

1 AN ACT concerning regulation.

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

4 Article 5. Energy Transition

5 Section 5-1. Short title. This Article may be cited as the
6 Energy Transition Act. As used in this Article, "this Act"
7 refers to this Article.

8 Section 5-5. Definitions. As used in this Act:

9 "Apprentice" means a participant in an apprenticeship
10 program approved by and registered with the United States
11 Department of Labor's Bureau of Apprenticeship and Training.

12 "Apprenticeship program" means an apprenticeship and
13 training program approved by and registered with the United
14 States Department of Labor's Bureau of Apprenticeship and
15 Training.

16 "Black, indigenous, and people of color" or "BIPOC" means
17 people who are members of the groups described in
18 subparagraphs (a) through (e) of paragraph (A) of subsection
19 (1) of Section 2 of the Business Enterprise for Minorities,
20 Women, and Persons with Disabilities Act.

21 "Community-based organizations" means an organization
22 that: (1) provides employment, skill development, or related

1 services to members of the community; (2) includes community
2 colleges, nonprofits, and local governments; (3) has at least
3 one main operating office in the community or region it
4 serves; and (4) demonstrates relationships with local
5 residents and other organizations serving the community.

6 "Department" means the Department of Commerce and Economic
7 Opportunity, unless the text solely specifies a particular
8 Department.

9 "Director" means the Director of Commerce and Economic
10 Opportunity.

11 "Equity eligible contractor" or "eligible contractor"
12 means:

13 (1) a business that is majority-owned by equity
14 investment eligible individuals or persons who are or have
15 been participants in the Clean Jobs Workforce Network
16 Program, Clean Energy Contractor Incubator Program,
17 Returning Residents Clean Jobs Training Program, Illinois
18 Climate Works Preapprenticeship Program, or Clean Energy
19 Primes Contractor Accelerator Program;

20 (2) a nonprofit or cooperative that is
21 majority-governed by equity investment eligible
22 individuals or persons who are or have been participants
23 in the Clean Jobs Workforce Network Program, Clean Energy
24 Contractor Incubator Program, Returning Residents Clean
25 Jobs Training Program, Illinois Climate Works
26 Preapprenticeship Program, or Clean Energy Primes

1 Contractor Accelerator Program; or

2 (3) an equity investment eligible person or an
3 individual who is or has been a participant in the Clean
4 Jobs Workforce Network Program, Clean Energy Contractor
5 Incubator Program, Returning Residents Clean Jobs Training
6 Program, Illinois Climate Works Preapprenticeship Program,
7 or Clean Energy Primes Contractor Accelerator Program and
8 who is offering personal services as an independent
9 contractor.

10 "Equity focused populations" means (i) low-income persons;
11 (ii) persons residing in equity investment eligible
12 communities; (iii) persons who identify as black, indigenous,
13 and people of color; (iv) formerly convicted persons; (v)
14 persons who are or were in the child welfare system; (vi)
15 energy workers; (vii) dependents of displaced energy workers;
16 (viii) women; (ix) LGBTQ+, transgender, or gender
17 nonconforming persons; (x) persons with disabilities; and (xi)
18 members of any of these groups who are also youth.

19 "Equity investment eligible community" and "eligible
20 community" are synonymous and mean the geographic areas
21 throughout Illinois which would most benefit from equitable
22 investments by the State designed to combat discrimination and
23 foster sustainable economic growth. Specifically, the eligible
24 community means the following areas:

25 (1) R3 Areas as established pursuant to Section 10-40
26 of the Cannabis Regulation and Tax Act, where residents

1 have historically been excluded from economic
2 opportunities, including opportunities in the energy
3 sector; and

4 (2) Environmental justice communities, as defined by
5 the Illinois Power Agency pursuant to the Illinois Power
6 Agency Act, but excluding racial and ethnic indicators,
7 where residents have historically been subject to
8 disproportionate burdens of pollution, including pollution
9 from the energy sector.

10 "Equity investment eligible person" and "eligible person"
11 are synonymous and mean the persons who would most benefit
12 from equitable investments by the State designed to combat
13 discrimination and foster sustainable economic growth.
14 Specifically, eligible persons means the following people:

15 (1) persons whose primary residence is in an equity
16 investment eligible community;

17 (2) persons who are graduates of or currently enrolled
18 in the foster care system; or

19 (3) persons who were formerly incarcerated.

20 "Climate Works Hub" means a nonprofit organization
21 selected by the Department to act as a workforce intermediary
22 and to participate in the Illinois Climate Works
23 Preapprenticeship Program. To qualify as a Climate Works Hub,
24 the organization must demonstrate the following:

25 (1) the ability to effectively serve diverse and
26 underrepresented populations, including by providing

- 1 employment services to such populations;
- 2 (2) experience with the construction and building
- 3 trades;
- 4 (3) the ability to recruit, prescreen, and provide
- 5 preapprenticeship training to prepare workers for
- 6 employment in the construction and building trades; and
- 7 (4) a plan to provide the following:
- 8 (A) preparatory classes;
- 9 (B) workplace readiness skills, such as resume
- 10 preparation and interviewing techniques;
- 11 (C) strategies for overcoming barriers to entry
- 12 and completion of an apprenticeship program; and
- 13 (D) any prerequisites for acceptance into an
- 14 apprenticeship program.

15 Section 5-10. Findings. The General Assembly finds that

16 the clean energy sector is a growing area of the economy in the

17 State of Illinois. The General Assembly further finds that

18 State investment in the clean energy economy in Illinois can

19 be a vehicle for expanding equitable access to public health,

20 safety, a cleaner environment, quality jobs, and economic

21 opportunity.

22 It is in the public policy interest of the State to ensure

23 that Illinois residents from communities disproportionately

24 impacted by climate change, communities facing coal plant or

25 coal mine closures, and economically disadvantaged communities

1 and individuals experiencing barriers to employment have
2 access to State programs and good jobs and career
3 opportunities in growing sectors of the State economy. To
4 promote those interests in the growing clean energy sector,
5 the General Assembly hereby creates this Act to increase
6 access to and opportunities for education, training, and
7 support services these individuals need to succeed in the
8 labor market generally and the clean energy sector
9 specifically. The General Assembly further finds that the
10 programs included in this Act are essential to equitable,
11 statewide access to quality training, jobs, and economic
12 opportunities across the clean energy sector.

13 Section 5-15. Regional Administrators.

14 (a) Subject to appropriation, the Department shall select
15 3 unique Regional Administrators: one Regional Administrator
16 for coordination of the work in the Northern Illinois Program
17 Delivery Area, one Regional Administrator for coordination of
18 the work in the Central Illinois Program Delivery Area, and
19 one Regional Administrator for coordination of the work in the
20 Southern Illinois Program Delivery Area.

21 (b) The Regional Administrators shall have strong
22 capabilities, experience, and knowledge related to program
23 development and fiscal management; cultural and language
24 competency needed to be effective in their respective
25 communities to be served; expertise in working in and with

1 BIPOC and environmental justice communities; knowledge and
2 experience in working with employer or sectoral partnerships,
3 if applicable, in clean energy or related sectors; and
4 awareness of industry trends and activities, workforce
5 development best practices, regional workforce development
6 needs, regional and industry employers, and community
7 development. The Regional Administrators shall demonstrate a
8 track record of strong partnerships with community-based
9 organizations and labor organizations.

10 (c) The Regional Administrators shall work together to
11 administer the implementation of the Clean Jobs Workforce
12 Network Program, the Illinois Climate Works Preapprenticeship
13 Program, the Clean Energy Contractor Incubator Program, and
14 the Returning Resident Clean Jobs Training Program.

15 Section 5-20. Clean Jobs Workforce Network Program.

16 (a) As used in this Section, "Program" means the Clean
17 Jobs Workforce Network Program.

18 (b) Subject to appropriation, the Department shall develop
19 and, through Regional Administrators, administer the Clean
20 Jobs Workforce Network Program to create a network of 13
21 Program delivery Hub Sites with program elements delivered by
22 community-based organizations and their subcontractors
23 geographically distributed across the State including at least
24 one Hub Site located in or near each of the following areas:
25 Chicago (South Side), Chicago (Southwest and West Sides),

1 Waukegan, Rockford, Aurora, Joliet, Peoria, Champaign,
2 Danville, Decatur, Carbondale, East St. Louis, and Alton.

3 (c) In admitting program participants, for each workforce
4 Hub Site, the Regional Administrators shall:

5 (1) in each Hub Site where the applicant pool allows:

6 (A) dedicate at least one-third of program
7 placements to applicants who reside in a geographic
8 area that is impacted by economic and environmental
9 challenges, defined as an area that is both (i) an R3
10 Area, as defined pursuant to Section 10-40 of the
11 Cannabis Regulation and Tax Act, and (ii) an
12 environmental justice community, as defined by the
13 Illinois Power Agency, excluding any racial or ethnic
14 indicators used by the agency unless and until the
15 constitutional basis for their inclusion in
16 determining program admissions is established. Among
17 applicants that satisfy these criteria, preference
18 shall be given to applicants who face barriers to
19 employment, such as low educational attainment, prior
20 involvement with the criminal legal system, and
21 language barriers; and applicants that are graduates
22 of or currently enrolled in the foster care system;
23 and

24 (B) dedicate at least two-thirds of program
25 placements to applicants that satisfy the criteria in
26 paragraph (1) or who reside in a geographic area that

1 is impacted by economic or environmental challenges,
2 defined as an area that is either (i) an R3 Area, as
3 defined pursuant to Section 10-40 of the Cannabis
4 Regulation and Tax Act, or (ii) an environmental
5 justice community, as defined by the Illinois Power
6 Agency, excluding any racial or ethnic indicators used
7 by the agency unless and until the constitutional
8 basis for their inclusion in determining program
9 admissions is established. Among applicants that
10 satisfy these criteria, preference shall be given to
11 applicants who face barriers to employment, such as
12 low educational attainment, prior involvement with the
13 criminal legal system, and language barriers; and
14 applicants that are graduates of or currently enrolled
15 in the foster care system; and

16 (2) prioritize the remaining program placements for:
17 applicants who are displaced energy workers as defined in
18 the Energy Community Reinvestment Act; persons who face
19 barriers to employment, including low educational
20 attainment, prior involvement with the criminal legal
21 system, and language barriers; and applicants who are
22 graduates of or currently enrolled in the foster care
23 system, regardless of the applicant's area of residence.

24 The Department and Regional Administrators shall protect
25 the confidentiality of any personal information provided by
26 program applicants regarding the applicant's status as a

1 formerly incarcerated person or foster care recipient;
2 however, the Department or Regional Administrators may publish
3 aggregated data on the number of participants that were
4 formerly incarcerated or foster care recipients so long as
5 that publication protects the identities of those persons.

6 Any person who applies to the program may elect not to
7 share with the Department or Regional Administrators whether
8 he or she is a graduate or currently enrolled in the foster
9 care system or was formerly convicted.

10 (d) Program elements for each Hub Site shall be provided
11 by a community-based organization. The Department shall
12 initially select a community-based organization in each Hub
13 Site and shall subsequently select a community-based
14 organization in each Hub Site every 3 years. Community-based
15 organizations delivering program elements outlined in
16 subsection (e) may provide all elements required or may
17 subcontract to other entities for provision of portions of
18 program elements, including, but not limited to,
19 administrative soft and hard skills for program participants,
20 delivery of specific training in the core curriculum, or
21 provision of other support functions for program delivery
22 compliance.

23 (e) The Clean Jobs Workforce Hubs Network shall:

24 (1) coordinate with Energy Transition Navigators: (i)
25 to increase participation in the Clean Jobs Workforce
26 Network Program and clean energy and related sector

1 workforce and training opportunities; (ii) coordinate
2 recruitment, communications, and ongoing engagement with
3 potential employers, including, but not limited to,
4 activities such as job matchmaking initiatives, hosting
5 events such as job fairs, and collaborating with other Hub
6 Sites to identify and implement best practices for
7 employer engagement; and (iii) leverage community-based
8 organizations, educational institutions, and
9 community-based and labor-based training providers to
10 ensure program-eligible individuals across the State have
11 dedicated and sustained support to enter and complete the
12 career pipeline for clean energy and related sector jobs;

13 (2) develop formal partnerships, including formal
14 sector partnerships between community-based organizations
15 and entities that provide clean energy jobs, including
16 businesses, nonprofit organizations, and worker-owned
17 cooperatives, to ensure that Program participants have
18 priority access to employment training and hiring
19 opportunities; and

20 (3) implement the Clean Jobs Curriculum to provide,
21 including, but not limited to, training, certification
22 preparation, job readiness, and skill development,
23 including soft skills, math skills, technical skills,
24 certification test preparation, and other development
25 needed, to Program participants.

26 (f) Funding for the Program is subject to appropriation

1 from the Energy Transition Assistance Fund.

2 (g) The Department shall require submission of quarterly
3 reports, including program performance metrics by each Hub
4 Site to the Regional Administrator of their Program Delivery
5 Area. Program performance metrics include, but are not limited
6 to:

7 (1) demographic data, including racial, gender,
8 residency in eligible communities, and geographic
9 distribution data, on Program trainees entering and
10 graduating the Program;

11 (2) demographic data, including racial, gender,
12 residency in eligible communities, and geographic
13 distribution data, on Program trainees who are placed in
14 employment, including the percentages of trainees by race,
15 gender, and geographic categories in each individual job
16 type or category and whether employment is union,
17 nonunion, or nonunion via temporary agency;

18 (3) trainee job acquisition and retention statistics,
19 including the duration of employment (start and end dates
20 of hires) by race, gender, and geography;

21 (4) hourly wages, including hourly overtime pay rate,
22 and benefits of trainees placed into employment by race,
23 gender, and geography;

24 (5) percentage of jobs by race, gender, and geography
25 held by Program trainees or graduates that are full-time
26 equivalent positions, meaning that the position held is

1 full-time, direct, and permanent based on 2,080 hours
2 worked per year (paid directly by the employer, whose
3 activities, schedule, and manner of work the employer
4 controls, and receives pay and benefits in the same manner
5 as permanent employees); and

6 (6) qualitative data consisting of open-ended
7 reporting on pertinent issues, including, but not limited
8 to, qualitative descriptions accompanying metrics or
9 identifying key successes and challenges.

10 (h) Within 3 years after the effective date of this Act,
11 the Department shall select an independent evaluator to review
12 and prepare a report on the performance of the Program and
13 Regional Administrators.

14 Section 5-25. Clean Jobs Curriculum.

15 (a) As used in this Section, "clean energy jobs", subject
16 to administrative rules, means jobs in the solar energy, wind
17 energy, energy efficiency, energy storage, solar thermal,
18 green hydrogen, geothermal, electric vehicle industries, other
19 renewable energy industries, industries achieving emission
20 reductions, and other related sectors including related
21 industries that manufacture, develop, build, maintain, or
22 provide ancillary services to renewable energy resources or
23 energy efficiency products or services, including the
24 manufacture and installation of healthier building materials
25 that contain fewer hazardous chemicals. "Clean energy jobs"

1 includes administrative, sales, other support functions within
2 these industries and other related sector industries.

3 (b) The Department shall convene a comprehensive
4 stakeholder process that includes representatives from the
5 State Board of Education, the Illinois Community College
6 Board, the Department of Labor, community-based organizations,
7 workforce development providers, labor unions, building
8 trades, educational institutions, residents of BIPOC and
9 low-income communities, residents of environmental justice
10 communities, clean energy businesses, nonprofit organizations,
11 worker-owned cooperatives, other groups that provide clean
12 energy jobs opportunities, groups that provide construction
13 and building trades job opportunities, and other participants
14 to identify the career pathways and training curriculum needed
15 for participants to be skilled, work ready, and able to enter
16 clean energy jobs. The curriculum shall:

17 (1) identify the core training curricular competency
18 areas needed to prepare workers to enter clean energy and
19 related sector jobs;

20 (2) identify a set of required core cross-training
21 competencies provided in each training area for clean
22 energy jobs with the goal of enabling any trainee to
23 receive a standard set of skills common to multiple
24 training areas that would provide a foundation for
25 pursuing a career composed of multiple clean energy job
26 types;

1 (3) include approaches to integrate broad occupational
2 training to provide career entry into the general
3 construction and building trades sector and any remedial
4 education and work readiness support necessary to achieve
5 educational and professional eligibility thresholds; and

6 (4) identify on-the-job training formats, where
7 relevant, and identify suggested trainer certification
8 standards, where relevant.

9 (c) The Department shall publish a report that includes
10 the findings, recommendations, and core curriculum identified
11 by the stakeholder group and shall post a copy of the report on
12 its public website. The Department shall convene the process
13 described to update and modify the recommended curriculum
14 every 3 years to ensure the curriculum contents are current to
15 the evolving clean energy industries, practices, and
16 technologies.

17 (d) Organizations that receive funding to provide training
18 under the Clean Jobs Workforce Network Program, including, but
19 not limited to, community-based and labor-based training
20 providers, and educational institutions must use the core
21 curriculum that is developed under this Section.

22 Section 5-30. Energy Transition Barrier Reduction Program.

23 (a) As used in this Section, "Program" means the Energy
24 Transition Barrier Reduction Program.

25 (b) Subject to appropriation, the Department shall create

1 and administer an Energy Transition Barrier Reduction Program.
2 The Program shall be used to provide supportive services for
3 individuals impacted by the energy transition. Services
4 allowed are intended to help eligible individuals overcome
5 financial and other barriers to participation in the Clean
6 Jobs Workforce Network Program and the Illinois Climate Works
7 Preapprenticeship Program.

8 (c) The Program shall be available to individuals eligible
9 for participation in the Clean Jobs Workforce Network Program
10 or Illinois Climate Works Preapprenticeship Program.

11 (d) The Department shall determine appropriate allowable
12 program costs, elements, and financial supports to reduce
13 barriers to successful participation in the Clean Jobs
14 Workforce Program and the Illinois Climate Works
15 Preapprenticeship Program for individuals eligible for these
16 programs.

17 (e) Community-based organizations and other nonprofits
18 selected by the Department shall provide supportive services
19 described in this Section to eligible individuals
20 participating in the Clean Jobs Workforce Network Program and
21 Illinois Climate Works Preapprenticeship Program.

22 (f) The community-based organizations that provide support
23 services under this Section shall coordinate with the Energy
24 Transition Navigators to ensure eligible individuals have
25 access to these services.

26 (g) Funding for the Program is subject to appropriation

1 from the Energy Transition Assistance Fund.

2 Section 5-35. Energy Transition Navigators.

3 (a) As used in this Section:

4 "Community-based provider" means a not-for-profit
5 organization that has a history of serving low-wage or
6 low-skilled workers or individuals from economically
7 disadvantaged communities.

8 "Economically disadvantaged community" means areas of one
9 or more census tracts where the average household income does
10 not exceed 80% of the area median income.

11 (b) In order to engage eligible individuals to participate
12 in the Clean Jobs Workforce Network Program, the Illinois
13 Climate Works Preapprenticeship Program, Returning Residents
14 Clean Jobs Program, Clean Energy Contractor Incubator Program,
15 and Clean Energy Primes Contractor Accelerator Program and
16 utilize the services offered under the Energy Transition
17 Barrier Reduction Program, the Department shall, subject to
18 appropriation, contract with community-based providers to
19 serve as Energy Transition Navigators. Energy Transition
20 Navigators shall provide education, outreach, and recruitment
21 services to equity focused populations, prioritizing
22 individuals eligible for the Clean Jobs Workforce Network
23 Program or Illinois Climate Works Preapprenticeship Program,
24 to make sure they are aware of and engaged in the statewide and
25 local workforce development systems. Additional strategies may

1 include, but are not limited to, recruitment activities and
2 events.

3 (c) For members of equity focused populations,
4 prioritizing individuals eligible for the Clean Jobs Workforce
5 Network Program or Illinois Climate Works Preapprenticeship
6 Program, who may be interested in entrepreneurial pursuits,
7 Energy Transition Navigators may connect these individuals
8 with their area Small Business Development Center, Procurement
9 Technical Assistance Centers, or economic development
10 organization to engage in services, including, but not limited
11 to, business consulting, business planning, regulatory
12 compliance, marketing, training, accessing capital, government
13 bid, and certification assistance.

14 (d) Energy Transition Navigators shall engage equity
15 focused populations, prioritizing individuals eligible for the
16 Clean Jobs Workforce Network Program or Illinois Climate Works
17 Preapprenticeship Program, organizations working with these
18 populations, local workforce innovation boards, and other
19 relevant stakeholders to coordinate outreach initiatives to
20 promote information regarding programs and services offered
21 under the Clean Jobs Workforce Network Program, the Illinois
22 Climate Works Preapprenticeship Program, and the Energy
23 Transition Barrier Reduction Program. Energy Transition
24 Navigators shall provide support where reasonable to
25 individuals and entities applying for these services and
26 programs.

1 (e) Community education, outreach, and recruitment
2 regarding the Clean Jobs Workforce Network Program, the
3 Illinois Climate Works Preapprenticeship Program, and Energy
4 Transition Barrier Reduction Program shall be targeted to the
5 equity focused populations, prioritizing individuals eligible
6 for the Clean Jobs Workforce Network Program or Illinois
7 Climate Works Preapprenticeship Program.

8 (f) Community-based providers shall partner with
9 educational institutions or organizations working with equity
10 focused populations, local employers, labor unions, and others
11 to identify members of equity focused populations in eligible
12 communities who are unable to advance in their careers due to
13 inadequate skills. Community-based providers shall provide
14 information and consultation to equity focused populations,
15 prioritizing individuals eligible for the Clean Jobs Workforce
16 Network Program or Illinois Climate Works Preapprenticeship
17 Program, on various educational opportunities and supportive
18 services available to them.

19 (g) Community-based providers shall establish partnerships
20 with employers, educational institutions, local economic
21 development organizations, environmental justice
22 organizations, trades groups, labor unions, and entities that
23 provide jobs, including businesses and other nonprofit
24 organizations, to target the skill needs of local industry.
25 The community-based provider shall work with local workforce
26 innovation boards and other relevant partners to develop skill

1 curriculum and career pathway support for disadvantaged
2 individuals in equity focused populations, prioritizing
3 individuals eligible for the Clean Jobs Workforce Network
4 Program or Illinois Climate Works Preapprenticeship Program,
5 that meets local employers' needs and establishes job
6 placement opportunities after training.

7 (h) Funding for the Program is subject to appropriation
8 from the Energy Transition Assistance Fund. Priority in
9 awarding grants under this Section will be given to
10 organizations that also have experience serving populations
11 impacted by climate change.

12 (i) Each community-based organization that receives
13 funding from the Department as an Energy Transition Navigator
14 shall provide an annual report to the Department by April 1 of
15 each calendar year. The annual report shall include the
16 following information:

17 (1) a description of the community-based
18 organization's recruitment, screening, and training
19 efforts;

20 (2) the number of individuals who apply to,
21 participate in, and complete programs offered through the
22 Energy Transition Workforce Program, broken down by race,
23 gender, age, and location; and

24 (3) any other information deemed necessary by the
25 Department.

1 Section 5-40. Illinois Climate Works Preapprenticeship
2 Program.

3 (a) Subject to appropriation, the Department shall
4 develop, and through Regional Administrators administer, the
5 Illinois Climate Works Preapprenticeship Program. The goal of
6 the Illinois Climate Works Preapprenticeship Program is to
7 create a network of hubs throughout the State that will
8 recruit, prescreen, and provide preapprenticeship skills
9 training, for which participants may attend free of charge and
10 receive a stipend, to create a qualified, diverse pipeline of
11 workers who are prepared for careers in the construction and
12 building trades and clean energy jobs opportunities therein.
13 Upon completion of the Illinois Climate Works
14 Preapprenticeship Program, the candidates will be connected to
15 and prepared to successfully complete an apprenticeship
16 program.

17 (b) Each Climate Works Hub that receives funding from the
18 Energy Transition Assistance Fund shall provide an annual
19 report to the Illinois Works Review Panel by April 1 of each
20 calendar year. The annual report shall include the following
21 information:

22 (1) a description of the Climate Works Hub's
23 recruitment, screening, and training efforts, including a
24 description of training related to construction and
25 building trades opportunities in clean energy jobs;

26 (2) the number of individuals who apply to,

1 participate in, and complete the Climate Works Hub's
2 program, broken down by race, gender, age, and veteran
3 status;

4 (3) the number of the individuals referenced in
5 paragraph (2) of this subsection who are initially
6 accepted and placed into apprenticeship programs in the
7 construction and building trades; and

8 (4) the number of individuals referenced in paragraph
9 (2) of this subsection who remain in apprenticeship
10 programs in the construction and building trades or have
11 become journeymen one calendar year after their placement,
12 as referenced in paragraph (3) of this subsection.

13 (c) Subject to appropriation, the Department shall provide
14 funding to 3 Climate Works Hubs throughout the State,
15 including one to the Illinois Department of Transportation
16 Region 1, one to the Illinois Department of Transportation
17 Regions 2 and 3, and one to the Illinois Department of
18 Transportation Regions 4 and 5. The Department shall initially
19 select a community-based provider in each region and shall
20 subsequently select a community-based provider in each region
21 every 3 years.

22 (d) The Climate Works Hubs shall recruit, prescreen, and
23 provide preapprenticeship training to equity investment
24 eligible persons. This training shall include information
25 related to opportunities and certifications relevant to clean
26 energy jobs in the construction and building trades.

1 (e) Funding for the Program is subject to appropriation
2 from the Energy Transition Assistance Fund.

3 (f) The Department shall adopt any rules deemed necessary
4 to implement this Section.

