solar projects, and new
25 brownfield site photovoltaic projects at a maximum of
26 1,000,000 renewable energy credits delivered annually from

1 each of utility-scale wind projects and utility-scale
2 solar projects, and 100,000 renewable energy credits
3 delivered annually from brownfield site photovoltaic
4 projects using the competitive procurement process
5 described in Section 16-111.5 of the Public Utilities Act.
6 Notwithstanding anything to the contrary, projects
7 selected through procurements authorized by this update
8 shall begin delivery of renewable energy credits no earlier
9 than June 1, 2024. The planning for procurement events
10 under this subparagraph (B) shall not delay the opening of
11 new blocks of the Adjustable Block Program under
12 subparagraph (A).

13 Any company that receives a renewable energy credit
14 contract from the Emergency Relief for Renewable Jobs Program
15 shall submit an annual report pursuant to Section 5-117 of this
16 Act within 6 months after the date of the contract award.

17 Any company that receives a renewable energy credit
18 contract from the Emergency Relief for Renewable Jobs Program
19 for projects over 500 kilowatts in nameplate capacity must
20 certify that not less than the prevailing wage was or will be
21 paid to employees who are engaged in construction activities
22 associated with the project. "Prevailing wage" has the same
23 meaning as defined in subparagraph (F) of paragraph (3) of
24 subsection (a) of Section 5.5 of the Illinois Enterprise Zone
25 Act.

26 (4) The implementation of the update filed under paragraph

1 (2) of this subsection shall commence as soon as practicable
2 with blocks from subparagraph (A) of paragraph (3) of this
3 subsection to open 5 business days after Commission approval.

4 (1) A utility that has terminated any contract executed
5 under subsection (d-5) of Section 1-75 of the Illinois Power
6 Agency Act shall be entitled to recover any remaining balance
7 associated with the purchase of zero emission credits prior to
8 such termination, and such utility shall also apply a credit to
9 its retail customer bills in the event of any over-collection.

10 (m) (1) An electric utility that recovers its costs of
11 procuring zero emission credits from zero emission
12 facilities through a cents-per-kilowatthour charge under
13 to subsection (k) of this Section shall be subject to the
14 requirements of this subsection (m). Notwithstanding
15 anything to the contrary, such electric utility shall,
16 beginning on April 30, 2018, and each April 30 thereafter
17 until April 30, 2026, calculate whether any reduction must
18 be applied to such cents-per-kilowatthour charge that is
19 paid by retail customers of the electric utility that are
20 exempt from subsections (a) through (j) of Section 8-103B
21 of this Act under subsection (1) of Section 8-103B. Such
22 charge shall be reduced for such customers for the next
23 delivery year commencing on June 1 based on the amount
24 necessary, if any, to limit the annual estimated average
25 net increase for the prior calendar year due to the future
26 energy investment costs to no more than 1.3% of 5.98 cents

1 per kilowatt-hour, which is the average amount paid per
2 kilowatthour for electric service during the year ending
3 December 31, 2015 by Illinois industrial retail customers,
4 as reported to the Edison Electric Institute.

5 The calculations required by this subsection (m) shall
6 be made only once for each year, and no subsequent rate
7 impact determinations shall be made.

8 (2) For purposes of this Section, "future energy
9 investment costs" shall be calculated by subtracting the
10 cents-per-kilowatthour charge identified in subparagraph
11 (A) of this paragraph (2) from the sum of the
12 cents-per-kilowatthour charges identified in subparagraph
13 (B) of this paragraph (2):

14 (A) The cents-per-kilowatthour charge identified
15 in the electric utility's tariff placed into effect
16 under Section 8-103 of the Public Utilities Act that,
17 on December 1, 2016, was applicable to those retail
18 customers that are exempt from subsections (a) through
19 (j) of Section 8-103B of this Act under subsection (1)
20 of Section 8-103B.

21 (B) The sum of the following
22 cents-per-kilowatthour charges applicable to those
23 retail customers that are exempt from subsections (a)
24 through (j) of Section 8-103B of this Act under
25 subsection (1) of Section 8-103B, provided that if one
26 or more of the following charges has been in effect and

1 applied to such customers for more than one calendar
2 year, then each charge shall be equal to the average of
3 the charges applied over a period that commences with
4 the calendar year ending December 31, 2017 and ends
5 with the most recently completed calendar year prior to
6 the calculation required by this subsection (m):

7 (i) the cents-per-kilowatthour charge to
8 recover the costs incurred by the utility under
9 subsection (d-5) of Section 1-75 of the Illinois
10 Power Agency Act, adjusted for any reductions
11 required under this subsection (m); and

12 (ii) the cents-per-kilowatthour charge to
13 recover the costs incurred by the utility under
14 Section 16-107.6 of the Public Utilities Act.

15 If no charge was applied for a given calendar year
16 under item (i) or (ii) of this subparagraph (B), then
17 the value of the charge for that year shall be zero.

18 (3) If a reduction is required by the calculation
19 performed under this subsection (m), then the amount of the
20 reduction shall be multiplied by the number of years
21 reflected in the averages calculated under subparagraph
22 (B) of paragraph (2) of this subsection (m). Such reduction
23 shall be applied to the cents-per-kilowatthour charge that
24 is applicable to those retail customers that are exempt
25 from subsections (a) through (j) of Section 8-103B of this
26 Act under subsection (1) of Section 8-103B beginning with

1 the next delivery year commencing after the date of the
2 calculation required by this subsection (m).

3 (4) The electric utility shall file a notice with the
4 Commission on May 1 of 2018 and each May 1 thereafter until
5 May 1, 2026 containing the reduction, if any, which must be
6 applied for the delivery year which begins in the year of
7 the filing. The notice shall contain the calculations made
8 pursuant to this Section. By October 1 of each year
9 beginning in 2018, each electric utility shall notify the
10 Commission if it appears, based on an estimate of the
11 calculation required in this subsection (m), that a
12 reduction will be required in the next year.

13 (Source: P.A. 99-906, eff. 6-1-17.)

14 Section 97. Severability. The provisions of this Act are
15 severable under Section 1.31 of the Statute on Statutes.

16 Section 99. Effective date. This Act takes effect upon
17 becoming law."