



Sen. Patrick J. Joyce

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LRB102 13147 SPS 25076 a

1 AMENDMENT TO SENATE BILL 2393

2 AMENDMENT NO. _____. Amend Senate Bill 2393 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the
5 Pembroke Township Natural Gas Investment Pilot Program Act.

6 Section 5. Definitions. In this Act:

7 "Department" means the Department of Commerce and Economic
8 Opportunity.

9 "Qualifying gas pipeline project" means the construction
10 or installation of gas equipment used in connection with the
11 distribution and delivery of natural gas in Pembroke Township.

12 Section 10. Pembroke Township Natural Gas Investment Pilot
13 Program.

14 (a) The Department shall create the Pembroke Township
15 Natural Gas Investment Pilot Program for a duration of 5

1 years. The Program shall provide that the Department shall
2 distribute grants, subject to appropriation, from moneys in
3 the Pembroke Township Natural Gas Investment Fund for the
4 conversion of appliances to be compatible with natural gas.

5 (b) The Department shall adopt rules for the
6 administration of the Program. At a minimum, the rules shall
7 require that the applicant for the grants demonstrate that the
8 grants will result in the conversion of necessary equipment to
9 have the ability to utilize natural gas. The rules shall allow
10 for conversion grants awarded to residents of Pembroke
11 Township and to Pembroke Township to provide assistance for
12 the use of natural gas and shall ensure that the applicant
13 complies with all other requirements of the rules.

14 (c) A grantee must maintain all records as required by
15 rule. The records shall be subject to audit by the Department,
16 by an auditor appointed by the Department, or by a State
17 officer authorized to conduct audits.

18 (d) Eligible applicants under this Program may include a
19 nonprofit or community action association that will help the
20 residents of Pembroke with the convergence of natural gas
21 services in the residents' homes. Notwithstanding any
22 provision of law to the contrary, an entity regulated under
23 the Public Utilities Act may serve as a grantee under this Act.

24 Section 15. Pembroke Township Natural Gas Investment Pilot
25 Program Fund. The Pembroke Township Natural Gas Investment

1 Pilot Program Fund is created as a special fund in the State
2 treasury. Subject to appropriation, all moneys in the Fund
3 shall be used by the Department to fund grants for qualified
4 utility infrastructure projects. The Department may accept
5 private and public funds, including federal funds, for deposit
6 into the Fund. Earnings attributable to moneys in the Fund
7 shall be deposited into the Fund.

8 Section 20. Data collection and reporting. The Department
9 shall collect data regarding the successes and challenges of
10 the Pembroke Township Natural Gas Investment Pilot Program and
11 shall submit an annual report to the Governor and the General
12 Assembly by March 1 of each year beginning in 2022 until the
13 Pilot Program terminates. The report shall: (i) make a
14 recommendation as to whether the Pilot Program should
15 continue; (ii) provide cost estimates, including the average
16 per person costs; and (iii) recommend ways in which the Pilot
17 Program can be improved to better address the needs for
18 natural gas distribution.

19 Section 90. The State Finance Act is amended by adding
20 Section 5.935 as follows:

21 (30 ILCS 105/5.935 new)

22 Sec. 5.935. The Pembroke Township Natural Gas Investment
23 Pilot Program Fund.

1 Section 95. The Public Utilities Act is amended by
2 changing Sections 8-406 and by adding Section 8-406.2 as
3 follows:

4 (220 ILCS 5/8-406) (from Ch. 111 2/3, par. 8-406)

5 Sec. 8-406. Certificate of public convenience and
6 necessity.

7 (a) No public utility not owning any city or village
8 franchise nor engaged in performing any public service or in
9 furnishing any product or commodity within this State as of
10 July 1, 1921 and not possessing a certificate of public
11 convenience and necessity from the Illinois Commerce
12 Commission, the State Public Utilities Commission or the
13 Public Utilities Commission, at the time this amendatory Act
14 of 1985 goes into effect, shall transact any business in this
15 State until it shall have obtained a certificate from the
16 Commission that public convenience and necessity require the
17 transaction of such business. A certificate of public
18 convenience and necessity requiring the transaction of public
19 utility business in any area of this State shall include
20 authorization to the public utility receiving the certificate
21 of public convenience and necessity to construct such plant,
22 equipment, property, or facility as is provided for under the
23 terms and conditions of its tariff and as is necessary to
24 provide utility service and carry out the transaction of

1 public utility business by the public utility in the
2 designated area.