5 Section 5-45. Clean Energy Contractor Incubator Program.

6 (a) As used in this Section, "community-based
7 organization" means a nonprofit organization, including an
8 accredited public college or university that:

9 (1) has a history of providing business-related
10 assistance and knowledge to help entrepreneurs start, run,
11 and grow their businesses;

12 (2) has knowledge of construction and clean energy
13 trades;

14 (3) demonstrates relationships with local residents
15 and other organizations serving the community; and

16 (4) demonstrates the ability to effectively serve
17 diverse and underrepresented populations.

18 (b) Subject to appropriation, the Department shall
19 develop, and through the Regional Administrators, administer
20 the Clean Energy Contractor Incubator Program ("Program") to
21 create a network of 13 Program delivery Hub Sites with program
22 elements delivered by community-based organizations and their
23 subcontractors geographically distributed across the State,
24 including at least one Hub Site located in or near each of the
25 following areas: Chicago (South Side), Chicago (Southwest and

1 West Sides), Waukegan, Rockford, Aurora, Joliet, Peoria,
2 Champaign, Danville, Decatur, Carbondale, East St. Louis, and
3 Alton.

4 (c) In admitting program participants, for each Contractor
5 Incubator Hub Site the Regional Administrators shall:

6 (1) in each Hub Site where the applicant pool allows:

7 (A) dedicate at least one-third of program
8 placements to the owners of clean energy contractor
9 businesses and nonprofits who reside in a geographic
10 area that is impacted by economic and environmental
11 challenges, defined as an area that is both (i) an R3
12 Area, as defined pursuant to Section 10-40 of the
13 Cannabis Regulation and Tax Act, and (ii) an
14 environmental justice community, as defined by the
15 Illinois Power Agency, excluding any racial or ethnic
16 indicators used by the agency unless and until the
17 constitutional basis for their inclusion in
18 determining program admissions is established. Among
19 applicants that satisfy these criteria, preference
20 shall be given to applicants who face barriers to
21 employment, such as low educational attainment, prior
22 involvement with the criminal legal system, and
23 language barriers; and applicants that are graduates
24 of or currently enrolled in the foster care system;
25 and

26 (B) dedicate at least two-thirds of program

1 placements to the owners of clean energy contractor
2 businesses and nonprofits that satisfy the criteria in
3 paragraph (1) or who reside in eligible communities.
4 Among applicants who live in eligible communities,
5 preference shall be given to applicants who face
6 barriers to employment, such as low educational
7 attainment, prior involvement with the criminal legal
8 system, and language barriers; and applicants that are
9 graduates of or currently enrolled in the foster care
10 system; and

11 (2) prioritize the remaining program placements for:
12 applicants who are displaced energy workers as defined in
13 the Energy Community Reinvestment Act; persons who face
14 barriers to employment, including low educational
15 attainment, prior involvement with the criminal legal
16 system, and language barriers; and applicants who are
17 graduates of or currently enrolled in the foster care
18 system, regardless of the applicants' area of residence.

19 Consideration shall also be given to any current or past
20 participant in the Clean Jobs Workforce Network Program,
21 Illinois Climate Works Preapprenticeship Program, or Returning
22 Residents Clean Energy Jobs Training Program.

23 The Department and Regional Administrators shall protect
24 the confidentiality of any personal information provided by
25 program applicants regarding the applicant's status as a
26 formerly incarcerated person or foster care recipient;

1 however, the Department or Regional Administrators may publish
2 aggregated data on the number of participants that were
3 formerly incarcerated or foster care recipients so long as
4 that publication protects the identities of those persons.

5 Any person who applies to the program may elect not to
6 share with the Department or Regional Administrators whether
7 he or she is a graduate or currently enrolled in the foster
8 care system or was formerly convicted.

9 (d) Program elements at each Hub Site shall be provided by
10 a local community-based organization. The Department shall
11 initially select a community-based organization in each Hub
12 Site and shall subsequently select a community-based
13 organization in each Hub Site every 3 years. Community-based
14 organizations delivering program elements outlined in
15 subsection (e) may provide all elements required or may
16 subcontract to other entities for provision of portions of
17 program elements, including, but not limited to,
18 administrative soft and hard skills for program participants,
19 delivery of specific training in the core curriculum, or
20 provision of other support functions for program delivery
21 compliance.

22 (e) The Clean Energy Contractor Incubator Program shall:

23 (1) provide access to low-cost capital for small clean
24 energy businesses and contractors;

25 (2) provide support for obtaining financial assurance,
26 including, but not limited to: bonding; back office

1 services; insurance, permits, training and certifications;
2 business planning; and low-interest loans;

3 (3) train, mentor, and provide other support needed to
4 allow participant contractors to: (i) build their
5 businesses and connect to specific projects, (ii) register
6 as approved vendors, (iii) engage in approved vendor
7 subcontracting and qualified installer opportunities, (iv)
8 develop partnering and networking skills, (v) compete for
9 capital and other resources, and (vi) execute clean
10 energy-related project installations and subcontracts;

11 (4) ensure that participant contractors, community
12 partners, and potential contractor clients are aware of
13 and engaged in the Program;

14 (5) connect participant contractors with the
15 Department of Labor for resources, training, and technical
16 support on prevailing wage compliance;

17 (6) provide recruitment and ongoing engagement with
18 entities that hire contractors and subcontractors,
19 programs providing renewable energy resource-related
20 projects, incentive programs, and approved vendor and
21 qualified installer opportunities, including, but not
22 limited to, activities such as matchmaking, events, and
23 collaborating with other Hub Sites.

24 (f) Funding for the Program and independent evaluations as
25 described in subsection (h) are subject to appropriation from
26 the Energy Transition Assistance Fund.

1 (g) The Department shall require submission of quarterly
2 reports including program performance metrics by each Hub Site
3 to the Regional Administrator of their Program Delivery Area.
4 Program performance metrics include, but are not limited to:

5 (1) demographic data including: race, gender,
6 geographic location, R3 residency, Environmental Justice
7 Community residency, foster care system participation, and
8 justice-involvement for the owners of contractors
9 applying, accepted into, and graduating from the Program;

10 (2) the number of projects completed by participant
11 contractors, alone or in partnership, by race, gender,
12 geographic location, R3 residency, Environmental Justice
13 Community residency, foster care system participation, and
14 justice-involvement for the owners of contractors;

15 (3) the number of partnerships with participant
16 contractors that are expected to result in contracts for
17 work by the participant contractor, by race, gender,
18 geographic location, R3 residency, Environmental Justice
19 Community residency, foster care system participation, and
20 justice-involvement for the owners of contractors;

21 (4) changes in participant contractors' business
22 revenue, by race, gender, geographic location, R3
23 residency, Environmental Justice Community residency,
24 foster care system participation, and justice-involvement
25 for the owners of contractors;

26 (5) the number of new hires by participant

1 contractors, by race, gender, geographic location, R3
2 residency, Environmental Justice Community residency,
3 foster care system participation, and justice-involvement;

4 (6) demographic data, including race, gender,
5 geographic location, R3 residency, Environmental Justice
6 Community residency, foster care system participation, and
7 justice-involvement, and average wage data, for new hires
8 by participant contractors;

9 (7) certifications held by participant contractors,
10 and number of participants holding each certification,
11 including, but not limited to, registration under the
12 Business Enterprise for Minorities, Women, and Persons
13 with Disabilities Act program and other programs intended
14 to certify BIPOC entities;

15 (8) the number of Program sessions attended by
16 participant contractors, aggregated by race; and

17 (9) indicators relevant for assessing the general
18 financial health of participant contractors.

19 (h) Within 3 years after the effective date of this Act,
20 the Department shall select an independent evaluator to review
21 and prepare a report on the performance of the Program and
22 Regional Administrators. The report shall be posted publicly.

23 Section 5-50. Returning Residents Clean Jobs Training
24 Program.

25 (a) Subject to appropriation, the Department shall develop

1 and, in coordination with the Department of Corrections,
2 administer the Returning Residents Clean Jobs Training
3 Program.

4 (b) As used in this Section:

5 "Commitment" means a judicially determined placement in
6 the custody of the Department of Corrections on the basis of a
7 conviction.

8 "Committed person" means a person committed to the
9 Department of Corrections.

10 "Community-based organization" means an organization that:

11 (1) provides employment, skill development, or related
12 services to members of the community;

13 (2) includes community colleges, nonprofits, and local
14 governments; and

15 (3) has a history of serving committed persons or
16 justice-involved persons.

17 "Correctional institution or facility" means a Department
18 of Corrections building or part of a Department of Corrections
19 building where committed persons are detained in a secure
20 manner.

21 "Department" means the Department of Commerce and Economic
22 Opportunity.

23 "Discharge" means the end of a sentence or the final
24 termination of a detainee's physical commitment to and
25 confinement in the Department of Corrections.

26 "Program" means the Returning Residents Clean Jobs

1 Training Program.

2 "Program Administrator" means, for each Program Delivery
3 Area, the administrator selected by the Department pursuant to
4 paragraph (1) of subsection (g) of this Section.

5 "Returning resident" means any United States resident who
6 is: (i) 17 years of age or older; (ii) in the physical custody
7 of the Department of Corrections; and (iii) scheduled to be
8 re-entering society within 36 months.

9 (c) Returning Residents Clean Jobs Training Program.

10 (1) Connected services. The Program shall prepare
11 graduates to work in the clean energy and related sector
12 jobs as defined in Section 5-25.

13 (2) Recruitment of participants. The Program
14 Administrators shall, in coordination with the Department
15 of Commerce and Economic Opportunity, educate committed
16 persons in both men's and women's correctional
17 institutions and facilities on the benefits of the Program
18 and how to enroll in the Program.

19 (3) Connection to employers. The Program
20 Administrators shall, with assistance from the Regional
21 Administrators, connect Program graduates with potential
22 employers in the clean energy jobs industries.

23 (4) Graduation. Participants who successfully complete
24 all assignments in the Program shall receive a Program
25 graduation certificate and any certifications or
26 credentials earned in the process.

1 (5) Eligibility. A committed person in a correctional
2 institution or facility is eligible if the committed
3 person:

4 (i) is within 36 months of expected release;

5 (ii) consented in writing to participation in the
6 Program;

7 (iii) meets all Program and testing requirements;

8 (iv) is willing to follow all Program
9 requirements; and

10 (v) does not pose a safety and security risk for
11 the facility or any person.

12 The Department of Corrections shall have sole discretion
13 to determine whether a committed person's participation in the
14 Program poses a safety and security risk for the facility or
15 any person. The Department of Corrections shall determine
16 whether a committed person is eligible to participate in the
17 Program.

18 (d) Program entry and testing requirements. To enter the
19 Returning Residents Clean Jobs Training Program, committed
20 persons must complete a simple application, undergo an
21 interview and coaching session, and must score a minimum of a
22 6.0 or above on the Test for Adult Basic Education or the
23 Illinois Community College Board approved assessment for
24 determining basic skills deficiency. The Returning Residents
25 Clean Jobs Training Program shall include a one-week
26 pre-program orientation that ensures the candidates understand

1 and are interested in continuing the Program. Candidates that
2 successfully complete the orientation may continue to the full
3 Program.

4 (d-5) Training. Once approved for the new program,
5 candidates must receive essential employability skills
6 training as part of vocational or occupational training.
7 Training must lead to certifications or credentials that
8 prepare candidates for employment.

9 (e) Removal from the Program. The Department of
10 Corrections may remove a committed person enrolled in the
11 Program for violation of institutional rules; failure to
12 participate or meet expectations of the Program; failure of a
13 drug test; disruptive behavior; or for reasons of safety,
14 security, and order of the facility.

15 (f) Drug testing. A clean drug test is required to
16 complete the Returning Residents Clean Jobs Training Program.
17 A drug test shall be administered at least once prior to
18 graduation. The Department of Corrections shall be responsible
19 for the drug testing of applicants.

20 (g) Curriculum.

21 (1) The Department of Commerce and Economic
22 Opportunity shall design a curriculum for the Program that
23 is as similar as practical to the Clean Jobs Curriculum
24 and meets in-facility requirements. The curriculum shall
25 focus on preparing graduates for employment in the clean
26 energy and related sector jobs as defined in Section 5-25.

1 The Program shall include structured hands-on activities
2 in correctional institutions or facilities, including
3 classroom spaces and outdoor spaces, to instruct
4 participants in the core curriculum established in this
5 Act. The Department and the Department of Corrections
6 shall work together to ensure all curriculum elements may
7 be available within Department of Corrections facilities.

8 (2) The Program Administrators shall collaborate to
9 create and publish a guidebook that allows for the
10 implementation of the curriculum and provides information
11 on all necessary and useful resources for Program
12 participants and graduates.

13 (h) Program administration.

14 (1) The Department of Commerce and Economic
15 Opportunity shall select a Program Administrator for each
16 Program Delivery Area to administer and coordinate the
17 Program. The Program Administrators shall have strong
18 capabilities, experience, and knowledge related to program
19 development and economic management; cultural and language
20 competency needed to be effective in the communities to be
21 served; committed persons or justice-involved persons;
22 knowledge and experience in working with providers of
23 clean energy jobs; and awareness of clean energy and
24 related sector trends and activities, workforce
25 development best practices, regional workforce development
26 needs, and community development.

1 The Program Administrator must pass a background check
2 administered by the Department of Corrections and be
3 approved by the Department of Corrections to work within a
4 secure facility prior to being hired by the Department of
5 Commerce and Economic Opportunity for a Program delivery
6 area.

7 (2) The Program Administrators shall:

8 (i) coordinate with Regional Administrators and
9 the Clean Jobs Workforce Network Program to ensure
10 that execution, performance, partnerships, marketing,
11 and Program access across the State consistent with
12 respecting regional differences;

13 (ii) work with community-based organizations
14 approved to provide industry-recognized credentials or
15 education institutions to deliver the Program;

16 (iii) collaborate to create and publish an
17 employer "Hiring Returning Residents" handbook that
18 includes benefits and expectations of hiring returning
19 residents, guidance on how to recruit, hire, and
20 retain returning residents, guidance on how to access
21 State and federal tax credits and incentives and State
22 and federal resources, guidance on how to update
23 company policies to support hiring and supporting
24 returning residents, and an understanding of the harm
25 in one-size-fits-all policies toward returning
26 residents. The handbook shall be updated every 5 years

1 or more frequently if needed to ensure that its
2 contents are accurate. The handbook shall be made
3 available on the Department's website;

4 (iv) work with potential employers to promote
5 company policies to support hiring and supporting
6 returning residents via employee/employer liability,
7 coverage, insurance, bonding, training, hiring
8 practices, and retention support;

9 (v) provide services such as job coaching and
10 financial coaching to Program graduates to support
11 employment longevity; and

12 (vi) identify clean energy job opportunities and
13 assist participants in achieving employment. The
14 Program shall include at least one job fair; include
15 job placement discussions with clean energy employers;
16 establish a partnership with Illinois solar energy
17 businesses and trade associations to identify solar
18 employers that support and hire returning residents;
19 and involve the Department of Commerce and Economic
20 Opportunity, Regional Administrators, and the Advisory
21 Council in finding employment for participants and
22 graduates in the clean energy and related sector
23 industries.

24 (3) The Department shall select community-based
25 organizations to provide Program elements at each
26 facility. Community-based organizations shall be

1 competitively selected by the Department of Commerce and
2 Economic Opportunity. Community-based organizations
3 delivering the Program elements outlined may provide all
4 elements required or may subcontract to other entities for
5 the provision of portions of Program elements. All
6 contractors who have regular interactions with committed
7 persons, regularly access a Department of Corrections
8 facility, or regularly access a committed person's
9 personal identifying information or other data elements
10 must pass a Department of Corrections background check
11 prior to being approved to administer the Program elements
12 at a facility.

13 (4) The Department of Corrections shall aim to include
14 training in conjunction with other pre-release procedures
15 and movements. Delays in a workshop being provided shall
16 not cause delays in discharge.

17 (5) The Program Administrators may establish shortened
18 Returning Resident Clean Jobs Training Programs to prepare
19 and place graduates in the Clean Jobs Workforce Network
20 Program or the Illinois Climate Works Preapprenticeship
21 Program following the graduate's release from commitment.
22 Graduates of these programs shall receive training that
23 leads to certification or credentials designed to lead to
24 employment and shall be prioritized for placement in a
25 Clean Jobs Workforce Hubs training program or the Illinois
26 Climate Works Preapprenticeship Program.

1 (6) The Director of Corrections shall:

2 (i) Ensure that the wardens or superintendents of
3 all correctional institutions and facilities visibly
4 post information on the Program in an accessible
5 manner for committed individuals.

6 (ii) Identify the institutions and facilities
7 within the Department of Corrections that will offer
8 the Program. The determination of which facility will
9 offer the Program shall be based on available
10 programming space, staffing, population, facility
11 mission, security concerns, and any other relevant
12 factor in determining suitable locations for the
13 Program.

14 (i) Performance metrics.

15 (1) The Program Administrators shall collect data to
16 evaluate and ensure Program and participant success,
17 including:

18 (i) the number of returning residents who enrolled
19 in the Program;

20 (ii) the number of returning residents who
21 completed the Program;

22 (iii) the total number of individuals discharged;

23 (iv) the demographics of each entering and
24 graduating class;

25 (v) the percentage of graduates employed at 6 and
26 12 months after release;

1 (vi) the recidivism rate of Program participants
2 at 3 and 5 years after release;

3 (vii) the candidates interviewed and hiring
4 status;

5 (viii) the graduate employment status, such as
6 hire date, pay rates, whether full-time, part-time, or
7 seasonal, and separation date; and

8 (ix) continuing education and certifications
9 gained by Program graduates.

10 (2) The Department of Commerce and Economic
11 Opportunity shall publish an annual report containing
12 these performance metrics. Data may be disaggregated by
13 institution, discharge, or residence address of resident,
14 and other factors.

15 (j) Funding. Funding for the Program is subject to
16 appropriation from the Energy Transition Assistance Fund.
17 Funding may be made available from other lawful sources,
18 including donations, grants, and federal incentives.

19 (k) Access. The Program instructors and staff must pass a
20 background check administered by the Department of Corrections
21 prior to entering a Department of Corrections institution or
22 facility. The Warden or Superintendent shall have the
23 authority to deny a Program instructor or staff member entry
24 into an institution or facility for safety and security
25 concerns or failure to follow all facility procedures or
26 protocols. A Program instructor or staff member administering

1 the Program may be terminated or have his or her contract
2 canceled if the Program instructor or staff member is denied
3 entry into an institution or facility for safety and security
4 concerns.

5 Section 5-55. Clean Energy Primes Contractor Accelerator
6 Program.

7 (a) As used in this Section:

8 "Approved vendor" means the definition of that term used
9 and as may be updated by the Illinois Power Agency.

10 "Minority business" means a minority-owned business as
11 defined in Section 2 of the Business Enterprise for
12 Minorities, Women, and Persons with Disabilities Act.

13 "Minority Business Enterprise certification" means the
14 certification or recognition certification affidavit from the
15 State of Illinois Department of Central Management Services
16 Business Enterprise Program or a program with equivalent
17 requirements.

18 "Program" means the Clean Energy Primes Contractor
19 Accelerator Program.

20 "Returning resident" has the meaning given to that term in
21 Section 5-50 of this Act.

22 (b) Subject to appropriation, the Department shall
23 develop, and through a Primes Program Administrator and
24 Regional Primes Program Leads described in this Section,
25 administer the Clean Energy Primes Contractor Accelerator

1 Program. The Program shall be administered in 3 program
2 delivery areas: the Northern Illinois Program Delivery Area
3 covering Northern Illinois, the Central Illinois Program
4 Delivery Area covering Central Illinois, and the Southern
5 Illinois Program Delivery Area covering Southern Illinois.
6 Prior to developing the Program, the Department shall solicit
7 public comments, with a 30-day comment period, to gather input
8 on Program implementation and associated community outreach
9 options.

10 (c) The Program shall be available to selected contractors
11 who best meet the following criteria:

12 (1) 2 or more years of experience in a clean energy or
13 a related contracting field;

14 (2) at least \$5,000 in annual business; and

15 (3) a substantial and demonstrated commitment of
16 investing in and partnering with individuals and
17 institutions in equity investment eligible communities.

18 (c-5) The Department shall develop scoring criteria to
19 select contractors for the Program, which shall consider:

20 (1) projected hiring and industry job creation,
21 including wage and benefit expectations;

22 (2) a clear vision of strategic business growth and
23 how increased capitalization would benefit the business;

24 (3) past project work quality and demonstration of
25 technical knowledge;

26 (4) capacity the applicant is anticipated to bring to

1 project development;

2 (5) willingness to assume risk;

3 (6) anticipated revenues from future projects;

4 (7) history of commitment to advancing equity as
5 demonstrated by, among other things, employment of or
6 ownership by equity investment eligible persons and a
7 history of partnership with equity focused community
8 organizations or government programs; and

9 (8) business models that build wealth in the larger
10 underserved community.

11 Applicants for Program participation shall be allowed to
12 reapply for a future cohort if they are not selected, and the
13 Primes Program Administrator shall inform each applicant of
14 this option.

15 (d) The Department, in consultation with the Primes
16 Program Administrator and Regional Primes Program Leads, shall
17 select a new cohort of participant contractors from each
18 Program Delivery Area every 18 months. Each regional cohort
19 shall include between 3 and 5 participants. The Program shall
20 cap contractors in the energy efficiency sector at 50% of
21 available cohort spots and 50% of available grants and loans,
22 if possible.

23 (e) The Department shall hire a Primes Program
24 Administrator with experience in leading a large
25 contractor-based business in Illinois; coaching and mentoring;
26 the Illinois clean energy industry; and working with equity

1 investment eligible community members, organizations, and
2 businesses.

3 (f) The Department shall select 3 Regional Primes Program
4 Leads who shall report directly to the Primes Program
5 Administrator. The Regional Primes Program Leads shall be
6 located within their Program Delivery Area and have experience
7 in leading a large contractor-based business in Illinois;
8 coaching and mentoring; the Illinois clean energy industry;
9 developing relationships with companies in the Program
10 Delivery Area; and working with equity investment eligible
11 community members, organizations, and businesses.

12 (g) The Department may determine how Program elements will
13 be delivered or may contract with organizations with
14 experience delivering the Program elements described in
15 subsection (h) of this Section.

16 (h) The Clean Energy Primes Contractor Accelerator Program
17 shall provide participants with:

18 (1) a 5-year, 6-month progressive course of one-on-one
19 coaching to assist each participant in developing an
20 achievable 5-year business plan, including review of
21 monthly metrics, and advice on achieving participant's
22 goals;

23 (2) operational support grants not to exceed
24 \$1,000,000 annually to support the growth of participant
25 contractors with access to capital for upfront project
26 costs and pre-development funding, among others. The

1 amount of the grant shall be based on anticipated project
2 size and scope;

3 (3) business coaching based on the participant's
4 needs;

5 (4) a mentorship of approximately 2 years provided by
6 a qualified company in the participant's field;

7 (5) access to Clean Energy Contractor Incubator
8 Program services;

9 (6) assistance with applying for Minority Business
10 Enterprise certification and other relevant certifications
11 and approved vendor status for programs offered by
12 utilities or other entities;

13 (7) assistance with preparing bids and Request for
14 Proposal applications;

15 (8) opportunities to be listed in any relevant
16 directories and databases organized by the Department of
17 Central Management Services;

18 (9) opportunities to connect with participants in
19 other Department programs;

20 (10) assistance connecting with and initiating
21 participation in the Illinois Power Agency's Adjustable
22 Block program, the Illinois Solar for All Program, and
23 utility programs; and

24 (11) financial development assistance programs such as
25 zero-interest and low-interest loans with the Climate Bank
26 as established by Article 850 of the Illinois Finance

1 Authority Act or a comparable financing mechanism. The
2 Illinois Finance Authority shall retain authority to
3 determine loan repayment terms and conditions.

4 (i) The Primes Program Administrator shall:

5 (1) collect and report performance metrics as
6 described in this Section;

7 (2) review and assess:

8 (i) participant work plans and annual goals; and

9 (ii) the mentorship program, including approved
10 mentor companies and their stipend awards; and

11 (3) work with the Regional Primes Program Leads to
12 publicize the Program; design and implement a mentorship
13 program; and ensure participants are quickly on-boarded.

14 (j) The Regional Primes Program Leads shall:

15 (1) publicize the Program; the budget shall include
16 funds to pay community-based organizations with a track
17 record of working with equity investment eligible
18 communities to complete this work;

19 (2) recruit qualified Program applicants;

20 (3) assist Program applicants with the application
21 process;

22 (4) introduce participants to the Program offerings;

23 (5) conduct entry and annual assessments with
24 participants to identify training, coaching, and other
25 Program service needs;

26 (6) assist participants in developing goals on entry

1 and annually, and assessing progress toward meeting the
2 goals;

3 (7) establish a metric reporting system with each
4 participant and track the metrics for progress against the
5 contractor's work plan and Program goals;

6 (8) assist participants in receiving their Minority
7 Business Enterprise certification and any other relevant
8 certifications and approved vendor statuses;

9 (9) match participants with Clean Energy Contractor
10 Incubator Program offerings and individualized expert
11 coaching, including training on working with returning
12 residents and companies that employ them;

13 (10) pair participants with a mentor company;

14 (11) facilitate connections between participants and
15 potential subcontractors and employees;

16 (12) dispense a participant's awarded operational
17 grant funding;

18 (13) connect participants to zero-interest and
19 low-interest loans from the Climate Bank as established by
20 Article 850 of the Illinois Finance Authority Act or a
21 comparable financing mechanism;

22 (14) encourage participants to apply for appropriate
23 State and private business opportunities;

24 (15) review a participant's progress and make a
25 recommendation to the Department about whether the
26 participant should continue in the Program, be considered

1 a Program graduate, and whether adjustments should be made
2 to a participant's grant funding, loans, and related
3 services;

4 (16) solicit information from participants, which
5 participants shall be required to provide, necessary to
6 understand the participant's business, including financial
7 and income information, certifications that the
8 participant is seeking to obtain, and ownership, employee,
9 and subcontractor data, including compensation, length of
10 service, and demographics; and

11 (17) other duties as required.

