

# HB3113



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

HB3113

Introduced 2/19/2021, by Rep. Eva Dina Delgado

#### SYNOPSIS AS INTRODUCED:

220 ILCS 5/8-508

from Ch. 111 2/3, par. 8-508

Amends the Public Utilities Act. Provides that the Illinois Commerce Commission may issue an interim order to authorize or require any public utility to curtail or discontinue service and otherwise regulate the furnishing of service in specified emergency circumstances, effective for a period not exceeding 45 days (rather than 15 days), if the circumstances do not reasonably permit the holding of a hearing.

LRB102 13773 SPS 19123 b

A BILL FOR

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Public Utilities Act is amended by changing  
5 Section 8-508 as follows:

6 (220 ILCS 5/8-508) (from Ch. 111 2/3, par. 8-508)

7 Sec. 8-508. No public utility shall abandon or discontinue  
8 any service or, in the case of an electric utility, make any  
9 modification as herein defined, without first having secured  
10 the approval of the Commission, except in case of assignment,  
11 transfer, lease or sale of the whole or any part of its  
12 franchises, licenses, permits, plant, equipment, business, or  
13 other property to any political subdivision or municipal  
14 corporation of this State. In the case of the assignment,  
15 transfer, lease or sale, in whole or in part, of any franchise,  
16 license, permit, plant, equipment, business or other property  
17 to any political subdivision or municipal corporation of this  
18 State, the public utility shall notify the Commission of such  
19 transaction. "Modification" as used in this Section means any  
20 change of fuel type which would result in an annual net  
21 systemwide decreased use of 10% or more of coal mined in  
22 Illinois. The Commission shall conduct public hearings on any  
23 request by a public utility to make such modification and

1 shall accept testimony from interested parties qualified to  
2 provide evidence regarding the cost or cost savings of the  
3 proposed modification as compared with the cost or cost  
4 savings of alternative actions by the utility and shall  
5 consider the impact on employment related to the production of  
6 coal in Illinois. Such hearings shall be commenced no later  
7 than 30 days after the filing of the request by the public  
8 utility and shall be concluded within 120 days from the date of  
9 filing. The Commission must issue its final determination  
10 within 60 days of the conclusion of the hearing. In making its  
11 determination the Commission shall attach primary weight to  
12 the cost or cost savings to the customers of the utility. In  
13 granting its approval, the Commission may impose such terms,  
14 conditions or requirements as in its judgment are necessary to  
15 protect the public interest. Provided, however, that any  
16 public utility abandoning or discontinuing service in  
17 pursuance of authority granted by the Commission shall be  
18 deemed to have waived any and all objections to the terms,  
19 conditions or requirements imposed by the Commission in that  
20 regard. Provided, further, that nothing in this Section shall  
21 be construed to limit the right of a public utility to  
22 discontinue service to individual patrons in accordance with  
23 the effective rules, regulations, and practices of such public  
24 utility.

25 The Commission, after a hearing upon its own motion or  
26 upon petition of any public utility, shall have power by order

1 to authorize or require any public utility to curtail or  
2 discontinue service to individual customers or classes  
3 thereof, or for specific purposes or uses, and otherwise to  
4 regulate the furnishing of service, provided that preference  
5 for service shall be given to those customers serving  
6 essential human needs and governmental agencies performing law  
7 enforcement functions, whenever and to the extent such action  
8 is required by the convenience and necessity of the public  
9 during time of war, invasion, insurrection or martial law, or  
10 by reason of a catastrophe, emergency, or shortage of fuel,  
11 supplies or equipment employed or service furnished by such  
12 public utility; provided, however, that an interim order,  
13 effective for a period not exceeding 45 ~~15~~ days, may be made  
14 without a hearing if the circumstances do not reasonably  
15 permit the holding of a hearing. Orders for the curtailment or  
16 discontinuance of service pursuant to this paragraph shall not  
17 be continued in effect for any period beyond that which is  
18 reasonably necessary, shall be vacated by the Commission as  
19 soon as public convenience and necessity permit, and shall  
20 include such arrangements for substitute service in the  
21 interim as the Commission in its judgment may impose. Every  
22 such order, during the period it is in effect and for such  
23 further period, if any, as the Commission may provide, shall  
24 have the effect of suspending the operation of all prior  
25 orders or parts of orders of the Commission inconsistent  
26 therewith. No public utility shall be held liable for any

1 damage resulting from any action taken, or any omission to  
2 act, pursuant to or in compliance with any order under this  
3 paragraph for the curtailment or discontinuance of service  
4 unless such order was procured by the fraud of the public  
5 utility.

6 (Source: P.A. 100-840, eff. 8-13-18.)