3 (b) No public utility shall begin the construction of any
4 new plant, equipment, property or facility which is not in
5 substitution of any existing plant, equipment, property or
6 facility or any extension or alteration thereof or in addition
7 thereto, unless and until it shall have obtained from the
8 Commission a certificate that public convenience and necessity
9 require such construction. Whenever after a hearing the
10 Commission determines that any new construction or the
11 transaction of any business by a public utility will promote
12 the public convenience and is necessary thereto, it shall have
13 the power to issue certificates of public convenience and
14 necessity. The Commission shall determine that proposed
15 construction will promote the public convenience and necessity
16 only if the utility demonstrates: (1) that the proposed
17 construction is necessary to provide adequate, reliable, and
18 efficient service to its customers and is the least-cost means
19 of satisfying the service needs of its customers or that the
20 proposed construction will promote the development of an
21 effectively competitive electricity market that operates
22 efficiently, is equitable to all customers, and is the least
23 cost means of satisfying those objectives; (2) that the
24 utility is capable of efficiently managing and supervising the
25 construction process and has taken sufficient action to ensure
26 adequate and efficient construction and supervision thereof;

1 and (3) that the utility is capable of financing the proposed
2 construction without significant adverse financial
3 consequences for the utility or its customers.

4 (c) After the effective date of this amendatory Act of
5 1987, no construction shall commence on any new nuclear power
6 plant to be located within this State, and no certificate of
7 public convenience and necessity or other authorization shall
8 be issued therefor by the Commission, until the Director of
9 the Illinois Environmental Protection Agency finds that the
10 United States Government, through its authorized agency, has
11 identified and approved a demonstrable technology or means for
12 the disposal of high level nuclear waste, or until such
13 construction has been specifically approved by a statute
14 enacted by the General Assembly.

15 As used in this Section, "high level nuclear waste" means
16 those aqueous wastes resulting from the operation of the first
17 cycle of the solvent extraction system or equivalent and the
18 concentrated wastes of the subsequent extraction cycles or
19 equivalent in a facility for reprocessing irradiated reactor
20 fuel and shall include spent fuel assemblies prior to fuel
21 reprocessing.

22 (d) In making its determination under subsection (b) of
23 this Section, the Commission shall attach primary weight to
24 the cost or cost savings to the customers of the utility. The
25 Commission may consider any or all factors which will or may
26 affect such cost or cost savings, including the public

1 utility's engineering judgment regarding the materials used
2 for construction.

3 (e) The Commission may issue a temporary certificate which
4 shall remain in force not to exceed one year in cases of
5 emergency, to assure maintenance of adequate service or to
6 serve particular customers, without notice or hearing, pending
7 the determination of an application for a certificate, and may
8 by regulation exempt from the requirements of this Section
9 temporary acts or operations for which the issuance of a
10 certificate will not be required in the public interest.

11 A public utility shall not be required to obtain but may
12 apply for and obtain a certificate of public convenience and
13 necessity pursuant to this Section with respect to any matter
14 as to which it has received the authorization or order of the
15 Commission under the Electric Supplier Act, and any such
16 authorization or order granted a public utility by the
17 Commission under that Act shall as between public utilities be
18 deemed to be, and shall have except as provided in that Act the
19 same force and effect as, a certificate of public convenience
20 and necessity issued pursuant to this Section.

21 No electric cooperative shall be made or shall become a
22 party to or shall be entitled to be heard or to otherwise
23 appear or participate in any proceeding initiated under this
24 Section for authorization of power plant construction and as
25 to matters as to which a remedy is available under The Electric
26 Supplier Act.

1 (f) Such certificates may be altered or modified by the
2 Commission, upon its own motion or upon application by the
3 person or corporation affected. Unless exercised within a
4 period of 2 years from the grant thereof authority conferred
5 by a certificate of convenience and necessity issued by the
6 Commission shall be null and void.

7 No certificate of public convenience and necessity shall
8 be construed as granting a monopoly or an exclusive privilege,
9 immunity or franchise.

10 (g) A public utility that undertakes any of the actions
11 described in items (1) through (3) of this subsection (g) or
12 that has obtained approval pursuant to Section 8-406.1 of this
13 Act shall not be required to comply with the requirements of
14 this Section to the extent such requirements otherwise would
15 apply. For purposes of this Section and Section 8-406.1 of
16 this Act, "high voltage electric service line" means an
17 electric line having a design voltage of 100,000 or more. For
18 purposes of this subsection (g), a public utility may do any of
19 the following:

20 (1) replace or upgrade any existing high voltage
21 electric service line and related facilities,
22 notwithstanding its length;

23 (2) relocate any existing high voltage electric
24 service line and related facilities, notwithstanding its
25 length, to accommodate construction or expansion of a
26 roadway or other transportation infrastructure; or

1 (3) construct a high voltage electric service line and
2 related facilities that is constructed solely to serve a
3 single customer's premises or to provide a generator
4 interconnection to the public utility's transmission
5 system and that will pass under or over the premises owned
6 by the customer or generator to be served or under or over
7 premises for which the customer or generator has secured
8 the necessary right of way.