12 (k) Performance metrics. The Primes Program Administrator
13 and Regional Primes Program Leads shall collaborate to collect
14 and report the following metrics quarterly to the Department
15 and Advisory Council:

16 (1) demographic information on cohort recruiting and
17 formation, including racial, gender, geographic
18 distribution data, and data on the number and percentage
19 of R3 residents, environmental justice community
20 residents, foster care alumni, and formerly convicted
21 persons who are cohort applicants and admitted
22 participants;

23 (2) participant contractor engagement in other
24 Illinois clean energy programs such as the Adjustable
25 Block program, Illinois Solar for All Program, and the
26 utility-run energy efficiency and electric vehicle

- 1 programs;
- 2 (3) retention of participants in each cohort;
- 3 (4) total projects bid, started, and completed by
4 participants, including information about revenue, hiring,
5 and subcontractor relationships with projects;
- 6 (5) certifications issued;
- 7 (6) employment data for contractor hires and industry
8 jobs created, including demographic, salary, length of
9 service, and geographic data;
- 10 (7) grants and loans distributed; and
- 11 (8) participant satisfaction with the Program.

12 The metrics in paragraphs (2), (4), and (6) shall be
13 collected from Program participants and graduates for 10 years
14 from their entrance into the Program to help the Department
15 and Program Administrators understand the Program's long-term
16 effect.

17 Data should be anonymized where needed to protect
18 participant privacy.

19 The Department shall make such reports publicly available
20 on its website.

21 (1) Mentorship Program.

22 (1) The Regional Primes Program Leads shall recruit,
23 and the Primes Program Administrator shall select, with
24 approval from the Department, private companies with the
25 following qualifications to mentor participants and assist
26 them in succeeding in the clean energy industry:

1 (i) excellent standing with state clean energy
2 programs;

3 (ii) 4 or more years of experience in their field;
4 and

5 (iii) a proven track record of success in their
6 field.

7 (2) Mentor companies may receive a stipend, determined
8 by the Department, for their participation. Mentor
9 companies may identify what level of stipend they require.

10 (3) The Primes Program Administrator shall develop
11 guidelines for mentor company-mentee profit sharing or
12 purchased services agreements.

13 (4) The Regional Primes Program Leads shall:

14 (i) collaborate with mentor companies and
15 participants to create a plan for ongoing contact such
16 as on-the-job training, site walkthroughs, business
17 process and structure walkthroughs, quality assurance
18 and quality control reviews, and other relevant
19 activities;

20 (ii) recommend the mentor company-mentee pairings
21 and associated mentor company stipends for approval;

22 (iii) conduct an annual review of each mentor
23 company-mentee pairing and recommend whether the
24 pairing continues for a second year and the level of
25 stipend that is appropriate. The review shall also
26 ensure that any profit sharing and purchased services

1 agreements adhere to the guidelines established by the
2 Primes Program Administrator.

3 (5) Contractors may request reassignment to a new
4 mentor company.

5 (m) Disparity study. The Program Administrator shall
6 cooperate with the Illinois Power Agency in the conduct of a
7 disparity study, as described in subsection (c-15) of Section
8 1-75 of the Illinois Power Agency Act, and in the effectuation
9 of appropriate remedies necessary to address any
10 discrimination that such study may find. Potential remedies
11 shall include, but not be limited to, race-conscious remedies
12 to rapidly eliminate discrimination faced by minority
13 businesses and works in the industry this Program serves,
14 consistent with the law. Remedies shall be developed through
15 consultation with individuals, companies, and organizations
16 that have expertise on discrimination faced in the market and
17 potential legally permissible remedies for addressing it.
18 Notwithstanding any other requirement of this Section, the
19 Program Administrator shall modify program participation
20 criteria or goals as soon as the report has been published, in
21 such a way as is consistent with state and federal law, to
22 rapidly eliminate discrimination on minority businesses and
23 workers in the industry this Program serves by setting
24 standards for Program participation. This study will be paid
25 for with funds from the Energy Transition Assistance Fund or
26 any other lawful source.

1 (n) Program budget.

2 (1) The Department may allocate up to \$3,000,000
3 annually to the Primes Program Administrator for each of
4 the 3 regional budgets from the Energy Transition
5 Assistance Fund.

6 (2) The Primes Program Administrator shall work with
7 the Illinois Finance Authority and the Climate Bank as
8 established by Article 850 of the Illinois Finance
9 Authority Act or comparable financing institution so that
10 loan loss reserves may be sufficient to underwrite
11 \$7,000,000 in low-interest loans in each of the 3 Program
12 delivery areas.

13 (3) Any grant and loan funding shall be made available
14 to participants in a timely fashion.

15 Section 5-60. Jobs and Environmental Justice Grant
16 Program.

17 (a) In order to provide upfront capital to support the
18 development of projects, businesses, community organizations,
19 and jobs creating opportunity for historically disadvantaged
20 populations, and to provide seed capital to support community
21 ownership of renewable energy projects, the Department of
22 Commerce and Economic Opportunity shall create and administer
23 a Jobs and Environmental Justice Grant Program. The grant
24 program shall be designed to help remove barriers to project,
25 community, and business development caused by a lack of

1 capital.

2 (b) The grant program shall provide grant awards of up to
3 \$1,000,000 per application to support the development of
4 renewable energy resources as defined in Section 1-10 of the
5 Illinois Power Agency Act, and energy efficiency measures as
6 defined in Section 8-103B of the Public Utilities Act. The
7 amount of a grant award shall be based on a project's size and
8 scope. Grants shall be provided upfront, in advance of other
9 incentives, to provide businesses, organizations, and
10 community groups with capital needed to plan, develop, and
11 execute a project. Grants shall be designed to coordinate with
12 and supplement existing incentive programs, such as the
13 Adjustable Block program, the Illinois Solar for All Program,
14 the community renewable generation projects, and renewable
15 energy procurements as described in the Illinois Power Agency
16 Act, as well as utility energy efficiency measures as
17 described in Section 8-103B of the Public Utilities Act.

18 (c) The Jobs and Environmental Justice Grant Program shall
19 include 2 subprograms:

20 (1) the Equitable Energy Future Grant Program; and

21 (2) the Community Solar Energy Sovereignty Grant
22 Program.

23 (d) The Equitable Energy Future Grant Program is designed
24 to provide seed funding and pre-development funding
25 opportunities for equity eligible contractors.

26 (1) The Equitable Energy Future Grant shall be awarded

1 to businesses and nonprofit organizations for costs
2 related to the following activities and project needs:

3 (i) planning and project development, including
4 costs for professional services such as architecture,
5 design, engineering, auditing, consulting, and
6 developer services;

7 (ii) project application, deposit, and approval;

8 (iii) purchasing and leasing of land;

9 (iv) permitting and zoning;

10 (v) interconnection application costs and fees,
11 studies, and expenses;

12 (vi) equipment and supplies;

13 (vii) community outreach, marketing, and
14 engagement; and

15 (viii) staff and operations expenses.

16 (2) Grants shall be awarded to projects that most
17 effectively provide opportunities for equity eligible
18 contractors and equity investment eligible communities,
19 and should consider the following criteria:

20 (i) projects that provide community benefits,
21 which are projects that have one or more of the
22 following characteristics: (A) greater than 50% of the
23 project's energy provided or saved benefits low-income
24 residents, or (B) the project benefits not-for-profit
25 organizations providing services to low-income
26 households, affordable housing owners, or

1 community-based limited liability companies providing
2 services to low-income households;

3 (ii) projects that are located in equity
4 investment eligible communities;

5 (iii) projects that provide on-the-job training;

6 (iv) projects that contract with contractors who
7 are participating or have participated in the Clean
8 Energy Contractor Incubator Program, Clean Energy
9 Primes Contractor Accelerator Program, or similar
10 programs; and

11 (v) projects employ a minimum of 51% of its
12 workforce from participants and graduates of the Clean
13 Jobs Workforce Network Program, Illinois Climate Works
14 Preapprenticeship Program, and Returning Residents
15 Clean Jobs Training Program.

16 (3) Grants shall be awarded to applicants that meet
17 the following criteria:

18 (i) are equity eligible contractors per the equity
19 accountability systems described in subsection (c-10)
20 of Section 1-75 of the Illinois Power Agency Act, or
21 meet the equity building criteria in paragraph (9.5)
22 of subsection (g) of Section 8-103B of the Public
23 Utilities Act; and

24 (ii) provide demonstrable proof of a historical or
25 future, and persisting, long-term partnership with the
26 community in which the project will be located.

1 (e) The Community Solar Energy Sovereignty Grant Program
2 shall be designed to support the pre-development and
3 development of community solar projects that promote community
4 ownership and energy sovereignty.

5 (1) Grants shall be awarded to applicants that best
6 demonstrate the ability and intent to create community
7 ownership and other local community benefits, including
8 local community wealth building via community renewable
9 generation projects. Grants shall be prioritized to
10 applicants for whom:

11 (i) the proposed project is located in and
12 supporting an equity investment eligible community or
13 communities; and

14 (ii) the proposed project provides additional
15 benefits for participating low-income households.

16 (2) Grant funds shall be awarded to support project
17 pre-development work and may also be awarded to support
18 the development of programs and entities to assist in the
19 long-term governance, management, and maintenance of
20 community solar projects, such as community solar
21 cooperatives. For example, funds may be awarded for:

22 (i) early stage project planning;

23 (ii) project team organization;

24 (iii) site identification;

25 (iv) organizing a project business model and
26 securing financing;

1 (v) procurement and contracting;
2 (vi) customer outreach and enrollment;
3 (vii) preliminary site assessments;
4 (viii) development of cooperative or community
5 ownership model; and
6 (ix) development of project models that allocate
7 benefits to equity investment eligible communities.

8 (3) Grant recipients shall submit reports to the
9 Department at the end of the grant term on the activities
10 pursued under their grant and any lessons learned for
11 publication on the Department's website so that other
12 energy sovereignty projects may learn from their
13 experience.

14 (4) Eligible applicants shall include community-based
15 organizations, as defined in the Illinois Power Agency's
16 long-term renewable resources procurement plan, or
17 technical service providers working in direct partnership
18 with community-based organizations.

19 (5) The amount of a grant shall be based on a projects'
20 size and scope. Grants shall allow for a significant
21 portion, or the entirety, of the grant value to be made
22 upfront, in advance of other incentives, to ensure
23 businesses and organizations have the capital needed to
24 plan, develop, and execute a project.

25 (f) The application process for both subprograms shall not
26 be burdensome on applicants, nor require extensive technical

1 knowledge, and shall be able to be completed on less than 4
2 standard letter-sized pages.

3 (g) These grant subprograms may be coordinated with
4 low-interest and no-interest financing opportunities offered
5 through the Clean Energy Jobs and Justice Fund.

6 (h) The grant subprograms may have a budget of up to
7 \$34,000,000 per year. No more than 25% of the allocated budget
8 shall go to the Community Solar Energy Sovereignty Grant
9 Program.

10 Section 5-65. Energy Workforce Advisory Council.

11 (a) The Energy Workforce Advisory Council is hereby
12 created within the Department.

13 (b) The Council shall consist of the following voting
14 members appointed by the Governor with the advice and consent
15 of the Senate, chosen to ensure diverse geographic
16 representation:

17 (1) two members representing trade associations
18 representing companies active in the clean energy
19 industries;

20 (2) two members representing a labor union;

21 (3) one member who has participated in the workforce
22 development programs created under this Act;

23 (4) two members representing higher education;

24 (5) two members representing economic development
25 organizations;

1 (6) two members representing local workforce
2 innovation boards;

3 (7) two residents of environmental justice
4 communities;

5 (8) three members from community-based organizations
6 in environmental justice communities and community-based
7 organizations serving low-income persons and families;

8 (9) two members who are policy or implementation
9 experts on small business development, contractor
10 incubation, or small business lending and financing needs;

11 (10) two members who are policy or implementation
12 experts on workforce development for populations and
13 individuals such as low-income persons and families,
14 environmental justice communities, BIPOC communities,
15 formerly convicted persons, persons who are or were in the
16 child welfare system, energy workers, gender nonconforming
17 and transgender individuals, and youth; and

18 (11) two representatives of clean energy businesses,
19 nonprofit organizations, or other groups that provide
20 clean energy.

21 The President of the Senate, the Minority Leader of the
22 Senate, the Speaker of the House of Representatives, and the
23 Minority Leader of the House of Representatives shall each
24 appoint 2 nonvoting members of the Council.

25 (c) The Council shall:

26 (1) coordinate and inform on worker and contractor

1 support priorities beyond current federal, State, local,
2 and private programs and resources;

3 (2) advise and produce recommendations for further
4 federal, State, and local programs and activities;

5 (3) fulfill other duties determined by the Council to
6 further the success of the Workforce Hubs, Incubators, and
7 Returning Residents Programs;

8 (4) review program performance metrics;

9 (5) provide recommendations to the Department on the
10 administration of the following programs:

11 (i) the Clean Jobs Workforce Network Program;

12 (ii) the Illinois Climate Works Preapprenticeship
13 Program;

14 (iii) the Clean Energy Contractor Incubator
15 Program;

16 (iv) the Returning Residents Clean Jobs Training
17 Program; and

18 (v) the Clean Energy Primes Contractor Accelerator
19 Program;

20 (6) recommend outreach opportunities to ensure that
21 program contracting, training, and other opportunities are
22 widely publicized;

23 (7) participate in independent program evaluations;
24 and

25 (8) assist the Department by providing insight into
26 how relevant State, local, and federal programs are viewed

1 by residents, businesses, and institutions within their
2 respective communities.

3 (d) The Council shall conduct its first meeting within 30
4 days after all members have been appointed. The Council shall
5 meet quarterly after its first meeting. Additional hearings
6 and public meetings are permitted at the discretion of the
7 members. The Council may meet in person or through video or
8 audio conference. Meeting times may be varied to accommodate
9 Council member schedules.

10 (e) Members shall serve without compensation and shall be
11 reimbursed for reasonable expenses incurred in the performance
12 of their duties from funds appropriated for that purpose.

13 Section 5-90. Repealer. This Act is repealed 24 years
14 after the effective date of this Act.

15 Section 5-95. The Illinois Finance Authority Act is
16 amended by changing Sections 801-1, 801-5, 801-10, and 801-40
17 and adding Article 850 as follows:

18 (20 ILCS 3501/801-1)

19 Sec. 801-1. Short Title. Articles 801 through 850 ~~845~~ of
20 this Act may be cited as the Illinois Finance Authority Act.
21 References to "this Act" in Articles 801 through 850 ~~845~~ are
22 references to the Illinois Finance Authority Act.

23 (Source: P.A. 95-331, eff. 8-21-07.)

1 (20 ILCS 3501/801-5)

2 Sec. 801-5. Findings and declaration of policy. The
3 General Assembly hereby finds, determines and declares:

4 (a) that there are a number of existing State authorities
5 authorized to issue bonds to alleviate the conditions and
6 promote the objectives set forth below; and to provide a
7 stronger, better coordinated development effort, it is
8 determined to be in the interest of promoting the health,
9 safety, morals and general welfare of all the people of the
10 State to consolidate certain of such existing authorities into
11 one finance authority;

12 (b) that involuntary unemployment affects the health,
13 safety, morals and general welfare of the people of the State
14 of Illinois;

15 (c) that the economic burdens resulting from involuntary
16 unemployment fall in part upon the State in the form of public
17 assistance and reduced tax revenues, and in the event the
18 unemployed worker and his family migrate elsewhere to find
19 work, may also fall upon the municipalities and other taxing
20 districts within the areas of unemployment in the form of
21 reduced tax revenues, thereby endangering their financial
22 ability to support necessary governmental services for their
23 remaining inhabitants;

24 (d) that a vigorous growing economy is the basic source of
25 job opportunities;

1 (e) that protection against involuntary unemployment, its
2 economic burdens and the spread of economic stagnation can
3 best be provided by promoting, attracting, stimulating and
4 revitalizing industry, manufacturing and commerce in the
5 State;

6 (f) that the State has a responsibility to help create a
7 favorable climate for new and improved job opportunities for
8 its citizens by encouraging the development of commercial
9 businesses and industrial and manufacturing plants within the
10 State;

11 (g) that increased availability of funds for construction
12 of new facilities and the expansion and improvement of
13 existing facilities for industrial, commercial and
14 manufacturing facilities will provide for new and continued
15 employment in the construction industry and alleviate the
16 burden of unemployment;

17 (h) that in the absence of direct governmental subsidies
18 the unaided operations of private enterprise do not provide
19 sufficient resources for residential construction,
20 rehabilitation, rental or purchase, and that support from
21 housing related commercial facilities is one means of
22 stimulating residential construction, rehabilitation, rental
23 and purchase;

24 (i) that it is in the public interest and the policy of
25 this State to foster and promote by all reasonable means the
26 provision of adequate capital markets and facilities for

1 borrowing money by units of local government, and for the
2 financing of their respective public improvements and other
3 governmental purposes within the State from proceeds of bonds
4 or notes issued by those governmental units; and to assist
5 local governmental units in fulfilling their needs for those
6 purposes by use of creation of indebtedness;

7 (j) that it is in the public interest and the policy of
8 this State to the extent possible, to reduce the costs of
9 indebtedness to taxpayers and residents of this State and to
10 encourage continued investor interest in the purchase of bonds
11 or notes of governmental units as sound and preferred
12 securities for investment; and to encourage governmental units
13 to continue their independent undertakings of public
14 improvements and other governmental purposes and the financing
15 thereof, and to assist them in those activities by making
16 funds available at reduced interest costs for orderly
17 financing of those purposes, especially during periods of
18 restricted credit or money supply, and particularly for those
19 governmental units not otherwise able to borrow for those
20 purposes;

21 (k) that in this State the following conditions exist: (i)
22 an inadequate supply of funds at interest rates sufficiently
23 low to enable persons engaged in agriculture in this State to
24 pursue agricultural operations at present levels; (ii) that
25 such inability to pursue agricultural operations lessens the
26 supply of agricultural commodities available to fulfill the

1 needs of the citizens of this State; (iii) that such inability
2 to continue operations decreases available employment in the
3 agricultural sector of the State and results in unemployment
4 and its attendant problems; (iv) that such conditions prevent
5 the acquisition of an adequate capital stock of farm equipment
6 and machinery, much of which is manufactured in this State,
7 therefore impairing the productivity of agricultural land and,
8 further, causing unemployment or lack of appropriate increase
9 in employment in such manufacturing; (v) that such conditions
10 are conducive to consolidation of acreage of agricultural land
11 with fewer individuals living and farming on the traditional
12 family farm; (vi) that these conditions result in a loss in
13 population, unemployment and movement of persons from rural to
14 urban areas accompanied by added costs to communities for
15 creation of new public facilities and services; (vii) that
16 there have been recurrent shortages of funds for agricultural
17 purposes from private market sources at reasonable rates of
18 interest; (viii) that these shortages have made the sale and
19 purchase of agricultural land to family farmers a virtual
20 impossibility in many parts of the State; (ix) that the
21 ordinary operations of private enterprise have not in the past
22 corrected these conditions; and (x) that a stable supply of
23 adequate funds for agricultural financing is required to
24 encourage family farmers in an orderly and sustained manner
25 and to reduce the problems described above;

26 (1) that for the benefit of the people of the State of

1 Illinois, the conduct and increase of their commerce, the
2 protection and enhancement of their welfare, the development
3 of continued prosperity and the improvement of their health
4 and living conditions it is essential that all the people of
5 the State be given the fullest opportunity to learn and to
6 develop their intellectual and mental capacities and skills;
7 that to achieve these ends it is of the utmost importance that
8 private institutions of higher education within the State be
9 provided with appropriate additional means to assist the
10 people of the State in achieving the required levels of
11 learning and development of their intellectual and mental
12 capacities and skills and that cultural institutions within
13 the State be provided with appropriate additional means to
14 expand the services and resources which they offer for the
15 cultural, intellectual, scientific, educational and artistic
16 enrichment of the people of the State;

17 (m) that in order to foster civic and neighborhood pride,
18 citizens require access to facilities such as educational
19 institutions, recreation, parks and open spaces, entertainment
20 and sports, a reliable transportation network, cultural
21 facilities and theaters and other facilities as authorized by
22 this Act, and that it is in the best interests of the State to
23 lower the costs of all such facilities by providing financing
24 through the State;

25 (n) that to preserve and protect the health of the
26 citizens of the State, and lower the costs of health care, that

1 financing for health facilities should be provided through the
2 State; and it is hereby declared to be the policy of the State,
3 in the interest of promoting the health, safety, morals and
4 general welfare of all the people of the State, to address the
5 conditions noted above, to increase job opportunities and to
6 retain existing jobs in the State, by making available through
7 the Illinois Finance Authority, hereinafter created, funds for
8 the development, improvement and creation of industrial,
9 housing, local government, educational, health, public purpose
10 and other projects; to issue its bonds and notes to make funds
11 at reduced rates and on more favorable terms for borrowing by
12 local governmental units through the purchase of the bonds or
13 notes of the governmental units; and to make or acquire loans
14 for the acquisition and development of agricultural
15 facilities; to provide financing for private institutions of
16 higher education, cultural institutions, health facilities and
17 other facilities and projects as authorized by this Act; and
18 to grant broad powers to the Illinois Finance Authority to
19 accomplish and to carry out these policies of the State which
20 are in the public interest of the State and of its taxpayers
21 and residents;

22 (o) that providing financing alternatives for projects
23 that are located outside the State that are owned, operated,
24 leased, managed by, or otherwise affiliated with, institutions
25 located within the State would promote the economy of the
26 State for the benefit of the health, welfare, safety, trade,

1 commerce, industry, and economy of the people of the State by
2 creating employment opportunities in the State and lowering
3 the cost of accessing healthcare, private education, or
4 cultural institutions in the State by reducing the cost of
5 financing or operating those projects; ~~and~~

6 (p) that the realization of the objectives of the
7 Authority identified in this Act including, without
8 limitation, those designed (1) to assist and enable veterans,
9 minorities, women and disabled individuals to own and operate
10 small businesses; (2) to assist in the delivery of
11 agricultural assistance; and (3) to aid, assist, and encourage
12 economic growth and development within this State, will be
13 enhanced by empowering the Authority to purchase loan
14 participations from participating lenders;~~;~~

15 (q) that climate change threatens the health, welfare, and
16 prosperity of all the residents of the State;

17 (r) combating climate change is necessary to preserve and
18 enhance the health, welfare, and prosperity of all the
19 residents of the State;

20 (s) that the promotion of the development and
21 implementation of clean energy is necessary to combat climate
22 change and is hereby declared to be the policy of the State;
23 and

24 (t) that designating the Authority as the "Climate Bank"
25 to aid in all respects with providing financial assistance,
26 programs, and products to finance and otherwise develop and

1 implement equitable clean energy opportunities in the State to
2 mitigate or adapt to the negative consequences of climate
3 change in an equitable manner will further the clean energy
4 policy of the State.

5 (Source: P.A. 100-919, eff. 8-17-18.)

6 (20 ILCS 3501/801-10)

7 Sec. 801-10. Definitions. The following terms, whenever
8 used or referred to in this Act, shall have the following
9 meanings, except in such instances where the context may
10 clearly indicate otherwise:

11 (a) The term "Authority" means the Illinois Finance
12 Authority created by this Act.

13 (b) The term "project" means an industrial project, clean
14 energy project, conservation project, housing project, public
15 purpose project, higher education project, health facility
16 project, cultural institution project, municipal bond program
17 project, PACE Project, agricultural facility or agribusiness,
18 and "project" may include any combination of one or more of the
19 foregoing undertaken jointly by any person with one or more
20 other persons.

21 (c) The term "public purpose project" means (i) any
22 project or facility, including without limitation land,
23 buildings, structures, machinery, equipment and all other real
24 and personal property, which is authorized or required by law
25 to be acquired, constructed, improved, rehabilitated,

1 reconstructed, replaced or maintained by any unit of
2 government or any other lawful public purpose, including
3 provision of working capital, which is authorized or required
4 by law to be undertaken by any unit of government or (ii) costs
5 incurred and other expenditures, including expenditures for
6 management, investment, or working capital costs, incurred in
7 connection with the reform, consolidation, or implementation
8 of the transition process as described in Articles 22B and 22C
9 of the Illinois Pension Code.

