

SB0050



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB0050

Introduced 1/29/2021, by Sen. Rachelle Crowe

SYNOPSIS AS INTRODUCED:

220 ILCS 5/3-105

from Ch. 111 2/3, par. 3-105

Amends the Public Utilities Act. Changes the definition of "public utility" to exclude commercial natural gas cooperatives. Provides that for a commercial natural gas cooperative to qualify and be recognized by the Illinois Commerce Commission, the properties that receive retail natural gas service from each commercial natural gas cooperative: (i) shall not have a public utility-owned natural gas transportation pipeline located within the properties at the time of commencement of service; (ii) shall comprise of not less than 500 acres and not more than 2,500 acres, which territory does not need to be contiguous; and (iii) shall be used exclusively for non-residential purposes. Effective July 1, 2021.

LRB102 04264 SPS 14282 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 3-105 as follows:

6 (220 ILCS 5/3-105) (from Ch. 111 2/3, par. 3-105)

7 Sec. 3-105. Public utility.

8 (a) "Public utility" means and includes, except where
9 otherwise expressly provided in this Section, every
10 corporation, company, limited liability company, association,
11 joint stock company or association, firm, partnership or
12 individual, their lessees, trustees, or receivers appointed by
13 any court whatsoever that owns, controls, operates or manages,
14 within this State, directly or indirectly, for public use, any
15 plant, equipment or property used or to be used for or in
16 connection with, or owns or controls any franchise, license,
17 permit or right to engage in:

18 (1) the production, storage, transmission, sale,
19 delivery or furnishing of heat, cold, power, electricity,
20 water, or light, except when used solely for
21 communications purposes;

22 (2) the disposal of sewerage; or

23 (3) the conveyance of oil or gas by pipe line.

1 (b) "Public utility" does not include, however:

2 (1) public utilities that are owned and operated by
3 any political subdivision, public institution of higher
4 education or municipal corporation of this State, or
5 public utilities that are owned by such political
6 subdivision, public institution of higher education, or
7 municipal corporation and operated by any of its lessees
8 or operating agents;

9 (2) water companies which are purely mutual concerns,
10 having no rates or charges for services, but paying the
11 operating expenses by assessment upon the members of such
12 a company and no other person;

13 (3) electric cooperatives as defined in Section 3-119;

14 (4) the following natural gas cooperatives:

15 (A) residential and commercial natural gas
16 cooperatives that are not-for-profit corporations
17 established for the purpose of administering and
18 operating, on a cooperative basis, the furnishing of
19 natural gas to residences and commercial enterprises
20 for the benefit of their members who are ~~residential~~
21 consumers of natural gas. For entities qualifying as
22 residential natural gas cooperatives and recognized by
23 the Illinois Commerce Commission as such, the State
24 shall guarantee legally binding contracts entered into
25 by residential natural gas cooperatives for the
26 express purpose of acquiring natural gas supplies for

1 their members. The Illinois Commerce Commission shall
2 establish rules and regulations providing for such
3 guarantees. The total liability of the State in
4 providing all such guarantees shall not at any time
5 exceed \$1,000,000, nor shall the State provide such a
6 guarantee to a residential natural gas cooperative for
7 more than 3 consecutive years. For a commercial
8 natural gas cooperative to qualify and be recognized
9 by the Illinois Commerce Commission, the properties
10 that receive retail natural gas service from each
11 commercial natural gas cooperative: (i) shall not have
12 a public utility-owned natural gas transportation
13 pipeline located within the properties at the time of
14 commencement of service; (ii) shall comprise of not
15 less than 500 acres and not more than 2,500 acres,
16 which territory does not need to be contiguous; and
17 (iii) shall be used exclusively for non-residential
18 purposes; and

19 (B) natural gas cooperatives that are
20 not-for-profit corporations operated for the purpose
21 of administering, on a cooperative basis, the
22 furnishing of natural gas for the benefit of their
23 members and that, prior to 90 days after the effective
24 date of this amendatory Act of the 94th General
25 Assembly, either had acquired or had entered into an
26 asset purchase agreement to acquire all or

1 substantially all of the operating assets of a public
2 utility or natural gas cooperative with the intention
3 of operating those assets as a natural gas
4 cooperative;

5 (5) sewage disposal companies which provide sewage
6 disposal services on a mutual basis without establishing
7 rates or charges for services, but paying the operating
8 expenses by assessment upon the members of the company and
9 no others;

10 (6) (blank);

11 (7) cogeneration facilities, small power production
12 facilities, and other qualifying facilities, as defined in
13 the Public Utility Regulatory Policies Act and regulations
14 promulgated thereunder, except to the extent State
15 regulatory jurisdiction and action is required or
16 authorized by federal law, regulations, regulatory
17 decisions or the decisions of federal or State courts of
18 competent jurisdiction;

19 (8) the ownership or operation of a facility that
20 sells compressed natural gas at retail to the public for
21 use only as a motor vehicle fuel and the selling of
22 compressed natural gas at retail to the public for use
23 only as a motor vehicle fuel;

24 (9) alternative retail electric suppliers as defined
25 in Article XVI; and

26 (10) the Illinois Power Agency.

1 (c) An entity that furnishes the service of charging
2 electric vehicles does not and shall not be deemed to sell
3 electricity and is not and shall not be deemed a public utility
4 notwithstanding the basis on which the service is provided or
5 billed. If, however, the entity is otherwise deemed a public
6 utility under this Act, or is otherwise subject to regulation
7 under this Act, then that entity is not exempt from and remains
8 subject to the otherwise applicable provisions of this Act.
9 The installation, maintenance, and repair of an electric
10 vehicle charging station shall comply with the requirements of
11 subsection (a) of Section 16-128 and Section 16-128A of this
12 Act.

13 For purposes of this subsection, the term "electric
14 vehicles" has the meaning ascribed to that term in Section 10
15 of the Electric Vehicle Act.

16 (Source: P.A. 97-1128, eff. 8-28-12.)

17 Section 99. Effective date. This Act takes effect July 1,
18 2021.