9 (h) A public utility seeking to construct a high-voltage
10 electric service line and related facilities (Project) must
11 show that the utility has held a minimum of 2 pre-filing public
12 meetings to receive public comment concerning the Project in
13 each county where the Project is to be located, no earlier than
14 6 months prior to filing an application for a certificate of
15 public convenience and necessity from the Commission. Notice
16 of the public meeting shall be published in a newspaper of
17 general circulation within the affected county once a week for
18 3 consecutive weeks, beginning no earlier than one month prior
19 to the first public meeting. If the Project traverses 2
20 contiguous counties and where in one county the transmission
21 line mileage and number of landowners over whose property the
22 proposed route traverses is one-fifth or less of the
23 transmission line mileage and number of such landowners of the
24 other county, then the utility may combine the 2 pre-filing
25 meetings in the county with the greater transmission line
26 mileage and affected landowners. All other requirements

1 regarding pre-filing meetings shall apply in both counties.
2 Notice of the public meeting, including a description of the
3 Project, must be provided in writing to the clerk of each
4 county where the Project is to be located. A representative of
5 the Commission shall be invited to each pre-filing public
6 meeting.

7 (i) For applications filed after the effective date of
8 this amendatory Act of the 99th General Assembly, the
9 Commission shall by registered mail notify each owner of
10 record of land, as identified in the records of the relevant
11 county tax assessor, included in the right-of-way over which
12 the utility seeks in its application to construct a
13 high-voltage electric line of the time and place scheduled for
14 the initial hearing on the public utility's application. The
15 utility shall reimburse the Commission for the cost of the
16 postage and supplies incurred for mailing the notice.

17 (Source: P.A. 99-399, eff. 8-18-15.)

18 (220 ILCS 5/8-406.2 new)

19 Sec. 8-406.2. Certificate of public convenience and
20 necessity; extension of utility service area and facilities to
21 serve designated hardship areas.

22 (a) This Section is intended to provide a mechanism by
23 which a gas public utility may extend its service territory
24 and gas distribution system to provide service to designated
25 low-income areas whose residents do not have access to natural

1 gas service and must purchase more costly alternatives to
2 satisfy their energy needs.

3 (b) In this Section:

4 "Designated hardship area" means a defined geographic area
5 described by the applicant gas utility that meets the
6 following requirements:

7 (1) the area is designated as a qualified census tract
8 by the U.S. Department of Housing and Urban Development as
9 published in the most current Federal Register; if the
10 U.S. Department of Housing and Urban Development ceases to
11 make this designation, then at least 25% of the households
12 in the area are at or below the poverty level; and

13 (2) the area is not currently served by a gas utility.

14 "Hardship area facilities" means all gas distribution
15 system facilities that are proposed to be constructed or
16 extended and used to serve the designated hardship area,
17 through and including retail gas meters. "Hardship area
18 facilities" includes the capacity to address reasonably
19 foreseeable growth in areas adjacent to or in the vicinity of
20 the designated hardship area.

21 (c) A gas public utility may apply for a certificate of
22 public convenience and necessity pursuant to this Section to
23 increase its gas service territory and extend its gas
24 distribution system to serve a designated hardship area. An
25 application under this Section shall include all of the
26 following:

1 (1) a description of the designated hardship area and
2 its relationship to the existing gas distribution system
3 of the applicant;

4 (2) a showing that the designated hardship area meets
5 the criteria for being a designated hardship area under
6 subsection (b) of this Section;

7 (3) a description of the hardship area facilities
8 proposed to serve the designated hardship area;

9 (4) a projection of the costs to construct and deploy
10 the hardship area facilities; and

11 (5) a showing that the estimated cost to construct and
12 deploy the hardship area facilities is equal to or less
13 than 250% of the amount allowed under the gas utilities'
14 then current tariffs to provide standard service to extend
15 main and services.

16 (d) The Commission shall, after notice and hearing, grant
17 a certificate of public convenience and necessity under this
18 Section if, based upon the application filed with the
19 Commission and the evidentiary record, the Commission finds
20 that all of the following criteria are satisfied:

21 (1) the area to be served is a designated hardship
22 area;

23 (2) the proposed hardship area facilities will provide
24 adequate, reliable, and efficient gas delivery service to
25 the customers within the designated hardship area and are
26 the least-cost means of providing such gas delivery

1 service to these customers;

2 (3) the public utility is capable of efficiently
3 managing and supervising the construction of the hardship
4 area facilities and has taken sufficient action to ensure
5 adequate and efficient construction and supervision of the
6 construction;

7 (4) the public utility is capable of financing the
8 construction of the hardship area facilities without
9 significant adverse financial consequences for the utility
10 or its customers; and

11 (5) the estimated cost to construct and deploy the
12 hardship area facilities is equal to or less than 250% of
13 the amount allowed under the gas utilities then current
14 tariffs to provide standard service to extend main and
15 services.

16 (e) The Commission shall issue its decision with findings
17 of fact and conclusions of law granting or denying the
18 application no later than 120 days after the application is
19 filed.

20 Section 99. Effective date. This Act takes effect upon
21 becoming law.".