10 (d) The term "industrial project" means the acquisition,
11 construction, refurbishment, creation, development or
12 redevelopment of any facility, equipment, machinery, real
13 property or personal property for use by any instrumentality
14 of the State or its political subdivisions, for use by any
15 person or institution, public or private, for profit or not
16 for profit, or for use in any trade or business, including, but
17 not limited to, any industrial, manufacturing, clean energy,
18 or commercial enterprise that is located within or outside the
19 State, provided that, with respect to a project involving
20 property located outside the State, the property must be
21 owned, operated, leased or managed by an entity located within
22 the State or an entity affiliated with an entity located
23 within the State, and which is (1) a capital project or clean
24 energy project, including, but not limited to: (i) land and
25 any rights therein, one or more buildings, structures or other
26 improvements, machinery and equipment, whether now existing or

1 hereafter acquired, and whether or not located on the same
2 site or sites; (ii) all appurtenances and facilities
3 incidental to the foregoing, including, but not limited to,
4 utilities, access roads, railroad sidings, track, docking and
5 similar facilities, parking facilities, dockage, wharfage,
6 railroad roadbed, track, trestle, depot, terminal, switching
7 and signaling or related equipment, site preparation and
8 landscaping; and (iii) all non-capital costs and expenses
9 relating thereto or (2) any addition to, renovation,
10 rehabilitation or improvement of a capital project or a clean
11 energy project, or (3) any activity or undertaking within or
12 outside the State, provided that, with respect to a project
13 involving property located outside the State, the property
14 must be owned, operated, leased or managed by an entity
15 located within the State or an entity affiliated with an
16 entity located within the State, which the Authority
17 determines will aid, assist or encourage economic growth,
18 development or redevelopment within the State or any area
19 thereof, will promote the expansion, retention or
20 diversification of employment opportunities within the State
21 or any area thereof or will aid in stabilizing or developing
22 any industry or economic sector of the State economy. The term
23 "industrial project" also means the production of motion
24 pictures.

25 (e) The term "bond" or "bonds" shall include bonds, notes
26 (including bond, grant or revenue anticipation notes),

1 certificates and/or other evidences of indebtedness
2 representing an obligation to pay money, including refunding
3 bonds.

4 (f) The terms "lease agreement" and "loan agreement" shall
5 mean: (i) an agreement whereby a project acquired by the
6 Authority by purchase, gift or lease is leased to any person,
7 corporation or unit of local government which will use or
8 cause the project to be used as a project as heretofore defined
9 upon terms providing for lease rental payments at least
10 sufficient to pay when due all principal of, interest and
11 premium, if any, on any bonds of the Authority issued with
12 respect to such project, providing for the maintenance,
13 insuring and operation of the project on terms satisfactory to
14 the Authority, providing for disposition of the project upon
15 termination of the lease term, including purchase options or
16 abandonment of the premises, and such other terms as may be
17 deemed desirable by the Authority, or (ii) any agreement
18 pursuant to which the Authority agrees to loan the proceeds of
19 its bonds issued with respect to a project or other funds of
20 the Authority to any person which will use or cause the project
21 to be used as a project as heretofore defined upon terms
22 providing for loan repayment installments at least sufficient
23 to pay when due all principal of, interest and premium, if any,
24 on any bonds of the Authority, if any, issued with respect to
25 the project, and providing for maintenance, insurance and
26 other matters as may be deemed desirable by the Authority.

1 (g) The term "financial aid" means the expenditure of
2 Authority funds or funds provided by the Authority through the
3 issuance of its bonds, notes or other evidences of
4 indebtedness or from other sources for the development,
5 construction, acquisition or improvement of a project.

6 (h) The term "person" means an individual, corporation,
7 unit of government, business trust, estate, trust, partnership
8 or association, 2 or more persons having a joint or common
9 interest, or any other legal entity.

10 (i) The term "unit of government" means the federal
11 government, the State or unit of local government, a school
12 district, or any agency or instrumentality, office, officer,
13 department, division, bureau, commission, college or
14 university thereof.

15 (j) The term "health facility" means: (a) any public or
16 private institution, place, building, or agency required to be
17 licensed under the Hospital Licensing Act; (b) any public or
18 private institution, place, building, or agency required to be
19 licensed under the Nursing Home Care Act, the Specialized
20 Mental Health Rehabilitation Act of 2013, the ID/DD Community
21 Care Act, or the MC/DD Act; (c) any public or licensed private
22 hospital as defined in the Mental Health and Developmental
23 Disabilities Code; (d) any such facility exempted from such
24 licensure when the Director of Public Health attests that such
25 exempted facility meets the statutory definition of a facility
26 subject to licensure; (e) any other public or private health

1 service institution, place, building, or agency which the
2 Director of Public Health attests is subject to certification
3 by the Secretary, U.S. Department of Health and Human Services
4 under the Social Security Act, as now or hereafter amended, or
5 which the Director of Public Health attests is subject to
6 standard-setting by a recognized public or voluntary
7 accrediting or standard-setting agency; (f) any public or
8 private institution, place, building or agency engaged in
9 providing one or more supporting services to a health
10 facility; (g) any public or private institution, place,
11 building or agency engaged in providing training in the
12 healing arts, including, but not limited to, schools of
13 medicine, dentistry, osteopathy, optometry, podiatry, pharmacy
14 or nursing, schools for the training of x-ray, laboratory or
15 other health care technicians and schools for the training of
16 para-professionals in the health care field; (h) any public or
17 private congregate, life or extended care or elderly housing
18 facility or any public or private home for the aged or infirm,
19 including, without limitation, any Facility as defined in the
20 Life Care Facilities Act; (i) any public or private mental,
21 emotional or physical rehabilitation facility or any public or
22 private educational, counseling, or rehabilitation facility or
23 home, for those persons with a developmental disability, those
24 who are physically ill or disabled, the emotionally disturbed,
25 those persons with a mental illness or persons with learning
26 or similar disabilities or problems; (j) any public or private

1 alcohol, drug or substance abuse diagnosis, counseling
2 treatment or rehabilitation facility, (k) any public or
3 private institution, place, building or agency licensed by the
4 Department of Children and Family Services or which is not so
5 licensed but which the Director of Children and Family
6 Services attests provides child care, child welfare or other
7 services of the type provided by facilities subject to such
8 licensure; (l) any public or private adoption agency or
9 facility; and (m) any public or private blood bank or blood
10 center. "Health facility" also means a public or private
11 structure or structures suitable primarily for use as a
12 laboratory, laundry, nurses or interns residence or other
13 housing or hotel facility used in whole or in part for staff,
14 employees or students and their families, patients or
15 relatives of patients admitted for treatment or care in a
16 health facility, or persons conducting business with a health
17 facility, physician's facility, surgicenter, administration
18 building, research facility, maintenance, storage or utility
19 facility and all structures or facilities related to any of
20 the foregoing or required or useful for the operation of a
21 health facility, including parking or other facilities or
22 other supporting service structures required or useful for the
23 orderly conduct of such health facility. "Health facility"
24 also means, with respect to a project located outside the
25 State, any public or private institution, place, building, or
26 agency which provides services similar to those described

1 above, provided that such project is owned, operated, leased
2 or managed by a participating health institution located
3 within the State, or a participating health institution
4 affiliated with an entity located within the State.

5 (k) The term "participating health institution" means (i)
6 a private corporation or association or (ii) a public entity
7 of this State, in either case authorized by the laws of this
8 State or the applicable state to provide or operate a health
9 facility as defined in this Act and which, pursuant to the
10 provisions of this Act, undertakes the financing, construction
11 or acquisition of a project or undertakes the refunding or
12 refinancing of obligations, loans, indebtedness or advances as
13 provided in this Act.

14 (l) The term "health facility project", means a specific
15 health facility work or improvement to be financed or
16 refinanced (including without limitation through reimbursement
17 of prior expenditures), acquired, constructed, enlarged,
18 remodeled, renovated, improved, furnished, or equipped, with
19 funds provided in whole or in part hereunder, any accounts
20 receivable, working capital, liability or insurance cost or
21 operating expense financing or refinancing program of a health
22 facility with or involving funds provided in whole or in part
23 hereunder, or any combination thereof.

24 (m) The term "bond resolution" means the resolution or
25 resolutions authorizing the issuance of, or providing terms
26 and conditions related to, bonds issued under this Act and

1 includes, where appropriate, any trust agreement, trust
2 indenture, indenture of mortgage or deed of trust providing
3 terms and conditions for such bonds.

4 (n) The term "property" means any real, personal or mixed
5 property, whether tangible or intangible, or any interest
6 therein, including, without limitation, any real estate,
7 leasehold interests, appurtenances, buildings, easements,
8 equipment, furnishings, furniture, improvements, machinery,
9 rights of way, structures, accounts, contract rights or any
10 interest therein.

11 (o) The term "revenues" means, with respect to any
12 project, the rents, fees, charges, interest, principal
13 repayments, collections and other income or profit derived
14 therefrom.

15 (p) The term "higher education project" means, in the case
16 of a private institution of higher education, an educational
17 facility to be acquired, constructed, enlarged, remodeled,
18 renovated, improved, furnished, or equipped, or any
19 combination thereof.

20 (q) The term "cultural institution project" means, in the
21 case of a cultural institution, a cultural facility to be
22 acquired, constructed, enlarged, remodeled, renovated,
23 improved, furnished, or equipped, or any combination thereof.

24 (r) The term "educational facility" means any property
25 located within the State, or any property located outside the
26 State, provided that, if the property is located outside the

1 State, it must be owned, operated, leased or managed by an
2 entity located within the State or an entity affiliated with
3 an entity located within the State, in each case constructed
4 or acquired before or after the effective date of this Act,
5 which is or will be, in whole or in part, suitable for the
6 instruction, feeding, recreation or housing of students, the
7 conducting of research or other work of a private institution
8 of higher education, the use by a private institution of
9 higher education in connection with any educational, research
10 or related or incidental activities then being or to be
11 conducted by it, or any combination of the foregoing,
12 including, without limitation, any such property suitable for
13 use as or in connection with any one or more of the following:
14 an academic facility, administrative facility, agricultural
15 facility, assembly hall, athletic facility, auditorium,
16 boating facility, campus, communication facility, computer
17 facility, continuing education facility, classroom, dining
18 hall, dormitory, exhibition hall, fire fighting facility, fire
19 prevention facility, food service and preparation facility,
20 gymnasium, greenhouse, health care facility, hospital,
21 housing, instructional facility, laboratory, library,
22 maintenance facility, medical facility, museum, offices,
23 parking area, physical education facility, recreational
24 facility, research facility, stadium, storage facility,
25 student union, study facility, theatre or utility.

26 (s) The term "cultural facility" means any property

1 located within the State, or any property located outside the
2 State, provided that, if the property is located outside the
3 State, it must be owned, operated, leased or managed by an
4 entity located within the State or an entity affiliated with
5 an entity located within the State, in each case constructed
6 or acquired before or after the effective date of this Act,
7 which is or will be, in whole or in part, suitable for the
8 particular purposes or needs of a cultural institution,
9 including, without limitation, any such property suitable for
10 use as or in connection with any one or more of the following:
11 an administrative facility, aquarium, assembly hall,
12 auditorium, botanical garden, exhibition hall, gallery,
13 greenhouse, library, museum, scientific laboratory, theater or
14 zoological facility, and shall also include, without
15 limitation, books, works of art or music, animal, plant or
16 aquatic life or other items for display, exhibition or
17 performance. The term "cultural facility" includes buildings
18 on the National Register of Historic Places which are owned or
19 operated by nonprofit entities.

20 (t) "Private institution of higher education" means a
21 not-for-profit educational institution which is not owned by
22 the State or any political subdivision, agency,
23 instrumentality, district or municipality thereof, which is
24 authorized by law to provide a program of education beyond the
25 high school level and which:

26 (1) Admits as regular students only individuals having

1 a certificate of graduation from a high school, or the
2 recognized equivalent of such a certificate;

3 (2) Provides an educational program for which it
4 awards a bachelor's degree, or provides an educational
5 program, admission into which is conditioned upon the
6 prior attainment of a bachelor's degree or its equivalent,
7 for which it awards a postgraduate degree, or provides not
8 less than a 2-year program which is acceptable for full
9 credit toward such a degree, or offers a 2-year program in
10 engineering, mathematics, or the physical or biological
11 sciences which is designed to prepare the student to work
12 as a technician and at a semiprofessional level in
13 engineering, scientific, or other technological fields
14 which require the understanding and application of basic
15 engineering, scientific, or mathematical principles or
16 knowledge;

17 (3) Is accredited by a nationally recognized
18 accrediting agency or association or, if not so
19 accredited, is an institution whose credits are accepted,
20 on transfer, by not less than 3 institutions which are so
21 accredited, for credit on the same basis as if transferred
22 from an institution so accredited, and holds an unrevoked
23 certificate of approval under the Private College Act from
24 the Board of Higher Education, or is qualified as a
25 "degree granting institution" under the Academic Degree
26 Act; and

1 (4) Does not discriminate in the admission of students
2 on the basis of race or color. "Private institution of
3 higher education" also includes any "academic
4 institution".

5 (u) The term "academic institution" means any
6 not-for-profit institution which is not owned by the State or
7 any political subdivision, agency, instrumentality, district
8 or municipality thereof, which institution engages in, or
9 facilitates academic, scientific, educational or professional
10 research or learning in a field or fields of study taught at a
11 private institution of higher education. Academic institutions
12 include, without limitation, libraries, archives, academic,
13 scientific, educational or professional societies,
14 institutions, associations or foundations having such
15 purposes.

16 (v) The term "cultural institution" means any
17 not-for-profit institution which is not owned by the State or
18 any political subdivision, agency, instrumentality, district
19 or municipality thereof, which institution engages in the
20 cultural, intellectual, scientific, educational or artistic
21 enrichment of the people of the State. Cultural institutions
22 include, without limitation, aquaria, botanical societies,
23 historical societies, libraries, museums, performing arts
24 associations or societies, scientific societies and zoological
25 societies.

26 (w) The term "affiliate" means, with respect to financing

1 of an agricultural facility or an agribusiness, any lender,
2 any person, firm or corporation controlled by, or under common
3 control with, such lender, and any person, firm or corporation
4 controlling such lender.

5 (x) The term "agricultural facility" means land, any
6 building or other improvement thereon or thereto, and any
7 personal properties deemed necessary or suitable for use,
8 whether or not now in existence, in farming, ranching, the
9 production of agricultural commodities (including, without
10 limitation, the products of aquaculture, hydroponics and
11 silviculture) or the treating, processing or storing of such
12 agricultural commodities when such activities are customarily
13 engaged in by farmers as a part of farming and which land,
14 building, improvement or personal property is located within
15 the State, or is located outside the State, provided that, if
16 such property is located outside the State, it must be owned,
17 operated, leased, or managed by an entity located within the
18 State or an entity affiliated with an entity located within
19 the State.

20 (y) The term "lender" with respect to financing of an
21 agricultural facility or an agribusiness, means any federal or
22 State chartered bank, Federal Land Bank, Production Credit
23 Association, Bank for Cooperatives, federal or State chartered
24 savings and loan association or building and loan association,
25 Small Business Investment Company or any other institution
26 qualified within this State to originate and service loans,

1 including, but without limitation to, insurance companies,
2 credit unions and mortgage loan companies. "Lender" also means
3 a wholly owned subsidiary of a manufacturer, seller or
4 distributor of goods or services that makes loans to
5 businesses or individuals, commonly known as a "captive
6 finance company".

7 (z) The term "agribusiness" means any sole proprietorship,
8 limited partnership, co-partnership, joint venture,
9 corporation or cooperative which operates or will operate a
10 facility located within the State or outside the State,
11 provided that, if any facility is located outside the State,
12 it must be owned, operated, leased, or managed by an entity
13 located within the State or an entity affiliated with an
14 entity located within the State, that is related to the
15 processing of agricultural commodities (including, without
16 limitation, the products of aquaculture, hydroponics and
17 silviculture) or the manufacturing, production or construction
18 of agricultural buildings, structures, equipment, implements,
19 and supplies, or any other facilities or processes used in
20 agricultural production. Agribusiness includes but is not
21 limited to the following:

22 (1) grain handling and processing, including grain
23 storage, drying, treatment, conditioning, mailing and
24 packaging;

25 (2) seed and feed grain development and processing;

26 (3) fruit and vegetable processing, including

1 preparation, canning and packaging;

2 (4) processing of livestock and livestock products,
3 dairy products, poultry and poultry products, fish or
4 apiarian products, including slaughter, shearing,
5 collecting, preparation, canning and packaging;

6 (5) fertilizer and agricultural chemical
7 manufacturing, processing, application and supplying;

8 (6) farm machinery, equipment and implement
9 manufacturing and supplying;

10 (7) manufacturing and supplying of agricultural
11 commodity processing machinery and equipment, including
12 machinery and equipment used in slaughter, treatment,
13 handling, collecting, preparation, canning or packaging of
14 agricultural commodities;

15 (8) farm building and farm structure manufacturing,
16 construction and supplying;

17 (9) construction, manufacturing, implementation,
18 supplying or servicing of irrigation, drainage and soil
19 and water conservation devices or equipment;

20 (10) fuel processing and development facilities that
21 produce fuel from agricultural commodities or byproducts;

22 (11) facilities and equipment for processing and
23 packaging agricultural commodities specifically for
24 export;

25 (12) facilities and equipment for forestry product
26 processing and supplying, including sawmilling operations,

1 wood chip operations, timber harvesting operations, and
2 manufacturing of prefabricated buildings, paper, furniture
3 or other goods from forestry products;

4 (13) facilities and equipment for research and
5 development of products, processes and equipment for the
6 production, processing, preparation or packaging of
7 agricultural commodities and byproducts.

8 (aa) The term "asset" with respect to financing of any
9 agricultural facility or any agribusiness, means, but is not
10 limited to the following: cash crops or feed on hand;
11 livestock held for sale; breeding stock; marketable bonds and
12 securities; securities not readily marketable; accounts
13 receivable; notes receivable; cash invested in growing crops;
14 net cash value of life insurance; machinery and equipment;
15 cars and trucks; farm and other real estate including life
16 estates and personal residence; value of beneficial interests
17 in trusts; government payments or grants; and any other
18 assets.

19 (bb) The term "liability" with respect to financing of any
20 agricultural facility or any agribusiness shall include, but
21 not be limited to the following: accounts payable; notes or
22 other indebtedness owed to any source; taxes; rent; amounts
23 owed on real estate contracts or real estate mortgages;
24 judgments; accrued interest payable; and any other liability.

25 (cc) The term "Predecessor Authorities" means those
26 authorities as described in Section 845-75.

1 (dd) The term "housing project" means a specific work or
2 improvement located within the State or outside the State and
3 undertaken to provide residential dwelling accommodations,
4 including the acquisition, construction or rehabilitation of
5 lands, buildings and community facilities and in connection
6 therewith to provide nonhousing facilities which are part of
7 the housing project, including land, buildings, improvements,
8 equipment and all ancillary facilities for use for offices,
9 stores, retirement homes, hotels, financial institutions,
10 service, health care, education, recreation or research
11 establishments, or any other commercial purpose which are or
12 are to be related to a housing development, provided that any
13 work or improvement located outside the State is owned,
14 operated, leased or managed by an entity located within the
15 State, or any entity affiliated with an entity located within
16 the State.

17 (ee) The term "conservation project" means any project
18 including the acquisition, construction, rehabilitation,
19 maintenance, operation, or upgrade that is intended to create
20 or expand open space or to reduce energy usage through
21 efficiency measures. For the purpose of this definition, "open
22 space" has the definition set forth under Section 10 of the
23 Illinois Open Land Trust Act.

24 (ff) The term "significant presence" means the existence
25 within the State of the national or regional headquarters of
26 an entity or group or such other facility of an entity or group

1 of entities where a significant amount of the business
2 functions are performed for such entity or group of entities.

3 (gg) The term "municipal bond issuer" means the State or
4 any other state or commonwealth of the United States, or any
5 unit of local government, school district, agency or
6 instrumentality, office, department, division, bureau,
7 commission, college or university thereof located in the State
8 or any other state or commonwealth of the United States.

9 (hh) The term "municipal bond program project" means a
10 program for the funding of the purchase of bonds, notes or
11 other obligations issued by or on behalf of a municipal bond
12 issuer.

13 (ii) The term "participating lender" means any trust
14 company, bank, savings bank, credit union, merchant bank,
15 investment bank, broker, investment trust, pension fund,
16 building and loan association, savings and loan association,
17 insurance company, venture capital company, or other
18 institution approved by the Authority which provides a portion
19 of the financing for a project.

20 (jj) The term "loan participation" means any loan in which
21 the Authority co-operates with a participating lender to
22 provide all or a portion of the financing for a project.

23 (kk) The term "PACE Project" means an energy project as
24 defined in Section 5 of the Property Assessed Clean Energy
25 Act.

26 (ll) The term "clean energy" means energy generation that

1 is substantially free (90% or more) of carbon dioxide
2 emissions by design or operations, or that otherwise
3 contributes to the reduction in emissions of environmentally
4 hazardous materials or reduces the volume of environmentally
5 dangerous materials.

6 (mm) The term "clean energy project" means the
7 acquisition, construction, refurbishment, creation,
8 development or redevelopment of any facility, equipment,
9 machinery, real property, or personal property for use by the
10 State or any unit of local government, school district, agency
11 or instrumentality, office, department, division, bureau,
12 commission, college, or university of the State, for use by
13 any person or institution, public or private, for profit or
14 not for profit, or for use in any trade or business, which the
15 Authority determines will aid, assist, or encourage the
16 development or implementation of clean energy in the State, or
17 as otherwise contemplated by Article 850.

18 (nn) The term "Climate Bank" means the Authority in the
19 exercise of those powers conferred on it by this Act related to
20 clean energy or clean water, drinking water, or wastewater
21 treatment.

22 (oo) "equity investment eligible community" and "eligible
23 community" mean the geographic areas throughout Illinois that
24 would most benefit from equitable investments by the State
25 designed to combat discrimination. Specifically, the eligible
26 communities shall be defined as the following areas:

1 (1) R3 Areas as established pursuant to Section 10-40
2 of the Cannabis Regulation and Tax Act, where residents
3 have historically been excluded from economic
4 opportunities, including opportunities in the energy
5 sector; and

6 (2) Environmental justice communities, as defined by
7 the Illinois Power Agency pursuant to the Illinois Power
8 Agency Act, where residents have historically been subject
9 to disproportionate burdens of pollution, including
10 pollution from the energy sector.

11 (pp) "Equity investment eligible person" and "eligible
12 person" mean the persons who would most benefit from equitable
13 investments by the State designed to combat discrimination.
14 Specifically, eligible persons means the following people:

15 (1) persons whose primary residence is in an equity
16 investment eligible community;

17 (2) persons who are graduates of or currently enrolled
18 in the foster care system; or

19 (3) persons who were formerly incarcerated.

20 (qq) "Environmental justice community" means the
21 definition of that term based on existing methodologies and
22 findings used and as may be updated by the Illinois Power
23 Agency and its program administrator in the Illinois Solar for
24 All Program.

25 (Source: P.A. 100-919, eff. 8-17-18; 101-610, eff. 1-1-20.)

1 (20 ILCS 3501/801-40)

2 Sec. 801-40. In addition to the powers otherwise
3 authorized by law and in addition to the foregoing general
4 corporate powers, the Authority shall also have the following
5 additional specific powers to be exercised in furtherance of
6 the purposes of this Act.

7 (a) The Authority shall have power (i) to accept grants,
8 loans or appropriations from the federal government or the
9 State, or any agency or instrumentality thereof, or, in the
10 case of clean energy projects, any not-for-profit
11 philanthropic or other charitable organization, public or
12 private, to be used for the operating expenses of the
13 Authority, or for any purposes of the Authority, including the
14 making of direct loans of such funds with respect to projects,
15 and (ii) to enter into any agreement with the federal
16 government or the State, or any agency or instrumentality
17 thereof, in relationship to such grants, loans or
18 appropriations.

19 (b) The Authority shall have power to procure and enter
20 into contracts for any type of insurance and indemnity
21 agreements covering loss or damage to property from any cause,
22 including loss of use and occupancy, or covering any other
23 insurable risk.

24 (c) The Authority shall have the continuing power to issue
25 bonds for its corporate purposes. Bonds may be issued by the
26 Authority in one or more series and may provide for the payment

1 of any interest deemed necessary on such bonds, of the costs of
2 issuance of such bonds, of any premium on any insurance, or of
3 the cost of any guarantees, letters of credit or other similar
4 documents, may provide for the funding of the reserves deemed
5 necessary in connection with such bonds, and may provide for
6 the refunding or advance refunding of any bonds or for
7 accounts deemed necessary in connection with any purpose of
8 the Authority. The bonds may bear interest payable at any time
9 or times and at any rate or rates, notwithstanding any other
10 provision of law to the contrary, and such rate or rates may be
11 established by an index or formula which may be implemented or
12 established by persons appointed or retained therefor by the
13 Authority, or may bear no interest or may bear interest
14 payable at maturity or upon redemption prior to maturity, may
15 bear such date or dates, may be payable at such time or times
16 and at such place or places, may mature at any time or times
17 not later than 40 years from the date of issuance, may be sold
18 at public or private sale at such time or times and at such
19 price or prices, may be secured by such pledges, reserves,
20 guarantees, letters of credit, insurance contracts or other
21 similar credit support or liquidity instruments, may be
22 executed in such manner, may be subject to redemption prior to
23 maturity, may provide for the registration of the bonds, and
24 may be subject to such other terms and conditions all as may be
25 provided by the resolution or indenture authorizing the
26 issuance of such bonds. The holder or holders of any bonds

1 issued by the Authority may bring suits at law or proceedings
2 in equity to compel the performance and observance by any
3 person or by the Authority or any of its agents or employees of
4 any contract or covenant made with the holders of such bonds
5 and to compel such person or the Authority and any of its
6 agents or employees to perform any duties required to be
7 performed for the benefit of the holders of any such bonds by
8 the provision of the resolution authorizing their issuance,
9 and to enjoin such person or the Authority and any of its
10 agents or employees from taking any action in conflict with
11 any such contract or covenant. Notwithstanding the form and
12 tenor of any such bonds and in the absence of any express
13 recital on the face thereof that it is non-negotiable, all
14 such bonds shall be negotiable instruments. Pending the
15 preparation and execution of any such bonds, temporary bonds
16 may be issued as provided by the resolution. The bonds shall be
17 sold by the Authority in such manner as it shall determine. The
18 bonds may be secured as provided in the authorizing resolution
19 by the receipts, revenues, income and other available funds of
20 the Authority and by any amounts derived by the Authority from
21 the loan agreement or lease agreement with respect to the
22 project or projects; and bonds may be issued as general
23 obligations of the Authority payable from such revenues, funds
24 and obligations of the Authority as the bond resolution shall
25 provide, or may be issued as limited obligations with a claim
26 for payment solely from such revenues, funds and obligations

1 as the bond resolution shall provide. The Authority may grant
2 a specific pledge or assignment of and lien on or security
3 interest in such rights, revenues, income, or amounts and may
4 grant a specific pledge or assignment of and lien on or
5 security interest in any reserves, funds or accounts
6 established in the resolution authorizing the issuance of
7 bonds. Any such pledge, assignment, lien or security interest
8 for the benefit of the holders of the Authority's bonds shall
9 be valid and binding from the time the bonds are issued without
10 any physical delivery or further act, and shall be valid and
11 binding as against and prior to the claims of all other parties
12 having claims against the Authority or any other person
13 irrespective of whether the other parties have notice of the
14 pledge, assignment, lien or security interest. As evidence of
15 such pledge, assignment, lien and security interest, the
16 Authority may execute and deliver a mortgage, trust agreement,
17 indenture or security agreement or an assignment thereof. A
18 remedy for any breach or default of the terms of any such
19 agreement by the Authority may be by mandamus proceedings in
20 any court of competent jurisdiction to compel the performance
21 and compliance therewith, but the agreement may prescribe by
22 whom or on whose behalf such action may be instituted. It is
23 expressly understood that the Authority may, but need not,
24 acquire title to any project with respect to which it
25 exercises its authority.

26 (d) With respect to the powers granted by this Act, the

1 Authority may adopt rules and regulations prescribing the
2 procedures by which persons may apply for assistance under
3 this Act. Nothing herein shall be deemed to preclude the
4 Authority, prior to the filing of any formal application, from
5 conducting preliminary discussions and investigations with
6 respect to the subject matter of any prospective application.

7 (e) The Authority shall have power to acquire by purchase,
8 lease, gift or otherwise any property or rights therein from
9 any person useful for its purposes, whether improved for the
10 purposes of any prospective project, or unimproved. The
11 Authority may also accept any donation of funds for its
12 purposes from any such source. The Authority shall have no
13 independent power of condemnation but may acquire any property
14 or rights therein obtained upon condemnation by any other
15 authority, governmental entity or unit of local government
16 with such power.

17 (f) The Authority shall have power to develop, construct
18 and improve either under its own direction, or through
19 collaboration with any approved applicant, or to acquire
20 through purchase or otherwise, any project, using for such
21 purpose the proceeds derived from the sale of its bonds or from
22 governmental loans or grants, and to hold title in the name of
23 the Authority to such projects.

24 (g) The Authority shall have power to lease pursuant to a
25 lease agreement any project so developed and constructed or
26 acquired to the approved tenant on such terms and conditions

1 as may be appropriate to further the purposes of this Act and
2 to maintain the credit of the Authority. Any such lease may
3 provide for either the Authority or the approved tenant to
4 assume initially, in whole or in part, the costs of
5 maintenance, repair and improvements during the leasehold
6 period. In no case, however, shall the total rentals from any
7 project during any initial leasehold period or the total loan
8 repayments to be made pursuant to any loan agreement, be less
9 than an amount necessary to return over such lease or loan
10 period (1) all costs incurred in connection with the
11 development, construction, acquisition or improvement of the
12 project and for repair, maintenance and improvements thereto
13 during the period of the lease or loan; provided, however,
14 that the rentals or loan repayments need not include costs met
15 through the use of funds other than those obtained by the
16 Authority through the issuance of its bonds or governmental
17 loans; (2) a reasonable percentage additive to be agreed upon
18 by the Authority and the borrower or tenant to cover a properly
19 allocable portion of the Authority's general expenses,
20 including, but not limited to, administrative expenses,
21 salaries and general insurance, and (3) an amount sufficient
22 to pay when due all principal of, interest and premium, if any
23 on, any bonds issued by the Authority with respect to the
24 project. The portion of total rentals payable under clause (3)
25 of this subsection (g) shall be deposited in such special
26 accounts, including all sinking funds, acquisition or

1 construction funds, debt service and other funds as provided
2 by any resolution, mortgage or trust agreement of the
3 Authority pursuant to which any bond is issued.

4 (h) The Authority has the power, upon the termination of
5 any leasehold period of any project, to sell or lease for a
6 further term or terms such project on such terms and
7 conditions as the Authority shall deem reasonable and
8 consistent with the purposes of the Act. The net proceeds from
9 all such sales and the revenues or income from such leases
10 shall be used to satisfy any indebtedness of the Authority
11 with respect to such project and any balance may be used to pay
12 any expenses of the Authority or be used for the further
13 development, construction, acquisition or improvement of
14 projects. In the event any project is vacated by a tenant prior
15 to the termination of the initial leasehold period, the
16 Authority shall sell or lease the facilities of the project on
17 the most advantageous terms available. The net proceeds of any
18 such disposition shall be treated in the same manner as the
19 proceeds from sales or the revenues or income from leases
20 subsequent to the termination of any initial leasehold period.

21 (i) The Authority shall have the power to make loans, or to
22 purchase loan participations in loans made, to persons to
23 finance a project, to enter into loan agreements or agreements
24 with participating lenders with respect thereto, and to accept
25 guarantees from persons of its loans or the resultant
26 evidences of obligations of the Authority.

1 (j) The Authority may fix, determine, charge and collect
2 any premiums, fees, charges, costs and expenses, including,
3 without limitation, any application fees, commitment fees,
4 program fees, financing charges or publication fees from any
5 person in connection with its activities under this Act.

6 (k) In addition to the funds established as provided
7 herein, the Authority shall have the power to create and
8 establish such reserve funds and accounts as may be necessary
9 or desirable to accomplish its purposes under this Act and to
10 deposit its available monies into the funds and accounts.

11 (l) At the request of the governing body of any unit of
12 local government, the Authority is authorized to market such
13 local government's revenue bond offerings by preparing bond
14 issues for sale, advertising for sealed bids, receiving bids
15 at its offices, making the award to the bidder that offers the
16 most favorable terms or arranging for negotiated placements or
17 underwritings of such securities. The Authority may, at its
18 discretion, offer for concurrent sale the revenue bonds of
19 several local governments. Sales by the Authority of revenue
20 bonds under this Section shall in no way imply State guarantee
21 of such debt issue. The Authority may require such financial
22 information from participating local governments as it deems
23 necessary in order to carry out the purposes of this
24 subsection (1).

25 (m) The Authority may make grants to any county to which
26 Division 5-37 of the Counties Code is applicable to assist in

1 the financing of capital development, construction and
2 renovation of new or existing facilities for hospitals and
3 health care facilities under that Act. Such grants may only be
4 made from funds appropriated for such purposes from the Build
5 Illinois Bond Fund.

6 (n) The Authority may establish an urban development
7 action grant program for the purpose of assisting
8 municipalities in Illinois which are experiencing severe
9 economic distress to help stimulate economic development
10 activities needed to aid in economic recovery. The Authority
11 shall determine the types of activities and projects for which
12 the urban development action grants may be used, provided that
13 such projects and activities are broadly defined to include
14 all reasonable projects and activities the primary objectives
15 of which are the development of viable urban communities,
16 including decent housing and a suitable living environment,
17 and expansion of economic opportunity, principally for persons
18 of low and moderate incomes. The Authority shall enter into
19 grant agreements from monies appropriated for such purposes
20 from the Build Illinois Bond Fund. The Authority shall monitor
21 the use of the grants, and shall provide for audits of the
22 funds as well as recovery by the Authority of any funds
23 determined to have been spent in violation of this subsection
24 (n) or any rule or regulation promulgated hereunder. The
25 Authority shall provide technical assistance with regard to
26 the effective use of the urban development action grants. The

1 Authority shall file an annual report to the General Assembly
2 concerning the progress of the grant program.

3 (o) The Authority may establish a Housing Partnership
4 Program whereby the Authority provides zero-interest loans to
5 municipalities for the purpose of assisting in the financing
6 of projects for the rehabilitation of affordable multi-family
7 housing for low and moderate income residents. The Authority
8 may provide such loans only upon a municipality's providing
9 evidence that it has obtained private funding for the
10 rehabilitation project. The Authority shall provide 3 State
11 dollars for every 7 dollars obtained by the municipality from
12 sources other than the State of Illinois. The loans shall be
13 made from monies appropriated for such purpose from the Build
14 Illinois Bond Fund. The total amount of loans available under
15 the Housing Partnership Program shall not exceed \$30,000,000.
16 State loan monies under this subsection shall be used only for
17 the acquisition and rehabilitation of existing buildings
18 containing 4 or more dwelling units. The terms of any loan made
19 by the municipality under this subsection shall require
20 repayment of the loan to the municipality upon any sale or
21 other transfer of the project. In addition, the Authority may
22 use any moneys appropriated for such purpose from the Build
23 Illinois Bond Fund, including funds loaned under this
24 subsection and repaid as principal or interest, and investment
25 income on such funds, to make the loans authorized by
26 subsection (z), without regard to any restrictions or

1 limitations provided in this subsection.

2 (p) The Authority may award grants to universities and
3 research institutions, research consortiums and other
4 not-for-profit entities for the purposes of: remodeling or
5 otherwise physically altering existing laboratory or research
6 facilities, expansion or physical additions to existing
7 laboratory or research facilities, construction of new
8 laboratory or research facilities or acquisition of modern
9 equipment to support laboratory or research operations
10 provided that such grants (i) be used solely in support of
11 project and equipment acquisitions which enhance technology
12 transfer, and (ii) not constitute more than 60 percent of the
13 total project or acquisition cost.

14 (q) Grants may be awarded by the Authority to units of
15 local government for the purpose of developing the appropriate
16 infrastructure or defraying other costs to the local
17 government in support of laboratory or research facilities
18 provided that such grants may not exceed 40% of the cost to the
19 unit of local government.

20 (r) In addition to the powers granted to the Authority
21 under subsection (i), and in all cases supplemental to it, the
22 Authority may establish a direct loan program to make loans
23 to, or may purchase participations in loans made by
24 participating lenders to, individuals, partnerships,
25 corporations, or other business entities for the purpose of
26 financing an industrial project, as defined in Section 801-10

1 of this Act. For the purposes of such program and not by way of
2 limitation on any other program of the Authority, including,
3 without limitation, programs established under subsection (i),
4 the Authority shall have the power to issue bonds, notes, or
5 other evidences of indebtedness including commercial paper for
6 purposes of providing a fund of capital from which it may make
7 such loans. The Authority shall have the power to use any
8 appropriations from the State made especially for the
9 Authority's direct loan program, or moneys at any time held by
10 the Authority under this Act outside the State treasury in the
11 custody of either the Treasurer of the Authority or a trustee
12 or depository appointed by the Authority, for additional
13 capital to make such loans or purchase such loan
14 participations, or for the purposes of reserve funds or
15 pledged funds which secure the Authority's obligations of
16 repayment of any bond, note or other form of indebtedness
17 established for the purpose of providing capital for which it
18 intends to make such loans or purchase such loan
19 participations. For the purpose of obtaining such capital, the
20 Authority may also enter into agreements with financial
21 institutions, participating lenders, and other persons for the
22 purpose of administering a loan participation program, selling
23 loans or developing a secondary market for such loans or loan
24 participations. Loans made under the direct loan program
25 specifically established under this subsection (r), including
26 loans under such program made by participating lenders in

1 which the Authority purchases a participation, may be in an
2 amount not to exceed \$600,000 and shall be made for a portion
3 of an industrial project which does not exceed 50% of the total
4 project. No loan may be made by the Authority unless approved
5 by the affirmative vote of at least 8 members of the board. The
6 Authority shall establish procedures and publish rules which
7 shall provide for the submission, review, and analysis of each
8 direct loan and loan participation application and which shall
9 preserve the ability of each board member and the Executive
10 Director, as applicable, to reach an individual business
11 judgment regarding the propriety of each direct loan or loan
12 participation. The collective discretion of the board to
13 approve or disapprove each loan shall be unencumbered. The
14 Authority may establish and collect such fees and charges,
15 determine and enforce such terms and conditions, and charge
16 such interest rates as it determines to be necessary and
17 appropriate to the successful administration of the direct
18 loan program, including purchasing loan participations. The
19 Authority may require such interests in collateral and such
20 guarantees as it determines are necessary to protect the
21 Authority's interest in the repayment of the principal and
22 interest of each loan and loan participation made under the
23 direct loan program. The restrictions established under this
24 subsection (r) shall not be applicable to any loan or loan
25 participation made under subsection (i) or to any loan or loan
26 participation made under any other Section of this Act.

1 (s) The Authority may guarantee private loans to third
2 parties up to a specified dollar amount in order to promote
3 economic development in this State.

4 (t) The Authority may adopt rules and regulations as may
5 be necessary or advisable to implement the powers conferred by
6 this Act.

7 (u) The Authority shall have the power to issue bonds,
8 notes or other evidences of indebtedness, which may be used to
9 make loans to units of local government which are authorized
10 to enter into loan agreements and other documents and to issue
11 bonds, notes and other evidences of indebtedness for the
12 purpose of financing the protection of storm sewer outfalls,
13 the construction of adequate storm sewer outfalls, and the
14 provision for flood protection of sanitary sewage treatment
15 plans, in counties that have established a stormwater
16 management planning committee in accordance with Section
17 5-1062 of the Counties Code. Any such loan shall be made by the
18 Authority pursuant to the provisions of Section 820-5 to
19 820-60 of this Act. The unit of local government shall pay back
20 to the Authority the principal amount of the loan, plus annual
21 interest as determined by the Authority. The Authority shall
22 have the power, subject to appropriations by the General
23 Assembly, to subsidize or buy down a portion of the interest on
24 such loans, up to 4% per annum.

25 (v) The Authority may accept security interests as
26 provided in Sections 11-3 and 11-3.3 of the Illinois Public

1 Aid Code.

2 (w) Moral Obligation. In the event that the Authority
3 determines that monies of the Authority will not be sufficient
4 for the payment of the principal of and interest on its bonds
5 during the next State fiscal year, the Chairperson, as soon as
6 practicable, shall certify to the Governor the amount required
7 by the Authority to enable it to pay such principal of and
8 interest on the bonds. The Governor shall submit the amount so
9 certified to the General Assembly as soon as practicable, but
10 no later than the end of the current State fiscal year. This
11 subsection shall apply only to any bonds or notes as to which
12 the Authority shall have determined, in the resolution
13 authorizing the issuance of the bonds or notes, that this
14 subsection shall apply. Whenever the Authority makes such a
15 determination, that fact shall be plainly stated on the face
16 of the bonds or notes and that fact shall also be reported to
17 the Governor. In the event of a withdrawal of moneys from a
18 reserve fund established with respect to any issue or issues
19 of bonds of the Authority to pay principal or interest on those
20 bonds, the Chairperson of the Authority, as soon as
21 practicable, shall certify to the Governor the amount required
22 to restore the reserve fund to the level required in the
23 resolution or indenture securing those bonds. The Governor
24 shall submit the amount so certified to the General Assembly
25 as soon as practicable, but no later than the end of the
26 current State fiscal year. The Authority shall obtain written

1 approval from the Governor for any bonds and notes to be issued
2 under this Section. In addition to any other bonds authorized
3 to be issued under Sections 825-60, 825-65(e), 830-25 and
4 845-5, the principal amount of Authority bonds outstanding
5 issued under this Section 801-40(w) or under 20 ILCS 3850/1-80
6 or 30 ILCS 360/2-6(c), which have been assumed by the
7 Authority, shall not exceed \$150,000,000. This subsection (w)
8 shall in no way be applied to any bonds issued by the Authority
9 on behalf of the Illinois Power Agency under Section 825-90 of
10 this Act.

11 (x) The Authority may enter into agreements or contracts
12 with any person necessary or appropriate to place the payment
13 obligations of the Authority under any of its bonds in whole or
14 in part on any interest rate basis, cash flow basis, or other
15 basis desired by the Authority, including without limitation
16 agreements or contracts commonly known as "interest rate swap
17 agreements", "forward payment conversion agreements", and
18 "futures", or agreements or contracts to exchange cash flows
19 or a series of payments, or agreements or contracts, including
20 without limitation agreements or contracts commonly known as
21 "options", "puts", or "calls", to hedge payment, rate spread,
22 or similar exposure; provided that any such agreement or
23 contract shall not constitute an obligation for borrowed money
24 and shall not be taken into account under Section 845-5 of this
25 Act or any other debt limit of the Authority or the State of
26 Illinois.

1 (y) The Authority shall publish summaries of projects and
2 actions approved by the members of the Authority on its
3 website. These summaries shall include, but not be limited to,
4 information regarding the:

- 5 (1) project;
- 6 (2) Board's action or actions;
- 7 (3) purpose of the project;
- 8 (4) Authority's program and contribution;
- 9 (5) volume cap;
- 10 (6) jobs retained;
- 11 (7) projected new jobs;
- 12 (8) construction jobs created;
- 13 (9) estimated sources and uses of funds;
- 14 (10) financing summary;
- 15 (11) project summary;
- 16 (12) business summary;
- 17 (13) ownership or economic disclosure statement;
- 18 (14) professional and financial information;
- 19 (15) service area; and
- 20 (16) legislative district.

21 The disclosure of information pursuant to this subsection
22 shall comply with the Freedom of Information Act.

23 (z) Consistent with the findings and declaration of policy
24 set forth in item (j) of Section 801-5 of this Act, the
25 Authority shall have the power to make loans to the Police
26 Officers' Pension Investment Fund authorized by Section

1 22B-120 of the Illinois Pension Code and to make loans to the
2 Firefighters' Pension Investment Fund authorized by Section
3 22C-120 of the Illinois Pension Code. Notwithstanding anything
4 in this Act to the contrary, loans authorized by Section
5 22B-120 and Section 22C-120 of the Illinois Pension Code may
6 be made from any of the Authority's funds, including, but not
7 limited to, funds in its Illinois Housing Partnership Program
8 Fund, its Industrial Project Insurance Fund, or its Illinois
9 Venture Investment Fund.

10 (Source: P.A. 100-919, eff. 8-17-18; 101-610, eff. 1-1-20.)

11 (20 ILCS 3501/Art. 850 heading new)

12 ARTICLE 850

13 GENERAL PROVISIONS

14 (20 ILCS 3501/850-5 new)

15 Sec. 850-5. Climate Bank. The General Assembly designates
16 the Authority as the Climate Bank to aid in all respects with
17 providing financial assistance, programs, and products to
18 finance and otherwise develop and facilitate opportunities to
19 develop clean energy and provide clean water, drinking water,
20 and wastewater treatment in the State. Nothing in this Section
21 shall be deemed to supersede powers and regulatory duties
22 conferred to other State agencies or governmental units.

23 (20 ILCS 3501/850-10 new)

1 Sec. 850-10. Powers and duties.

2 (a) The Authority shall have the powers enumerated in this
3 Act to assist in the development and implementation of clean
4 energy in the State. The powers enumerated in this Article
5 shall be in addition to all other powers of the Authority
6 conferred in this Act, including those related to clean energy
7 and the provision of clean water, drinking water, and
8 wastewater treatment. The powers of the Authority to issue
9 bonds, notes, and other obligations to finance loans
10 administered by the Illinois Environmental Protection Agency
11 under the Public Water Supply Loan Program or the Water
12 Pollution Control Loan Program or other similar programs shall
13 not be limited or otherwise affected by this amendatory Act of
14 the 102nd General Assembly.

15 (b) In its role as the Climate Bank of the State, the
16 Authority shall have the power to: (i) administer programs and
17 funds appropriated by the General Assembly for clean energy
18 projects in eligible communities and environmental justice
19 communities or owned by eligible persons, (ii) support
20 investment in the clean energy and clean water, drinking
21 water, and wastewater treatment, (iii) support and otherwise
22 promote investment in clean energy projects to foster the
23 growth, development, and commercialization of clean energy
24 projects and related enterprises, and (iv) stimulate demand
25 for clean energy and the development of clean energy projects.

26 (c) In addition to, and not in limitation of, any other

1 power of the Authority set forth in this Section or any other
2 provisions of the general statutes, the Authority shall have
3 and may exercise the following powers in furtherance of or in
4 carrying out its clean energy powers and purposes:

5 (1) To enter into joint ventures and invest in and
6 participate with any person, including, without
7 limitation, government entities and private corporations,
8 engaged primarily in the development of clean energy
9 projects, provided that members of the Authority or
10 officers may serve as directors, members, or officers of
11 any such business entity, and such service shall be deemed
12 to be in the discharge of the duties or within the scope of
13 the employment of any such member or officer, or Authority
14 or officers, as the case may be, so long as such member or
15 officer does not receive any compensation or direct or
16 indirect financial benefit as a result of serving in such
17 role.

18 (2) To utilize funding sources, including, but not
19 limited to:

20 (A) funds repurposed from existing programs
21 providing financing support for clean energy projects,
22 provided any transfer of funds from such existing
23 programs shall be subject to approval by the General
24 Assembly and shall be used for expenses of financing,
25 grants, and loans;

26 (B) any federal funds that can be used for clean

1 energy purposes;

2 (C) charitable gifts, grants, and contributions as
3 well as loans from individuals, corporations,
4 university endowment funds, and philanthropic
5 foundations for clean energy projects or for the
6 provision of clean water, drinking water, and
7 wastewater treatment; and

8 (D) earnings and interest derived from financing
9 support activities for clean energy projects financed
10 by the Authority.

11 (3) To enter into contracts with private sources to
12 raise capital.

13 (d) The Authority may finance working capital, refinance
14 outstanding indebtedness of any person, and otherwise assist
15 in the investment of equity from any source, public or
16 private, in connection with clean energy projects or any other
17 projects authorized by this Act.

18 (e) The Authority may assess reasonable fees on its
19 financing activities to cover its reasonable costs and
20 expenses, as determined by the Authority.

21 (f) The Authority shall make information regarding the
22 rates, terms and conditions for all of its financing support
23 transactions available to the public for inspection, including
24 formal annual reviews by both a private auditor and the
25 Comptroller, and providing details to the public on the
26 Internet, provided public disclosure shall be restricted for

1 patentable ideas, trade secrets, and proprietary or
2 confidential commercial or financial information, disclosure
3 of which may cause commercial harm to a nongovernmental
4 recipient of such financing support and for other information
5 exempt from public records disclosure pursuant to Section
6 1-210.

7 (20 ILCS 3501/850-15 new)

8 Sec. 850-15. Purposes; Climate Bank. In its role as the
9 Climate Bank for the State, the Authority shall consider the
10 following purposes:

11 (1) the distribution of the benefits of clean energy
12 in an equitable manner, including by evaluating benefits
13 to eligible communities and equity investment eligible
14 persons;

15 (2) making clean energy accessible to all, especially
16 eligible persons, through financing opportunities and
17 grants for minority-owned businesses, as defined in the
18 Business Enterprise for Minorities, Women, and Persons
19 with Disabilities Act, and for low-income communities,
20 eligible communities, environmental justice communities,
21 and the businesses that serve these communities; and

22 (3) accelerating the investment of private capital
23 into clean energy projects in a manner reflective of the
24 geographic, racial, ethnic, gender, and income-level
25 diversity of the State.

1 Article 10. Energy Community Reinvestment Act

2 Section 10-1. Short title. This Article may be cited as
3 the Energy Community Reinvestment Act. References in this
4 Article to "this Act" mean this Article.

5 Section 10-5. Findings. The General Assembly finds that,
6 as part of putting Illinois on a path to 100% renewable energy,
7 the State of Illinois should ensure a just transition to that
8 goal, providing support for the transition of Illinois'
9 communities and workers impacted by closures or reduced use of
10 fossil fuel power plants, nuclear power plants, or coal mines
11 by allocating new economic development resources for business
12 tax incentives, workforce training, site clean-up and reuse,
13 and local tax revenue replacement.

14 The General Assembly finds and declares that the health,
15 safety, and welfare of the people of this State are dependent
16 upon a healthy economy and vibrant communities; that the
17 closure of fossil fuel power plants, nuclear power plants, and
18 coal mines across this State have a significant impact on
19 their surrounding communities; that the expansion of renewable
20 energy creates job growth and contributes to the health,
21 safety, and welfare of the people of this State; that the
22 continual encouragement, development, growth, and expansion of
23 renewable energy within this State requires a cooperative and

1 continuous partnership between government and the renewable
2 energy sector; and that there are certain areas in this State
3 that have lost, or will lose, jobs due to the closure of fossil
4 fuel power plants, nuclear power plants, and coal mines and
5 need the particular attention of government, labor, and the
6 residents of Illinois to help attract new investment into
7 these areas and directly aid the local community and its
8 residents.

9 Therefore, it is declared to be the purpose of this Act to
10 explore ways of stimulating the growth of new private
11 investment, including renewable energy investment, in this
12 State and to foster job growth in areas impacted by the closure
13 of coal energy plants, coal mines, and nuclear energy plants.

14 Section 10-10. Definitions. As used in this Act, unless
15 the context otherwise requires:

16 "Agencies" or "State agencies" has the same meaning as
17 "State agencies" under Section 1-7 of the Illinois State
18 Auditing Act.

19 "Commission" means the Energy Transition Workforce
20 Commission created in Section 10-15.

21 "Department" means the Department of Commerce and Economic
22 Opportunity.

23 "Displaced energy worker" means an energy worker who has
24 lost employment, or is anticipated by the Department to lose
25 employment within the next 5 years, due to the reduced

1 operation or closure of a fossil fuel power plant, nuclear
2 power plant, or coal mine.

3 "Energy worker" means a person who has been employed
4 full-time for a period of one year or longer, and within the
5 previous 5 years, at a fossil fuel power plant, a nuclear power
6 plant, or a coal mine located within the State of Illinois,
7 whether or not they are employed by the owner of the power
8 plant or mine. Energy workers are considered to be full-time
9 if they work at least 35 hours per week for 45 weeks a year or
10 the 1,820 work-hour equivalent with vacations, paid holidays,
11 and sick time, but not overtime, included in this computation.
12 Classification of an individual as an energy worker continues
13 for 5 years from the latest date of employment or the effective
14 date of this Act, whichever is later.

15 "Environmental justice communities" shall have the meaning
16 set forth in Section 1-56 of the Illinois Power Agency Act and
17 the most recent Commission-approved long-term renewable
18 resources procurement plan of the Illinois Power Agency.

19 "Investor-owned electric generating plant" means an
20 electric generating unit or fossil fuel-fired unit that has a
21 nameplate capacity or serves a generator that has a nameplate
22 capacity greater than 25Mwe and that produces electricity,
23 including, but not limited to, coal-fired, coal-derived,
24 oil-fired, natural gas-fired, and cogeneration units.

25 "Local labor market area" means an economically integrated
26 area within which individuals reside and find employment

1 within a reasonable distance of their places of residence or
2 can readily change jobs without changing their places of
3 residence.

4 "Low-income" means persons and families whose income does
5 not exceed 80% of area median income, adjusted for family size
6 and revised every 2 years.

7 "Renewable energy enterprise" means a company that is
8 engaged in the production, manufacturing, distribution, or
9 development of renewable energy resources and associated
10 technologies.

11 "Renewable energy project" means a project conducted by a
12 renewable energy enterprise for the purpose of generating
13 renewable energy resources or energy storage.

14 "Renewable energy resources" has the meaning set forth in
15 Section 1-10 of the Illinois Power Agency Act.

16 "Rule" has the meaning set forth in Section 1-70 of the
17 Illinois Administrative Procedure Act.

18 Section 10-15. Energy Transition Workforce Commission.

19 (a) The Energy Transition Workforce Commission is hereby
20 created within the Department of Commerce and Economic
21 Opportunity.

22 (b) The Commission shall consist of the following members:

23 (1) the Director of Commerce and Economic Opportunity;

24 (2) the Director of Labor, or his or her designee, who
25 shall serve as chairperson;

1 (3) 5 members appointed by the Governor, with the
2 advice and consent of the Senate, of which at least one
3 shall be a representative of a local labor organization,
4 at least one shall be a resident of an environmental
5 justice community, at least one shall be a representative
6 of a national labor organization, and at least one shall
7 be a representative of the administrator of workforce
8 training programs created by this Act. Designees shall be
9 appointed within 60 days after a vacancy; and

10 (4) the 3 Regional Administrators selected under
11 Section 5-15 of the Energy Transition Act.

12 (c) Members of the Commission shall serve without
13 compensation, but may be reimbursed for necessary expenses
14 incurred in the performance of their duties from funds
15 appropriated for that purpose. The Department of Commerce and
16 Economic Opportunity shall provide administrative support to
17 the Commission.

18 (d) Within 240 days after the effective date of this Act,
19 and in consultation with the Department of Revenue and the
20 Environmental Protection Agency, the Commission shall produce
21 an Energy Transition Workforce Report regarding the
22 anticipated impact of the energy transition and a
23 comprehensive set of recommendations to address changes to the
24 Illinois workforce during the period of 2020 through 2050, or
25 a later year. The report shall contain the following elements,
26 designed to be used for the programs created in this Act:

1 (1) Information related to the impact on current
2 workers, including:

3 (A) a comprehensive accounting of all employees
4 who currently work in fossil fuel energy generation,
5 nuclear energy generation, and coal mining in the
6 State; upon receipt of the employee's written
7 authorization for the employer's release of such
8 information to the Commission, this shall include
9 information on their location, employer, salary
10 ranges, full-time or part-time status, nature of their
11 work, educational attainment, union status, and other
12 factors the Commission finds relevant;

13 (B) the anticipated schedule of closures of fossil
14 fuel power plants, nuclear power plants, and coal
15 mines across the State; when information is
16 unavailable to provide exact data, the report shall
17 include approximations based upon the best available
18 information; and

19 (C) an estimate of worker impacts due to scheduled
20 closures, including layoffs, early retirements, salary
21 changes, and other factors the Commission finds
22 relevant.

23 (2) Information regarding impact on communities and
24 local governments, including:

25 (A) changes in the revenue for units of local
26 government in areas that currently or recently have

1 had a closure or reduction in operation of a fossil
2 fuel power plant, nuclear power plant, coal mine, or
3 related industry;

4 (B) environmental impacts in areas that currently
5 or recently have had fossil fuel power plants, coal
6 mines, nuclear power plants, or related industry; and

7 (C) economic impacts of the energy transition,
8 including, but not limited to, the supply chain
9 impacts of the energy transition shift toward new
10 energy sources across the State.

11 (3) Information on emerging industries and State
12 economic development opportunities in regions that have
13 historically been the site of fossil fuel power plants,
14 nuclear power plants, or coal mining.

15 (e) The Department shall periodically review its findings
16 in the developed reports and make modifications to the report
17 and programs based on new findings. The Department shall
18 conduct a comprehensive reevaluation of the report, and
19 publish a modified version, on each of the following years
20 following initial publication: 2023; 2027; 2030; 2035; 2040;
21 and any year thereafter which the Department determines is
22 necessary or prudent.

23 Section 10-20. Energy Transition Community Grants.

24 (a) Subject to appropriation, the Department shall
25 establish an Energy Transition Community Grant Program to

1 award grants to promote economic development in eligible
2 communities.

3 (b) Funds shall be made available from the Energy
4 Transition Assistance Fund to the Department to provide these
5 grants.

6 (c) Communities eligible to receive these grants must meet
7 one or more of the following:

8 (1) the area contains a fossil fuel or nuclear power
9 plant that was retired from service or has significantly
10 reduced service within 6 years before the application for
11 designation or will be retired or have service
12 significantly reduced within 6 years following the
13 application for designation;

14 (2) the area contains a coal mine that was closed or
15 had operations significantly reduced within 6 years before
16 the application for designation or is anticipated to be
17 closed or have operations significantly reduced within 6
18 years following the application for designation; or

19 (3) the area contains a nuclear power plant that was
20 decommissioned, but continued storing nuclear waste before
21 the effective date of this Act.

22 (d) Local units of governments in eligible areas may join
23 with any other local unit of government, economic development
24 organization, local educational institutions, community-based
25 groups, or with any number or combination thereof to apply for
26 the Energy Transition Community Grant.

1 (e) To receive grant funds, an eligible community must
2 submit an application to the Department, using a form
3 developed by the Department.

4 (f) For grants awarded to counties or other entities that
5 are not the city that hosts or has hosted the investor-owned
6 electric generating plant, a resolution of support for the
7 project from the city or cities that hosts or has hosted the
8 investor-owned electric generating plant is required to be
9 submitted with the application.

10 (g) Grants must be used to plan for or address the economic
11 and social impact on the community or region of plant
12 retirement or transition.

13 (h) Project applications shall include community input and
14 consultation with a diverse set of stakeholders, including,
15 but not limited to: Regional Planning Councils, where
16 applicable; economic development organizations; low-income or
17 environmental justice communities; educational institutions;
18 elected and appointed officials; organizations representing
19 workers; and other relevant organizations.

20 (i) Grant costs are authorized to procure third-party
21 vendors for grant writing and implementation costs, including
22 for guidance and opportunities to apply for additional
23 federal, State, local, and private funding resources. If the
24 application is approved for pre-award, one-time reimbursable
25 costs to apply for the Energy Transition Community Grant are
26 authorized up to 3% of the award.

1 (j) Units of local government that are taxing authorities
2 for a nuclear plant that was decommissioned before January 1,
3 2021 shall receive grants in proportional shares of \$15 per
4 kilogram of spent nuclear fuel stored at such a facility, less
5 any payments made to such communities from the federal
6 government based on the amount of waste stored at a
7 decommissioned nuclear plant and any property tax payments.

8 Section 10-25. Displaced Energy Workers Bill of Rights.

9 (a) The Department, in collaboration with the Department
10 of Employment Security, shall have the authority to implement
11 the Displaced Energy Workers Bill of Rights, and shall be
12 responsible for the implementation of the Displaced Energy
13 Workers Bill of Rights programs and rights created under this
14 Section. For purposes of this Section, "closure" means the
15 permanent shutdown of an electric generating unit or coal
16 mine. The Department shall provide the following benefits to
17 displaced energy workers listed in paragraphs (1) through (4)
18 of this subsection:

19 (1) Advance notice of power plant or coal mine
20 closure.

21 (A) The Department shall notify all energy workers
22 of the upcoming closure of any qualifying facility as
23 far in advance of the scheduled closing date as it can.
24 The Department shall engage the employer and energy
25 workers no later than within 30 days of a closure or

1 deactivation notice being filed by the plant owner to
2 the Regional Transmission Organization of
3 jurisdiction, within 30 days of the announced closure
4 of a coal mine, within 30 days of a WARN notice being
5 filed with the Department, or within 30 days of an
6 announcement or requirement of cessation of operations
7 of a plant or mine from another authoritative source,
8 whichever is first.

9 (B) In providing the advance notice described in
10 this paragraph (1), the Department shall take
11 reasonable steps to ensure that all displaced energy
12 workers are educated on the various programs available
13 through the Department to assist with the energy
14 transition.

15 (2) Education on programs. The Department shall take
16 reasonable steps to ensure that all displaced energy
17 workers are educated on the various programs available
18 through the Department to assist with the energy
19 transition, including, but not limited to, the Illinois
20 Dislocated Worker and Rapid Response programs. The
21 Department will develop an outreach strategy, workforce
22 toolkit and quick action plan to deploy when closures are
23 announced. This strategy will include identifying any
24 additional resources that may be needed to aid worker
25 transitions that would require contracting services.

26 (3) The Department shall provide information and

1 consultation to displaced energy workers on various
2 employment and educational opportunities available to
3 them, supportive services, and advise workers on which
4 opportunities meet their skills, needs, and preferences.

5 (A) Available services will include reemployment
6 services, training services, work-based learning
7 services, and financial and retirement planning
8 support.

9 (B) The Department will provide skills matching as
10 part of career counseling services to enable
11 assessment of the displaced energy worker's skills and
12 map those skills to emerging occupations in the region
13 or nationally, or both, depending on the displaced
14 worker's preferences.

15 (C) For energy workers who may be interested in
16 entrepreneurial pursuits, the Department will connect
17 these individuals with their area Small Business
18 Development Center, procurement technical assistance
19 centers, and economic development organization to
20 engage in services, including, but not limited to,
21 business consulting, business planning, regulatory
22 compliance, marketing, training, accessing capital,
23 and government bid certification assistance.

24 (4) Financial planning services. Displaced energy
25 workers shall be entitled to services as described in the
26 energy worker programs in this subsection, including

1 financial planning services.

2 (b) Plant owners and the owners of coal mines located in
3 Illinois shall be required to comply with the requirements set
4 out in this subsection (b). The owners shall be required to
5 take the following actions:

6 (1) Provide written notice of deactivation or closure
7 filing with the Regional Transmission Organization of
8 jurisdiction to the Department within 48 hours, if
9 applicable.

10 (2) Provide employment information for energy workers;
11 90 days prior to the closure of an electric generating
12 unit or mine, the owners of the power plant or mine shall
13 provide energy workers information on whether there are
14 employment opportunities provided by their employer.

15 (3) Annually report to the Department on announced
16 closures of qualifying facilities. The report must include
17 information on expected closure date, number of employees,
18 planning processes, services offered for employees (such
19 as training opportunities) leading up to the closure,
20 efforts made to retain employees through other employment
21 opportunities within the company, and any other
22 information that the Department requires in order to
23 implement this Section.

24 (4) Ninety days prior to closure date, provide a final
25 closure report to the Department that includes expected
26 closure date, number of employees and salaries, transition

1 support the company is providing to employee and
2 timelines, including assistance for training
3 opportunities, transportation support or child care
4 resources to attend training, career counseling, resume
5 support, and others. The closure report will be made
6 available to the chief elected official of each municipal
7 and county government within which the employment loss,
8 relocation, or mass layoff occurs. It shall not be made
9 publicly available.

10 (5) Ninety days prior to closure date, provide job
11 descriptions for each employee at the plant or mine to the
12 Department and the entity providing career and training
13 counseling.

14 (6) Ninety days prior to closure date, make available
15 to the Department and the entity providing career and
16 training counseling any industry-related certifications
17 and on-the-job training the employee earned to allow union
18 training programs, community colleges, or other
19 certification programs to award credit for life
20 experiences in order to reduce the amount of time to
21 complete training, certificates, or degrees for the
22 dislocated employee.

23 Section 10-30. Displaced Energy Worker Dependent
24 Transition Scholarship.

25 (a) Subject to appropriation, the benefits of this Section

1 shall be administered by and paid for out of funds made
2 available to the Illinois Student Assistance Commission.

3 (b) Any natural child, legally adopted child, or stepchild
4 of an eligible displaced energy worker who possesses all
5 necessary entrance requirements shall, upon application and
6 proper proof, be awarded a transition scholarship consisting
7 of the equivalent of one calendar year of full-time
8 enrollment, including summer terms, to the State-supported
9 Illinois institution of higher learning of his or her choice.

10 (c) As used in this Section, "eligible displaced energy
11 worker" means an energy worker who has lost employment due to
12 the reduced operation or closure of a fossil fuel power plant
13 or coal mine.

14 (d) Full-time enrollment means 12 or more semester hours
15 of courses per semester, or 12 or more quarter hours of courses
16 per quarter, or the equivalent thereof per term. Scholarships
17 utilized by dependents enrolled in less than full-time study
18 shall be computed in the proportion which the number of hours
19 so carried bears to full-time enrollment.

20 (e) Scholarships awarded under this Section may be used by
21 a child without regard to his or her age. The holder of a
22 Scholarship awarded under this Section shall be subject to all
23 examinations and academic standards, including the maintenance
24 of minimum grade levels, that are applicable generally to
25 other enrolled students at the Illinois institution of higher
26 learning where the scholarship is being used.

1 (f) An applicant is eligible for a scholarship under this
2 Section when the Commission finds the applicant:

3 (1) is the natural child, legally adopted child, or
4 stepchild of an eligible displaced energy worker; and

5 (2) in the absence of transition scholarship
6 assistance, will be deterred by financial considerations
7 from completing an educational program at the
8 State-supported Illinois institution of higher learning of
9 his or her choice.

10 (g) Funds may be made available from the Energy Transition
11 Assistance Fund to the Commission to provide these grants.

12 (h) The scholarship shall only cover tuition and fees at
13 the rates offered to students residing within the State or in
14 the district, but shall not exceed the cost equivalent of one
15 calendar year of full-time enrollment, including summer terms,
16 at the University of Illinois. The Commission shall determine
17 the grant amount for each student.

18 Section 10-40. Energy Community Reinvestment Report.
19 Beginning 365 days after the effective date of this Act, and at
20 least once each calendar year thereafter, the Department shall
21 create or commission the creation of a report on the energy
22 worker and transition programs created in this Act and publish
23 the report on its website. The report shall, at a minimum,
24 contain information on program metrics, the demographics of
25 participants, program impact, and recommendations for future

1 modifications to the services provided by the Department under
2 these programs.

3 Section 10-70. Administrative review. All final
4 administrative decisions, including, but not limited to,
5 funding allocation and rules issued by the Department under
6 this Act are subject to judicial review under the
7 Administrative Review Law. No action may be commenced under
8 this Section prior to 60 days after the complainant has given
9 notice in writing of the action to the Department.

10 Section 10-90. Repealer. This Act is repealed 24 years
11 after the effective date of this Act.

12 Article 15. Community Energy, Climate, and Jobs Planning Act

13 Section 15-1. Short title. This Article may be cited as
14 the Community Energy, Climate, and Jobs Planning Act.
15 References in this Article to "this Act" mean this Article.

16 Section 15-5. Findings. The General Assembly makes the
17 following findings:

18 (1) The health, welfare, and prosperity of Illinois
19 residents require that Illinois take all steps possible to
20 combat climate change, address harmful environmental
21 impacts deriving from the generation of electricity,

1 maximize quality job creation in the emerging clean energy
2 economy, ensure affordable utility service, equitable and
3 affordable access to transportation, and clean, safe, and
4 affordable housing.

5 (2) The achievement of these goals will depend on
6 strong community engagement to ensure that programs and
7 policy solutions meet the needs of disparate communities.

8 (3) Ensuring that these goals are met without adverse
9 impacts on utility bill affordability, housing
10 affordability, and other essential services will depend on
11 the coordination of policies and programs within local
12 communities.

13 Section 15-10. Definitions. As used in this Act:

14 "Alternative energy improvement" means the installation or
15 upgrade of electrical wiring, outlets, or charging stations to
16 charge a motor vehicle that is fully or partially powered by
17 electricity; photovoltaic, energy storage, or thermal
18 resource; or any combination thereof.

19 "Disadvantaged worker" means an individual who is defined
20 as: (1) being homeless; (2) being a custodial single parent;
21 (3) being a recipient of public assistance; (4) lacking a high
22 school diploma or high school equivalency; (5) having a
23 criminal record or other involvement in the criminal justice
24 system; (6) suffering from chronic unemployment; (7) being
25 previously in the child welfare system; or (8) being a

1 veteran.

2 "Energy efficiency improvement" means equipment, devices,
3 or materials intended to decrease energy consumption or
4 promote a more efficient use of electricity, natural gas,
5 propane, or other forms of energy on property, including, but
6 not limited to:

7 (1) insulation in walls, roofs, floors, foundations,
8 or heating and cooling distribution systems;

9 (2) storm windows and doors, multi-glazed windows and
10 doors, heat-absorbing or heat-reflective glazed and coated
11 window and door systems, and additional glazing,
12 reductions in glass area, and other window and door system
13 modifications that reduce energy consumption;

14 (3) automated energy control systems;

15 (4) high efficiency heating, ventilating, or
16 air-conditioning and distribution system modifications or
17 replacements;

18 (5) caulking, weather-stripping, and air sealing;

19 (6) replacement or modification of lighting fixtures
20 to reduce the energy use of the lighting system;

21 (7) energy controls or recovery systems;

22 (8) day lighting systems;

23 (9) any energy efficiency project, as defined in
24 Section 825-65 of the Illinois Finance Authority Act; and

25 (10) any other installation or modification of
26 equipment, devices, or materials approved as a utility

1 cost-saving measure by the governing body.

2 "Energy project" means the installation or modification of
3 an alternative energy improvement, energy efficiency
4 improvement, or water use improvement, or the acquisition,
5 installation, or improvement of a renewable energy system that
6 is affixed to a stabilized existing property, including new
7 construction.

8 "Environmental justice communities" means the proposed
9 definition of that term based on existing methodologies and
10 findings used by the Illinois Power Agency and its
11 Administrator in its Illinois Solar for All Program.

12 "Equity investment eligible community" or "eligible
13 community" are synonymous and mean the geographic areas
14 throughout Illinois which would most benefit from equitable
15 investments by the State designed to combat discrimination and
16 foster sustainable economic growth. Specifically, eligible
17 communities shall be defined as the following areas:

18 (1) R3 Areas as established pursuant to Section 10-40
19 of the Cannabis Regulation and Tax Act, where residents
20 have historically been excluded from economic
21 opportunities, including opportunities in the energy
22 sector; and

23 (2) Environmental justice communities, as defined by
24 the Illinois Power Agency pursuant to the Illinois Power
25 Agency Act, where residents have historically been subject
26 to disproportionate burdens of pollution, including

1 pollution from the energy sector.

2 "Equity investment eligible person" or "eligible person"
3 are synonymous and mean the persons who would most benefit
4 from equitable investments by the State designed to combat
5 discrimination and foster sustainable economic growth.
6 Specifically, "eligible person" means the following people:

7 (1) a person whose primary residence is in an equity
8 investment eligible community;

9 (2) a person who is a graduate of or currently
10 enrolled in the foster care system; or

11 (3) a person who was formerly incarcerated.

12 "Governing body" means the county board or board of county
13 commissioners of a county, the city council of a municipality,
14 or the board of trustees of a village.

15 "Local Employment Plan" means a bidding option that public
16 agencies may include in requests for proposals to incentivize
17 bidders to voluntarily plan to retain and create high-skilled
18 local manufacturing jobs; invest in preapprenticeship,
19 apprenticeship, and training opportunities; and develop
20 family-sustaining career pathways into clean energy industries
21 for disadvantaged workers in a specified local area. The Local
22 Employment Plan only applies to work that is not financed with
23 federal money.

24 "Local unit of government" means a county, municipality,
25 or village.

26 "Natural climate solutions" means conservation,

1 restoration, or improved land management actions that increase
2 carbon storage or avoid greenhouse gas emissions on natural
3 and working lands.

4 "Nature-based approaches for climate adaptation" means
5 actions that preserve, enhance, or expand functions provided
6 by nature that increase capacity to manage adverse conditions
7 created or exacerbated by climate change. "Nature-based
8 approaches for climate adaptation" includes, but is not
9 limited to, the restoration of native ecosystems, especially
10 floodplains; installation of bioswales, rain gardens, and
11 other green stormwater infrastructure; and practices that
12 increase soil health and reduce urban heat island effects.

13 "Public agency" means the State of Illinois or any of its
14 government bodies and subdivisions, including the various
15 counties, townships, municipalities, school districts,
16 educational service regions, special road districts, public
17 water supply districts, drainage districts, levee districts,
18 sewer districts, housing authorities, and transit agencies.

19 "Renewable energy resource" includes energy and its
20 associated renewable energy credit or renewable energy credits
21 from wind energy, solar thermal energy, geothermal energy,
22 photovoltaic cells and panels, biodiesel, anaerobic digestion,
23 and hydropower that does not involve new construction or
24 significant expansion of hydropower dams. For purposes of this
25 Act, landfill gas produced in the State is considered a
26 renewable energy resource. "Renewable energy resource" does

1 not include the incineration or burning of any solid material.

2 "Renewable energy system" means a fixture, product,
3 device, or interacting group of fixtures, products, or devices
4 on the customer's side of the meter that use one or more
5 renewable energy resources to generate electricity, and
6 specifically includes any renewable energy project, as defined
7 in Section 825-65 of the Illinois Finance Authority Act.

8 "U.S. Employment Plan" means a bidding option that public
9 agencies may include in requests for proposals to incentivize
10 bidders to voluntarily plan to retain and create high-skilled
11 U.S. manufacturing jobs; invest in preapprenticeship,
12 apprenticeship, and training opportunities; and develop
13 family-sustaining career pathways into clean energy industries
14 for disadvantaged workers throughout the U.S. The U.S.
15 Employment Plan only applies to work financed with federal
16 Money.

17 "Water use improvement" means any fixture, product,
18 system, device, or interacting group thereof for or serving
19 any property that has the effect of conserving water resources
20 through improved water management, efficiency, or thermal
21 resource.

22 Section 15-15. Community Energy, Climate, and Jobs Plans;
23 creation.

24 (a) Pursuant to the procedures in Section 15-20, a local
25 unit of government may establish Community Energy, Climate,

1 and Jobs Plans and identify boundaries and areas covered by
2 the Plans.

3 (b) Community Energy, Climate, and Jobs Plans are intended
4 to aid local governments in developing a comprehensive
5 approach to combining different energy, climate, and jobs
6 programs and funding resources to achieve complementary
7 impact. An effective planning process may:

8 (1) help communities discover ways that their local
9 government, businesses, and residents can control their
10 energy use and lower their bills;

11 (2) ensure a cost-effective transition away from
12 fossil fuels in the transportation sector;

13 (3) expand access to workforce development and job
14 training opportunities for disadvantaged workers in the
15 emerging clean energy economy;

16 (4) incentivize the creation and retention of quality
17 Illinois jobs (when federal funds are not involved) in the
18 emerging clean energy economy;

19 (5) incentivize the creation and retention of quality
20 U.S. jobs in the emerging clean energy economy;

21 (6) promote economic development through improvements
22 in community infrastructure, transit, and support for
23 local business;

24 (7) improve the health of Illinois communities,
25 especially eligible communities, by reducing emissions,
26 addressing existing brownfield areas, and promoting the

1 integration of distributed energy resources;

2 (8) enable greater customer engagement, empowerment,
3 and options for energy services, and ultimately reduce
4 utility bills for Illinoisans;

5 (9) bring the benefits of grid modernization and the
6 deployment of distributed energy resources to economically
7 disadvantaged communities and eligible communities
8 throughout Illinois;

9 (10) support existing Illinois policy goals promoting
10 energy efficiency, demand response, and investments in
11 renewable energy resources;

12 (11) enable communities to better respond to extreme
13 heat and cold emergencies;

14 (12) explore opportunities to expand and improve
15 recreational amenities, wildlife habitat, flood
16 mitigation, agricultural production, tourism, and similar
17 co-benefits by deploying natural climate solutions and
18 nature-based approaches for climate adaptation; and

19 (13) ensure eligible persons, minorities, women,
20 people with disabilities, and veterans meaningfully
21 participate in the transition to a clean energy economy.

22 (c) A Community Energy, Climate, and Jobs Plan may include
23 discussion of:

24 (1) the demographics of the community, including
25 information on the mix of residential and commercial areas
26 and populations, ages, languages, education, and workforce

1 training, including an examination of the average utility
2 bills paid within the community by class and zip code, the
3 percentage and locations of individuals requiring energy
4 assistance, and participation of community members in
5 other assistance programs;

6 (2) an examination of the community's energy use, for
7 electricity, natural gas, transportation, and other fuels;

8 (3) the geography of the community, including the
9 amount of green space, brownfield sites, farmland,
10 waterways, flood zones, heat islands, areas for potential
11 development, location of critical infrastructure such as
12 emergency response facilities, health care and education
13 facilities, and public transportation routes;

14 (4) information on economic development opportunities,
15 commercial usage, and employment opportunities;

16 (5) the current status of zero emission vehicles
17 operated by or on behalf of public agencies within the
18 community; and

19 (6) other topics deemed applicable by the community.

20 (d) A Community Energy, Climate, and Jobs Plan may address
21 the following areas:

22 (1) distributed energy resources, including energy
23 efficiency, demand response, dynamic pricing, energy
24 storage, and solar (thermal, rooftop, and community);

25 (2) building codes, both commercial and residential;

26 (3) alternative transportation funding;

1 (4) transit options, including individual car
2 ownership, ridesharing, buses, trains, bicycles, and
3 pedestrian walkways;

4 (5) community assets related to extreme heat and cold
5 emergencies, such as cooling and warming centers;

6 (6) public agency procurements of zero emission,
7 electric vehicles; and

8 (7) networks of natural resources and infrastructure.

9 (e) A Community Energy, Climate, and Jobs Plan may
10 conclude with proposals to:

11 (1) increase the use of electricity as a
12 transportation fuel at multi-unit dwellings;

13 (2) maximize the system-wide benefits of
14 transportation electrification;

15 (3) direct public agencies to implement tools, such as
16 the U.S. Employment Plan or a Local Employment Plan, to
17 incentivize manufacturers in clean energy industries to
18 create and retain quality jobs and invest in training,
19 workforce development, and apprenticeship programs in
20 connection to a major contract;

21 (4) test innovative load management programs or rate
22 structures associated with the use of electric vehicles by
23 residential customers to achieve customer fuel cost
24 savings relative to gasoline or diesel fuels and to
25 optimize grid efficiency;

26 (5) increase the integration of distributed energy

1 resources in the community;

2 (6) significantly expand the percentage of net-zero
3 housing and net-zero buildings in the community;

4 (7) improve utility bill affordability;

5 (8) increase mass transit ridership;

6 (9) decrease vehicle miles traveled;

7 (10) reduce local emissions of greenhouse gases, NO_x,
8 SO_x, particulate matter, and other air pollutants;

9 (11) improve community assets that help residents
10 respond to extreme heat and cold emergencies; and

11 (12) expand opportunities for eligible persons,
12 minorities, women, people with disabilities, and veterans
13 to meaningfully participate in the transition to a clean
14 energy economy.

15 (f) A Community Energy, Climate, and Jobs Plan may be
16 administered by one or more program administrators or the
17 local unit of government.

18 Section 15-20. Community Energy, Climate, and Jobs
19 Planning process.

20 (a) An effective planning process shall engage a diverse
21 set of stakeholders in local communities, including:
22 environmental justice organizations; economic development
23 organizations; faith-based nonprofit organizations;
24 educational institutions; interested residents; health care
25 institutions; tenant organizations; housing institutions,

1 developers, and owners; elected and appointed officials; and
2 representatives reflective of each local community.

3 (b) An effective planning process shall engage individual
4 members of the community to the extent possible to ensure that
5 the Plans receive input from as diverse a set of perspectives
6 as possible.

7 (c) Plan materials and meetings related to the Plan shall
8 be translated into languages that reflect the makeup of the
9 local community.

10 (d) The planning process shall be conducted in an ethical,
11 transparent fashion, and continually review its policies and
12 practices to determine how best to meet its objectives.

13 (e) The Community, Energy, and Climate Plans shall take
14 into account other applicable or relevant economic development
15 plans, such as a Comprehensive Economic Development Strategy,
16 developed by a local unit of government, economic development
17 organization, or Regional Planning Council.

18 Section 15-25. Joint Community Energy, Climate, and Jobs
19 Plans. A local unit of government may join with any other local
20 unit of government, or with any public or private person, or
21 with any number or combination thereof, under the
22 Intergovernmental Cooperation Act, by contract or otherwise as
23 may be permitted by law, for the implementation of a Community
24 Energy, Climate, and Jobs Plan, in whole or in part.

1 Section 15-90. Repealer. This Act is repealed 24 years
2 after the effective date of this Act.

3 Article 20. Illinois Clean Energy
4 Jobs and Justice Fund Act

5 Section 20-1. Short title. This Article may be cited as
6 the Clean Energy Jobs and Justice Fund Act. References in this
7 Article to "this Act" mean this Article.

8 Section 20-5. Purpose. The purpose of this Act is to
9 promote the health, welfare, and prosperity of all the
10 residents of this State by ensuring access to financial
11 products that allow Illinois residents and businesses to
12 invest in clean energy. Furthermore, the Clean Energy Jobs and
13 Justice Fund, is designed to fill the following purposes:

14 (1) ensure that the benefits of the clean energy
15 economy are equitably distributed;

16 (2) make clean energy accessible to all through the
17 provision of innovative financing opportunities and grants
18 for Minority Business Enterprises (MBE) and other
19 contractors of color, and for low-income, environmental
20 justice, and BIPOC communities and the businesses that
21 serve these communities;

22 (3) prioritize the provision of public and private
23 capital for clean energy investment to MBEs and other

1 contractors of color, and to businesses serving
2 low-income, environmental justice, and BIPOC communities;

3 (4) accelerate the flow of private capital into clean
4 energy markets;

5 (5) assist low-income, environmental justice, and
6 BIPOC community utility customers in paying for solar and
7 energy efficiency upgrades through energy cost savings;

8 (6) increase access to no-cost and low-cost loans for
9 MBE and other contractors of color;

10 (7) develop financing products designed to compensate
11 for historical and structural barriers preventing
12 low-income, environmental justice, and BIPOC communities
13 from accessing traditional financing;

14 (8) leverage private investment in clean energy
15 projects and in projects developed by MBEs and other
16 contractors of color; and

17 (9) pursue financial self-sustainability through
18 innovative financing products.

19 Section 20-10. Definitions. As used in this Act:

20 "Black, indigenous, and people of color" or "BIPOC" means
21 people who are members of the groups described in
22 subparagraphs (a) through (e) of paragraph (A) of subsection
23 (1) of Section 2 of the Business Enterprise for Minorities,
24 Women, and Persons with Disabilities Act.

25 "Board" means the Board of Directors of the Clean Energy

1 Jobs and Justice Fund.

2 "Contractor of color" means a business entity that is at
3 least 51% owned by one or more BIPOC persons, or in the case of
4 a corporation, at least 51% of the corporation's stock is
5 owned by one or more BIPOC persons, and the management and
6 daily business operations of which are controlled by one or
7 more of the BIPOC persons who own it. A contractor of color may
8 also be a nonprofit entity with a board of directors composed
9 of at least 51% BIPOC persons or a nonprofit entity certified
10 by the State of Illinois to be minority-led.

11 "Environmental justice communities" means the definition
12 of that term based on existing methodologies and findings used
13 by the Illinois Power Agency and its Administrator of the
14 Illinois Solar for All Program.

15 "Fund" means the Clean Energy Jobs and Justice Fund.

16 "Low-income" means households whose income does not exceed
17 80% of Area Median Income (AMI), adjusted for family size and
18 revised every 5 years.

19 "Low-income community" means a census tract where at least
20 half of households are low-income.

21 "Minority-owned business enterprise" or "MBE" means a
22 business certified as such by an authorized unit of government
23 or other authorized entity in Illinois.

24 "Municipality" means a city, village, or incorporated
25 town.

26 "Person" means any natural person, firm, partnership,

1 corporation, either domestic or foreign, company, association,
2 limited liability company, joint stock company, or association
3 and includes any trustee, receiver, assignee, or personal
4 representative thereof.

5 Section 20-15. Clean Energy Jobs and Justice Fund.

6 (a) Not later than 30 days after the effective date of this
7 Act, there shall be incorporated a nonprofit corporation to be
8 known as the "Clean Energy Jobs and Justice Fund".

9 (b) The Fund shall not be an agency or instrumentality of
10 the State Government.

11 (c) The full faith and credit of the State of Illinois
12 shall not extend to the Fund.

13 (d) The Fund shall:

14 (1) Be an organization described in subsection (c) of
15 Section 501 of the Internal Revenue Code of 1986 and
16 exempt from taxation under subsection (a) of Section 501
17 of that Code;

18 (2) Ensure that no part of the income or assets of the
19 Fund shall inure to the benefit of any director, officer,
20 or employee, except as reasonable compensation for
21 services or reimbursement for expenses; and

22 (3) Not contribute to or otherwise support any
23 political party or candidate for elective office.

24 Section 20-20. Board of Directors.

1 (a) The Fund shall be managed by, and its powers,
2 functions, and duties shall be exercised through, a Board to
3 be composed of 11 members. The initial members of the Board
4 shall be appointed by the Governor with the advice and consent
5 of the Senate within 60 days after the effective date of this
6 Act. Members of the Board shall be broadly representative of
7 the communities that the Fund is designed to serve. Of such
8 members:

9 (1) at least one member shall be selected from each of
10 the following geographic regions in the State: northeast,
11 northwest, central, and southern;

12 (2) at least 2 members shall have experience in
13 providing energy-related services to low-income,
14 environmental justice, or BIPOC communities;

15 (3) at least one member shall own or be employed by an
16 MBE or BIPOC-owned business focused on the deployment of
17 clean energy;

18 (4) at least one member shall be a policy or
19 implementation expert in serving low-income, environmental
20 justice or BIPOC communities or individuals, including
21 environmental justice communities, BIPOC communities,
22 formerly convicted persons, persons who are or were in the
23 child welfare system, displaced energy workers, gender
24 nonconforming and transgender individuals, or youth; and

25 (5) at least one member shall be from a
26 community-based organization with a specific mission to

1 support racially and socioeconomically diverse
2 environmental justice communities.

3 (a-5) The terms of the initial members of the Board shall
4 be as follows:

5 (1) 5 members appointed and confirmed shall have
6 initial 5-year terms;

7 (2) 3 members appointed and confirmed shall have
8 initial 4-year terms; and

9 (3) 3 members appointed and confirmed shall have
10 initial 3-year terms.

11 (b) Subsequent composition and terms.

12 (1) Except for the selection of the initial members of
13 the Board for their initial terms under paragraph (1) of
14 subsection (a) of this Section, the members of the Board
15 shall be elected by the members of the Board.

16 (2) A member of the Board shall be disqualified from
17 voting for any position on the Board for which such member
18 is a candidate.

19 (3) All members elected pursuant to paragraph (2) of
20 subsection (a) of this Section shall have a term of 5
21 years.

22 (c) The members of the Board shall be broadly
23 representative of the communities that the Fund is designed to
24 serve and shall collectively have expertise in environmental
25 justice, energy efficiency, distributed renewable energy,
26 workforce development, finance and investments, clean

1 transportation, and climate resilience. Of such members:

2 (1) not fewer than 2 shall be selected from each of the
3 following geographic regions in the State: northeast,
4 northwest, central, and southern;

5 (2) not fewer than 2 shall be from an MBE or
6 BIPOC-owned business focused on the deployment of clean
7 energy;

8 (3) not fewer than 2 shall be from a community-based
9 organization with a specific mission to support racially
10 and socioeconomically diverse environmental justice
11 communities; and

12 (4) not fewer than 2 shall be from an organization
13 specializing in providing energy-related services to
14 low-income, environmental justice, or BIPOC communities.

15 (5) Members of the Board can fulfill multiple
16 criteria, such as representing the southern region and an
17 MBE or BIPOC-owned business focused on the deployment of
18 clean energy.

19 (d) No officer or employee of the State or any other level
20 of government may be appointed or elected as a member of the
21 Board.

22 (e) Seven members of the Board shall constitute a quorum.

23 (f) The Board shall adopt, and may amend, such bylaws as
24 are necessary for the proper management and functioning of the
25 Fund. Such bylaws shall include designation of officers of the
26 Fund and the duties of such officers.

1 (g) No person who is an employee in any managerial or
2 supervisory capacity, director, officer or agent or who is a
3 member of the immediate family of any such employee, director,
4 officer, or agent of any public utility is eligible to be a
5 director. No director may hold any elective position, be a
6 candidate for any elective position, be a State public
7 official, be employed by the Illinois Commerce Commission, or
8 be employed in a governmental position exempt from the
9 Illinois Personnel Code.

10 (h) No director, nor member of his or her immediate family
11 shall, either directly or indirectly, be employed for
12 compensation as a staff member or consultant of the Fund.

13 (i) The Board shall hold regular meetings at least once
14 every 3 months on such dates and at such places as it may
15 determine. Meetings may be held by teleconference or
16 videoconference. Special meetings may be called by the
17 president or by a majority of the directors upon at least 7
18 days' advance written notice. The act of the majority of the
19 directors, present at a meeting at which a quorum is present,
20 shall be the act of the Board of Directors unless the act of a
21 greater number is required by this Act or bylaws. A summary of
22 the minutes of every Board meeting shall be made available to
23 each public library in the State upon request and to
24 individuals upon request. Board of Directors meeting minutes
25 shall be posted on the Fund's website within 14 days after
26 Board approval of the minutes.

1 (j) A director may not receive any compensation for his or
2 her services but shall be reimbursed for necessary expenses,
3 including travel expenses incurred in the discharge of duties.
4 The Board shall establish standard allowances for mileage,
5 room and meals and the purposes for which such allowances may
6 be made and shall determine the reasonableness and necessity
7 for such reimbursements.

8 (k) In the event of a vacancy on the Board, the Board of
9 Directors shall appoint a temporary member, consistent with
10 the requirements of the Board composition, to serve the
11 remainder of the term for the vacant seat.

12 (l) The Board shall adopt rules for its own management and
13 government, including bylaws and a conflict of interest
14 policy.

15 (m) The Board of Directors of the Fund shall adopt written
16 procedures for:

17 (1) adopting an annual budget and plan of operations,
18 including a requirement of Board approval before the
19 budget or plan may take effect;

20 (2) hiring, dismissing, promoting, and compensating
21 employees of the Fund, including an affirmative action
22 policy and a requirement of Board approval before a
23 position may be created or a vacancy filled;

24 (3) acquiring real and personal property and personal
25 services, including a requirement of Board approval for
26 any non-budgeted expenditure in excess of \$5,000;

1 (4) contracting for financial, legal, bond
2 underwriting and other professional services, including
3 requirements that the Fund (i) solicit proposals at least
4 once every 3 years for each such service that it uses, and
5 (ii) ensure equitable contracting with diverse suppliers;

6 (5) issuing and retiring bonds, bond anticipation
7 notes, and other obligations of the Fund; and

8 (6) awarding loans, grants and other financial
9 assistance, including (i) eligibility criteria, the
10 application process and the role played by the Fund's
11 staff and Board of Directors, and (ii) ensuring racial
12 equity in the awarding of loans, grants, and other
13 financial assistance.

14 (n) The Board shall develop a robust set of metrics to
15 measure the degree to which the program is meeting the
16 purposes set forth in Section 20-5 of this Act, and especially
17 measuring adherence to the racial equity purposes set forth
18 there, and a reporting format and schedule to be adhered to by
19 the Fund officers and staff. These metrics and reports shall
20 be posted quarterly on the Fund's website.

21 (o) The Board of Directors has the responsibility to make
22 program adjustments necessary to ensure that the Clean Energy
23 Jobs and Justice Fund is meeting the purposes set forth in this
24 Act. Fund officers and staff and the Board of Directors are
25 responsible for ensuring capital providers and Fund officers
26 and staff, partners, and financial institutions are held to

1 state and federal standards for ethics and predatory lending
2 practices and shall immediately remove any offending products
3 and sponsoring organizations from Fund participation.

4 (p) The Board shall issue annually a report reviewing the
5 activities of the Fund in detail and shall provide a copy of
6 such report to the joint standing committees of the General
7 Assembly having cognizance of matters relating to energy and
8 commerce. The report shall be published on the Fund's website
9 within 3 days after its submission to the General Assembly.

10 Section 20-25. Powers and duties.

11 (a) The Fund shall endeavor to perform the following
12 actions, but is not limited to these specified actions:

13 (1) Develop programs to finance and otherwise support
14 clean energy investment and projects as determined by the
15 Fund in keeping with the purposes of this Act.

16 (2) Support financing or other expenditures that
17 promote investment in clean energy sources in order to (i)
18 foster the development and commercialization of clean
19 energy projects, including projects serving low-income,
20 environmental justice, and BIPOC communities, and (ii)
21 support project development by MBE and other contractors
22 of color.

23 (3) Prioritize the provision of public and private
24 capital for clean energy investment to MBEs and other
25 contractors of color, and to clean energy investment in

1 low-income, environmental justice, and BIPOC communities.

2 (4) Provide access to grants, no-cost, and low-cost
3 loans to MBEs and other contractors of color, including
4 those participating in the Clean Energy Primes Contractor
5 Accelerator Program.

6 (5) Provide financial assistance in the form of
7 grants, loans, loan guarantees or debt and equity
8 investments, as approved in accordance with written
9 procedures.

10 (6) Assume or take title to any real property, convey
11 or dispose of its assets and pledge its revenues to secure
12 any borrowing, convey or dispose of its assets and pledge
13 its revenues to secure any borrowing, for the purpose of
14 developing, acquiring, constructing, refinancing,
15 rehabilitating or improving its assets or supporting its
16 programs, provided each such borrowing or mortgage, unless
17 otherwise provided by the Board or the Fund, shall be a
18 special obligation of the Fund, which obligation may be in
19 the form of bonds, bond anticipation notes, or other
20 obligations that evidence an indebtedness to the extent
21 permitted under this Act to fund, refinance and refund the
22 same and provide for the rights of holders thereof, and to
23 secure the same by pledge of revenues, notes and mortgages
24 of others, and which shall be payable solely from the
25 assets, revenues and other resources of the Fund and such
26 bonds may be secured by a special capital reserve fund

1 contributed to by the State.

2 (7) Contract with community-based organizations to
3 design and implement program marketing, communications,
4 and outreach to potential users of the Fund's products,
5 particularly potential users in low-income, environmental
6 justice, and BIPOC communities. These contracts shall
7 include funding to ensure that the contracted
8 community-based organizations provide materials and
9 outreach support, including payments for time and
10 expenses, to other community organizations, professional
11 organizations, and subcontractors that have an interest in
12 the Fund's financial products.

13 (8) Collect the following data and perform monthly and
14 quarterly reporting to the Board in accordance with the
15 reporting format and schedule developed by the Board of
16 Directors:

17 (A) baseline data on capital sources or providers,
18 loan recipients, projects funded, loan terms, and
19 other relevant financial data;

20 (B) diversity and equity data, including race,
21 gender, socioeconomic, and geographic region; and

22 (C) program administration and servicing data.
23 These reports shall be published to the Fund's website
24 monthly and quarterly. Reports published to the
25 website may be anonymized to protect the data of
26 individual program participants.

1 (9) Have the purposes as provided by resolution of the
2 Fund's Board of Directors, which purposes shall be
3 consistent with this Section and Section 20-5 of this Act.
4 No further action is required for the establishment of the
5 Fund, except the adoption of a resolution for the Fund.

6 (b) In addition to, and not in limitation of, any other
7 power of the Fund set forth in this Section or any other
8 provision of the general statutes, the Fund shall have and may
9 exercise the following powers in furtherance of or in carrying
10 out its purposes:

11 (1) have perpetual succession as a body corporate and
12 to adopt bylaws, policies, and procedures for the
13 regulation of its affairs and the conduct of its business;

14 (2) make and enter into all contracts and agreements
15 that are necessary or incidental to the conduct of its
16 business;

17 (3) invest in, acquire, lease, purchase, own, manage,
18 hold, sell, and dispose of real or personal property or
19 any interest therein;

20 (4) borrow money or guarantee a return to investors or
21 lenders;

22 (5) hold patents, copyrights, trademarks, marketing
23 rights, licenses, or other rights in intellectual
24 property;

25 (6) employ such assistants, agents, and employees as
26 may be necessary or desirable; establish all necessary or

1 appropriate personnel practices and policies, including
2 those relating to hiring, promotion, compensation and
3 retirement, and engage consultants, attorneys, financial
4 advisers, appraisers, and other professional advisers as
5 may be necessary or desirable;

6 (7) invest any funds not needed for immediate use or
7 disbursement pursuant to investment policies adopted by
8 the Fund's Board of Directors;

9 (8) procure insurance against any loss or liability
10 with respect to its property or business of such types, in
11 such amounts and from such insurers as it deems desirable;

12 (9) enter into joint ventures and invest in, and
13 participate with any person, including, without
14 limitation, government entities and private corporations,
15 in the formation, ownership, management and operation of
16 business entities, including stock and nonstock
17 corporations, limited liability companies and general or
18 limited partnerships, formed to advance the purposes of
19 the Fund, provided members of the Board of Directors or
20 officers or employees of the Fund may serve as directors,
21 members or officers of any such business entity, and such
22 service shall be deemed to be in the discharge of the
23 duties or within the scope of the employment of any such
24 director, officer or employee, as the case may be, so long
25 as such director, officer or employee does not receive any
26 compensation or financial benefit as a result of serving

1 in such role; and

2 (10) all other acts necessary or convenient to carry
3 out the purposes of this Act.

4 (c) Before making any loan, loan guarantee, or such other
5 form of financing support or risk management for a clean
6 energy project, the Fund shall develop standards to govern the
7 administration of the Fund through rules, policies, and
8 procedures that specify borrower eligibility, terms, and
9 conditions of support, and other relevant criteria, standards,
10 or procedures.

11 (d) Funding sources specifically authorized include, but
12 are not limited to:

13 (1) funds repurposed from existing programs providing
14 financing support for clean energy projects, provided any
15 transfer of funds from such existing programs shall be
16 subject to approval by the General Assembly and shall be
17 used for expenses of financing, grants, and loans;

18 (2) any federal funds that can be used for the
19 purposes specified in this Act;

20 (3) charitable gifts, grants, contributions, as well
21 as loans from individuals, corporations, university
22 endowment funds, and philanthropic foundations; and

23 (4) earnings and interest derived from financing
24 support activities for clean energy projects backed by the
25 Fund.

26 (e) The Fund may enter into agreements with private

1 sources to raise capital.

2 (f) The Fund may assess reasonable fees on its financing
3 activities to cover its reasonable costs and expenses, as
4 determined by the Board.

5 (g) The Fund shall make information regarding the rates,
6 terms and conditions for all of its financing support
7 transactions available to the public for inspection, including
8 formal annual reviews by both a private auditor conducted
9 pursuant this Section and the Comptroller, and provide details
10 to the public on the Internet, provided public disclosure
11 shall be restricted for patentable ideas, trade secrets,
12 proprietary or confidential commercial or financial
13 information, disclosure of which may cause commercial harm to
14 a nongovernmental recipient of such financing support and for
15 other information exempt from public records disclosure.

16 (h) The powers enumerated in this Section shall be
17 interpreted broadly to effectuate the purposes established in
18 this Section and shall not be construed as a limitation of
19 powers.

20 Section 20-30. Primary responsibilities in early program
21 development.

22 (a) Consistent with the goals of this Act, the Fund has the
23 authority to pursue a broad range of financial products and
24 services. In early development of products and services
25 offered, the Fund should consider the following programs as

1 its initial set of investment initiatives:

2 (1) a solar lease, power-purchase agreement, or
3 loan-to-own product specifically designed to complement
4 and grow the Illinois Solar for All Program;

5 (2) direct capitalization of contractors of color
6 participating in or graduating from the workforce and
7 business development programs established in the Energy
8 Transition Act;

9 (3) providing direct capitalization of community-based
10 projects in environmental justice communities through
11 upfront grants. Project applications should provide a
12 community benefit, align with environmental justice
13 communities, be in support of this Act's contractor and
14 workforce development goals, and support upfront planning,
15 development, and start up costs that often are not covered
16 prior to applying for program incentives and other loan
17 products;

18 (4) providing loan loss reserve products to secure
19 stable and low-interest financing for individual projects
20 and portfolios consistent with the goals of this Act that
21 would be otherwise unable to receive financing; and

22 (5) offering financing and administrative services for
23 municipal utilities and rural electric cooperatives to
24 create their own version of the on-bill Equitable Energy
25 Upgrade Program such as the Pay As You Save program
26 developed by the Energy Efficiency Institute.

1 Section 20-35. Executive director and fund management.

2 (a) The executive director hired by the Board shall have
3 the same qualifications as a director pursuant to subsections
4 (d), (g), and (h) of Section 20-20 of this Act. The executive
5 director may not be a candidate for the Board of Directors
6 while serving as executive director. The executive director
7 must have 5 or more years of experience in equitable and
8 inclusive financing serving racially and socioeconomically
9 diverse communities.

10 (b) To hire the executive director, the Board shall adhere
11 to any applicable State or federal law prohibiting
12 discrimination in employment.

13 (c) The Board shall require all applicants for the
14 position of executive director of the Fund to file a financial
15 statement consistent with requirements established by the
16 Board. The Board shall require the executive director to file
17 a current statement annually.

18 (d) The Fund shall be administered by the executive
19 director and the staff and overseen by the Board of Directors.
20 Fund officers and staff shall receive training in how to best
21 provide services and support to low-income, environmental
22 justice, and BIPOC communities and on supporting borrowers
23 with loan applications, loan underwriting, and loan services.

24 Section 20-40. Dissolution. The Fund may dissolve or be

1 dissolved under the General Not for Profit Corporation Act.

2 Section 20-90. Repealer. This Act is repealed 24 years
3 after the effective date of this Act.

4 Article 90.

5 Section 90-1. Legislative findings. The General Assembly
6 finds and declares:

7 (1) The overall objectives of regulation of the
8 electric utility industry in this State, as expressed by
9 the General Assembly in the Illinois Power Agency Act and
10 the Public Utilities Act, include the provision of
11 adequate, efficient, reliable, environmentally safe, and
12 least-cost utility services at prices that accurately
13 reflect the long-term cost of such services and that are
14 equitable to all citizens.

15 (2) For many years, a significant portion of the
16 electricity consumed by consumers and businesses in this
17 State, particularly in the downstate region, has been
18 produced by large coal-fueled electric generating stations
19 located in the downstate region. However, in recent years,
20 the prices for electric generating capacity and energy
21 available to coal-fueled electric generating stations
22 located in the downstate region of this State have been
23 insufficient to enable many electric generating facilities

1 located within the downstate region to remain in
2 operation, and have placed other electric generating
3 stations at risk of closure. Changes in environmental
4 regulations and, significantly, increasing concerns about
5 the effects of carbon emissions on the climate, have also
6 contributed to the retirement of coal-fueled generating
7 stations in the downstate region. As a result, the vast
8 majority of the coal-fueled generation located in
9 Illinois, and particularly in the downstate region, has
10 recently been retired or will be retired by no later than
11 the end of 2027.

12 (3) Reliable electric service at all times is
13 essential to the functioning of a modern economy and of
14 society in general. The health, welfare, and prosperity of
15 Illinois citizens, including the attractiveness of the
16 State of Illinois to business and industry, requires the
17 availability of sufficient electric generating capacity,
18 including energy storage capacity, to meet the demands of
19 consumers and businesses in this State at all times.
20 However, to a significant extent, electricity, when
21 generated, cannot be stored for future use in any
22 significant amount relative to the total amount of
23 electricity that existing generating facilities can
24 produce. Rather, for the most part, electricity must be
25 produced instantaneously at the time and in the amount
26 that it is demanded by residential and business consumers.

1 The development of energy storage facilities provides some
2 opportunity to store some amounts of electricity for use
3 at later times; but energy storage facilities with
4 sufficient capacity to deliver electricity to meet the
5 demands of consumers in this State, 24 hours per day, 7
6 days per week on every day of the year, have not yet been
7 built.

8 (4) Both the Midcontinent Independent System Operator,
9 Inc., which is the independent transmission system
10 operator for downstate Illinois, and its Independent
11 Market Monitor, have expressed concerns about the
12 sufficiency of electric generating resources in downstate
13 Illinois over the next several years, due primarily to the
14 announced and anticipated retirements of coal-fueled
15 electric generating facilities and concerns about how
16 quickly and extensively new wind and solar generating
17 facilities will be placed into service. Concerns have also
18 been expressed, based on the intermittent nature of wind
19 and solar generating facilities, as to whether the grid
20 can operate reliably without sufficient dispatchable
21 generation resources or significant additions of energy
22 storage facilities to balance the output of renewable
23 generating facilities. The General Assembly believes that
24 the State cannot afford to find itself in a situation of
25 insufficient electric generating resources to meet the
26 needs of Illinois residential and business consumers 24

1 hours a day, 7 days a week. Thus, consistent with the
2 overall objectives of the regulation of the electric
3 utility industry in this State and the interests of the
4 State in protecting the health and welfare of its
5 residents, regulation should ensure that sufficient
6 generating resources, including energy storage resources,
7 are available to enable the electric utility grid to meet
8 the demands of Illinois electricity consumers at all
9 times.

10 (5) Through previous enactments beginning in 2007, the
11 General Assembly has provided financial incentives for the
12 construction and operation of wind, solar, and other types
13 of renewable energy facilities to serve load in Illinois.
14 In such enactments, the General Assembly has recognized
15 that providing opportunities to enter into long-term
16 contracts for the purchase of renewable energy credits
17 from renewable energy facilities creates incentives, and
18 in fact is necessary, for the construction and operation
19 of such resources. Developers typically cannot,
20 financially, develop new, large-scale renewable energy
21 generating resources without having secured long-term
22 contracts for the renewable energy credits that the new
23 facilities will produce.

24 (6) The permitting and siting of new wind and solar
25 generating facilities in Illinois are subject to local
26 governmental control, and in many areas of this State,

1 there has been strong opposition to the siting and
2 construction of new utility-scale wind and solar
3 generating facilities, which in turn has resulted in the
4 denial of, or withdrawal of requests for, necessary
5 approvals for some projects and the enactment of local
6 zoning ordinances imposing requirements and restrictions
7 that increase the costs and reduce the economic
8 attractiveness of such projects. This has resulted in
9 delay or cancellation of a number of renewable energy
10 projects. This experience demonstrates the advantages of
11 targeting the installation of new utility-scale renewable
12 energy facilities at sites that are already suitable for
13 installation of such facilities and can be readily
14 permitted.

15 (7) In light of the intermittent nature of many types
16 of renewable energy facilities, such as wind and solar
17 generation, the installation and operation of electricity
18 storage facilities in conjunction with the installation
19 and operation of renewable generation facilities can
20 enhance the value of renewable energy resources to the
21 electric grid.

22 (8) The sites of many of the large coal-fueled
23 electric generating stations located in the downstate
24 region of this State that have recently been retired or
25 announced for retirement, or are at risk of retirement,
26 have existing infrastructure and other characteristics

1 which make them suitable potential sites for development
2 of new renewable energy generating facilities and
3 electricity storage facilities. This infrastructure and
4 other characteristics include large amounts of available
5 land situated at a suitable distance from populated areas,
6 suitable levels of exposure to sunlight, and high voltage
7 interconnections to nearby bulk electric system
8 transmission grid facilities at strategic locations.
9 Development of these generating plant sites for
10 large-scale renewable energy generating facilities,
11 particularly photovoltaic facilities which require large
12 amounts of space, and electricity storage facilities, can
13 help advance this State's objective of increasing the
14 portion of the State's total electricity usage that is
15 supplied by zero emission resources, and reducing the
16 proportion of the electricity produced in this State that
17 is produced by carbon-emitting resources, while supporting
18 the reliability of electric service in the downstate
19 region. Accordingly, the General Assembly finds that it is
20 in the public interest to encourage the redevelopment of
21 the sites of retired and still-operating coal-fueled
22 electric generating stations as locations for renewable
23 energy generating facilities and electricity storage
24 facilities.

25 (9) Many, if not all, of the coal-fueled electric
26 generating plants in this State that have recently been

1 retired or announced for retirement, or are at near-term
2 risk of retirement, were at one time owned, at whole or in
3 part, by a public utility as defined in Section 3-105 of
4 the Public Utilities Act and were thereby devoted to
5 public service and the public use in Illinois, with their
6 costs paid for by rates paid by public utility ratepayers
7 in Illinois. The General Assembly finds that it is
8 appropriate to provide incentives to the owners of the
9 sites of coal-fueled electric generating facilities in
10 this State that were once owned by public utilities, to
11 repurpose those sites in a manner that continues to
12 benefit the public by providing for the generation of
13 carbon-free, non-emitting electricity and reliable bulk
14 electric service.

15 (10) The General Assembly finds it is appropriate for
16 the State of Illinois to establish a program to provide
17 incentives for the installation and operation of new
18 renewable energy facilities, along with energy storage
19 facilities, at the sites of retired and at-risk
20 coal-fueled electric generating facilities in this State,
21 to help expedite the transition of this State's electric
22 generation fleet to lower-emitting resources while
23 ensuring the availability of sufficient electric energy
24 resources to meet the demands of residential and business
25 electricity consumers in this State.

26 (11) In light of the foregoing findings, the purpose

1 of the program established in subsection (c-5) of Section
2 1-75 of the Illinois Power Agency Act is to incentivize
3 and support conversion and development of unused (or to be
4 unused) sites of recently retired and soon to-be-retired
5 coal-fueled power plants in this State to productive new
6 uses as sites for the generation and provision of
7 electricity from renewable energy facilities and energy
8 storage facilities, thereby contributing to the State's
9 efforts to reduce carbon emissions from facilities in this
10 State and increase the production of the State's
11 electricity needs from clean energy resources. The
12 provisions of this Act also will support the reliability
13 of the bulk power grid in this State by incentivizing and
14 supporting installation of new generating facilities and
15 energy storage facilities at locations on the grid where
16 synchronous generation was formerly located.

17 Section 90-3. The Illinois Administrative Procedure Act is
18 amended by adding 5-45.9 as follows:

19 (5 ILCS 100/5-45.9 new)

20 Sec. 5-45.9. Emergency rulemaking; Multi-Year Integrated
21 Grid Plans. To provide for the expeditious and timely
22 implementation of Section 16-105.17 of the Public Utilities
23 Act, emergency rules implementing Section 16-105.17 of the
24 Public Utilities Act may be adopted in accordance with Section

1 5-45 by the Illinois Commerce Commission. The adoption of
2 emergency rules authorized by Section 5-45 and this Section is
3 deemed to be necessary for the public interest, safety, and
4 welfare.

5 This Section is repealed one year after the effective date
6 of this amendatory Act of the 102nd General Assembly.

7 Section 90-5. The Illinois Governmental Ethics Act is
8 amended by adding Section 1-121 and by changing Sections
9 4A-102 and 4A-103 as follows:

10 (5 ILCS 420/1-121 new)

11 Sec. 1-121. Public utility. "Public utility" has the
12 meaning provided in Section 3-105 of the Public Utilities Act.

13 (5 ILCS 420/4A-102) (from Ch. 127, par. 604A-102)

14 Sec. 4A-102. The statement of economic interests required
15 by this Article shall include the economic interests of the
16 person making the statement as provided in this Section. The
17 interest (if constructively controlled by the person making
18 the statement) of a spouse or any other party, shall be
19 considered to be the same as the interest of the person making
20 the statement. Campaign receipts shall not be included in this
21 statement.

22 (a) The following interests shall be listed by all
23 persons required to file:

1 (1) The name, address and type of practice of any
2 professional organization or individual professional
3 practice in which the person making the statement was
4 an officer, director, associate, partner or
5 proprietor, or served in any advisory capacity, from
6 which income in excess of \$1200 was derived during the
7 preceding calendar year;

8 (2) The nature of professional services (other
9 than services rendered to the unit or units of
10 government in relation to which the person is required
11 to file) and the nature of the entity to which they
12 were rendered if fees exceeding \$5,000 were received
13 during the preceding calendar year from the entity for
14 professional services rendered by the person making
15 the statement.

16 (3) The identity (including the address or legal
17 description of real estate) of any capital asset from
18 which a capital gain of \$5,000 or more was realized in
19 the preceding calendar year.

20 (4) The name of any unit of government which has
21 employed the person making the statement during the
22 preceding calendar year other than the unit or units
23 of government in relation to which the person is
24 required to file.

25 (5) The name of any entity from which a gift or
26 gifts, or honorarium or honoraria, valued singly or in

1 the aggregate in excess of \$500, was received during
2 the preceding calendar year.

3 (b) The following interests shall also be listed by
4 persons listed in items (a) through (f), item (l), item
5 (n), and item (p) of Section 4A-101:

6 (1) The name and instrument of ownership in any
7 entity doing business in the State of Illinois, in
8 which an ownership interest held by the person at the
9 date of filing is in excess of \$5,000 fair market value
10 or from which dividends of in excess of \$1,200 were
11 derived during the preceding calendar year. (In the
12 case of real estate, location thereof shall be listed
13 by street address, or if none, then by legal
14 description). No time or demand deposit in a financial
15 institution, nor any debt instrument need be listed;

16 (2) Except for professional service entities, the
17 name of any entity and any position held therein from
18 which income of in excess of \$1,200 was derived during
19 the preceding calendar year, if the entity does
20 business in the State of Illinois. No time or demand
21 deposit in a financial institution, nor any debt
22 instrument need be listed.

23 (3) The identity of any compensated lobbyist with
24 whom the person making the statement maintains a close
25 economic association, including the name of the
26 lobbyist and specifying the legislative matter or

1 matters which are the object of the lobbying activity,
2 and describing the general type of economic activity
3 of the client or principal on whose behalf that person
4 is lobbying.

5 (c) The following interests shall also be listed by
6 persons listed in items (a) through (c) and item (e) of
7 Section 4A-101.5:

8 (1) The name and instrument of ownership in any
9 entity doing business with a unit of local government
10 in relation to which the person is required to file if
11 the ownership interest of the person filing is greater
12 than \$5,000 fair market value as of the date of filing
13 or if dividends in excess of \$1,200 were received from
14 the entity during the preceding calendar year. (In the
15 case of real estate, location thereof shall be listed
16 by street address, or if none, then by legal
17 description). No time or demand deposit in a financial
18 institution, nor any debt instrument need be listed.

19 (2) Except for professional service entities, the
20 name of any entity and any position held therein from
21 which income in excess of \$1,200 was derived during
22 the preceding calendar year if the entity does
23 business with a unit of local government in relation
24 to which the person is required to file. No time or
25 demand deposit in a financial institution, nor any
26 debt instrument need be listed.

1 (3) The name of any entity and the nature of the
2 governmental action requested by any entity which has
3 applied to a unit of local government in relation to
4 which the person must file for any license, franchise
5 or permit for annexation, zoning or rezoning of real
6 estate during the preceding calendar year if the
7 ownership interest of the person filing is in excess
8 of \$5,000 fair market value at the time of filing or if
9 income or dividends in excess of \$1,200 were received
10 by the person filing from the entity during the
11 preceding calendar year.

12 (d) The following interest shall also be listed by
13 persons listed in items (a) through (f) of Section 4A-101:
14 the name of any spouse or immediate family member living
15 with such person employed by a public utility in this
16 State and the name of the public utility that employs such
17 person.

18 For the purposes of this Section, the unit of local
19 government in relation to which a person is required to file
20 under item (e) of Section 4A-101.5 shall be the unit of local
21 government that contributes to the pension fund of which such
22 person is a member of the board.

23 (Source: P.A. 101-221, eff. 8-9-19.)

24 (5 ILCS 420/4A-103) (from Ch. 127, par. 604A-103)

25 Sec. 4A-103. The statement of economic interests required

1 by this Article to be filed with the Secretary of State or
2 county clerk shall be ~~filled in by typewriting or hand~~
3 ~~printing,~~ shall be verified, dated, and signed by the person
4 making the statement and shall contain substantially the
5 following:

6 STATEMENT OF ECONOMIC INTERESTS

7 INSTRUCTIONS:

8 You may find the following documents helpful to you in
9 completing this form:

10 (1) federal income tax returns, including any related
11 schedules, attachments, and forms; and

12 (2) investment and brokerage statements.

13 To complete this form, you do not need to disclose
14 specific amounts or values or report interests relating either
15 to political committees registered with the Illinois State
16 Board of Elections or to political committees, principal
17 campaign committees, or authorized committees registered with
18 the Federal Election Commission.

19 The information you disclose will be available to the
20 public.

21 You must answer all 6 questions. Certain questions will
22 ask you to report any applicable assets or debts held in, or
23 payable to, your name; held jointly by, or payable to, you with
24 your spouse; or held jointly by, or payable to, you with your

1 minor child. If you have any concerns about whether an
2 interest should be reported, please consult your department's
3 ethics officer, if applicable.

4 Please ensure that the information you provide is complete
5 and accurate. If you need more space than the form allows,
6 please attach additional pages for your response. If you are
7 subject to the State Officials and Employees Ethics Act, your
8 ethics officer must review your statement of economic
9 interests before you file it. Failure to complete the
10 statement in good faith and within the prescribed deadline may
11 subject you to fines, imprisonment, or both.

12 BASIC INFORMATION:

13 Name:.....

14 Job title:

15 Office, department, or agency that requires you to file this
16 form:.....

17 Other offices, departments, or agencies that require you to
18 file a Statement of Economic Interests form:

19 Full mailing address:.....

20 Preferred e-mail address (optional):

21 QUESTIONS:

22 1. If you have any single asset that was worth more than
23 \$10,000 as of the end of the preceding calendar year and is
24 held in, or payable to, your name, held jointly by, or payable

1 to, you with your spouse, or held jointly by, or payable to,
 2 you with your minor child, list such assets below. In the case
 3 of investment real estate, list the city and state where the
 4 investment real estate is located. If you do not have any such
 5 assets, list "none" below.

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11 2. Excluding the position for which you are required to
 12 file this form, list the source of any income in excess of
 13 \$7,500 required to be reported during the preceding calendar
 14 year. If you sold an asset that produced more than \$7,500 in
 15 capital gains in the preceding calendar year, list the name of
 16 the asset and the transaction date on which the sale or
 17 transfer took place. If you had no such sources of income or
 18 assets, list "none" below.

<u>Source of Income / Name of</u>	<u>Date Sold (if applicable)</u>
<u>Asset</u>	
.....
.....
.....

24 3. Excluding debts incurred on terms available to the
 25 general public, such as mortgages, student loans, and credit

1 card debts, if you owed any single debt in the preceding
 2 calendar year exceeding \$10,000, list the creditor of the debt
 3 below. If you had no such debts, list "none" below.

4 List the creditor for all applicable debts owed by you,
 5 owed jointly by you with your spouse, or owed jointly by you
 6 with your minor child. In addition to the types of debts listed
 7 above, you do not need to report any debts to or from financial
 8 institutions or government agencies, such as debts secured by
 9 automobiles, household furniture or appliances, as long as the
 10 debt was made on terms available to the general public, debts
 11 to members of your family, or debts to or from a political
 12 committee registered with the Illinois State Board of
 13 Elections or any political committee, principal campaign
 14 committee, or authorized committee registered with the Federal
 15 Election Commission.

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20 4. List the name of each unit of government of which you or
 21 your spouse were an employee, contractor, or office holder
 22 during the preceding calendar year other than the unit or
 23 units of government in relation to which the person is
 24 required to file and the title of the position or nature of the
 25 contractual services.

<u>Name of Unit of Government</u>	<u>Title or Nature of Services</u>
.....
.....
.....

5. If you maintain an economic relationship with a lobbyist or if a member of your family is known to you to be a lobbyist registered with any unit of government in the State of Illinois, list the name of the lobbyist below and identify the nature of your relationship with the lobbyist. If you do not have an economic relationship with a lobbyist or a family member known to you to be a lobbyist registered with any unit of government in the State of Illinois, list "none" below.

<u>Name of Lobbyist</u>	<u>Relationship to Filer</u>
.....
.....
.....

6. List the name of each person, organization, or entity that was the source of a gift or gifts, or honorarium or honoraria, valued singly or in the aggregate in excess of \$500 received during the preceding calendar year and the type of gift or gifts, or honorarium or honoraria, excluding any gift or gifts from a member of your family that was not known to be a lobbyist registered with any unit of government in the State of Illinois. If you had no such gifts, list "none" below.

.....

1
.....

2
.....

3 7. List the name of any spouse or immediate family member
4 living with the person making this statement employed by a
5 public utility in this State and the name of the public utility
6 that employs the relative.

<u>Name and Relation</u>	<u>Public Utility</u>
8
9
10

11 VERIFICATION:

12 "I declare that this statement of economic interests
13 (including any attachments) has been examined by me and to the
14 best of my knowledge and belief is a true, correct and complete
15 statement of my economic interests as required by the Illinois
16 Governmental Ethics Act. I understand that the penalty for
17 willfully filing a false or incomplete statement is a fine not
18 to exceed \$2,500 or imprisonment in a penal institution other
19 than the penitentiary not to exceed one year, or both fine and
20 imprisonment."

21 Printed Name of Filer:

22 Date:.....

23 Signature:

24 If this statement of economic interests requires ethics

1 officer review prior to filing, the applicable ethics officer
2 must complete the following:

3 CERTIFICATION OF ETHICS OFFICER REVIEW:

4 "In accordance with law, as Ethics Officer, I reviewed
5 this statement of economic interests prior to its filing."

6 Printed Name of Ethics Officer:

7 Date:.....

8 Signature:

9 Preferred e-mail address (optional):

10 ~~STATEMENT OF ECONOMIC INTEREST~~

11 ~~(TYPE OR HAND PRINT)~~

12 ~~.....~~

13 ~~(name)~~

14 ~~.....~~

15 ~~(each office or position of employment for which this~~
16 ~~statement is filed)~~

17 ~~.....~~

18 ~~(full mailing address)~~

19 ~~GENERAL DIRECTIONS:~~

20 ~~The interest (if constructively controlled by the person~~
21 ~~making the statement) of a spouse or any other party, shall be~~
22 ~~considered to be the same as the interest of the person making~~
23 ~~the statement.~~

24 ~~Campaign receipts shall not be included in this statement.~~

1 ~~If additional space is needed, please attach supplemental~~
2 ~~listing.~~

3 ~~1. List the name and instrument of ownership in any entity~~
4 ~~doing business in the State of Illinois, in which the~~
5 ~~ownership interest held by the person at the date of filing is~~
6 ~~in excess of \$5,000 fair market value or from which dividends~~
7 ~~in excess of \$1,200 were derived during the preceding calendar~~
8 ~~year. (In the case of real estate, location thereof shall be~~
9 ~~listed by street address, or if none, then by legal~~
10 ~~description.) No time or demand deposit in a financial~~
11 ~~institution, nor any debt instrument need be listed.~~

Business Entity	Instrument of Ownership
.....
.....
.....
.....

17 ~~2. List the name, address and type of practice of any~~
18 ~~professional organization in which the person making the~~
19 ~~statement was an officer, director, associate, partner or~~
20 ~~proprietor or served in any advisory capacity, from which~~
21 ~~income in excess of \$1,200 was derived during the preceding~~
22 ~~calendar year.~~

Name	Address	Type of Practice
.....
.....
.....

1 ~~3. List the nature of professional services rendered~~
 2 ~~(other than to the State of Illinois) to each entity from which~~
 3 ~~income exceeding \$5,000 was received for professional services~~
 4 ~~rendered during the preceding calendar year by the person~~
 5 ~~making the statement.~~

6
 7

8 ~~4. List the identity (including the address or legal~~
 9 ~~description of real estate) of any capital asset from which a~~
 10 ~~capital gain of \$5,000 or more was realized during the~~
 11 ~~preceding calendar year.~~

12
 13

14 ~~5. List the identity of any compensated lobbyist with whom~~
 15 ~~the person making the statement maintains a close economic~~
 16 ~~association, including the name of the lobbyist and specifying~~
 17 ~~the legislative matter or matters which are the object of the~~
 18 ~~lobbying activity, and describing the general type of economic~~
 19 ~~activity of the client or principal on whose behalf that~~
 20 ~~person is lobbying.~~

Lobbyist	Legislative Matter	Client or Principal
.....
.....

24 ~~6. List the name of any entity doing business in the State~~
 25 ~~of Illinois from which income in excess of \$1,200 was derived~~
 26 ~~during the preceding calendar year other than for professional~~

1 ~~services and the title or description of any position held in~~
 2 ~~that entity. (In the case of real estate, location thereof~~
 3 ~~shall be listed by street address, or if none, then by legal~~
 4 ~~description). No time or demand deposit in a financial~~
 5 ~~institution nor any debt instrument need be listed.~~

6 Entity	Position Held
7
8
9

10 ~~7. List the name of any unit of government which employed~~
 11 ~~the person making the statement during the preceding calendar~~
 12 ~~year other than the unit or units of government in relation to~~
 13 ~~which the person is required to file.~~

14

15

16 ~~8. List the name of any entity from which a gift or gifts,~~
 17 ~~or honorarium or honoraria, valued singly or in the aggregate~~
 18 ~~in excess of \$500, was received during the preceding calendar~~
 19 ~~year.~~

20

21 **VERIFICATION:**

22 ~~"I declare that this statement of economic interests~~
 23 ~~(including any accompanying schedules and statements) has been~~
 24 ~~examined by me and to the best of my knowledge and belief is a~~
 25 ~~true, correct and complete statement of my economic interests~~
 26 ~~as required by the Illinois Governmental Ethics Act. I~~

1 ~~understand that the penalty for willfully filing a false or~~
 2 ~~incomplete statement shall be a fine not to exceed \$1,000 or~~
 3 ~~imprisonment in a penal institution other than the~~
 4 ~~penitentiary not to exceed one year, or both fine and~~
 5 ~~imprisonment."~~

6 ~~.....~~ ~~.....~~
 7 ~~(date of filing)~~ ~~(signature of person making the statement)~~
 8 (Source: P.A. 95-173, eff. 1-1-08.)

9 Section 90-10. The State Officials and Employees Ethics
 10 Act is amended by changing Section 5-50 as follows:

11 (5 ILCS 430/5-50)

12 Sec. 5-50. Ex parte communications; special government
 13 agents.

14 (a) This Section applies to ex parte communications made
 15 to any agency listed in subsection (e).

16 (b) "Ex parte communication" means any written or oral
 17 communication by any person that imparts or requests material
 18 information or makes a material argument regarding potential
 19 action concerning regulatory, quasi-adjudicatory, investment,
 20 or licensing matters pending before or under consideration by
 21 the agency. "Ex parte communication" does not include the
 22 following: (i) statements by a person publicly made in a
 23 public forum; (ii) statements regarding matters of procedure
 24 and practice, such as format, the number of copies required,

1 the manner of filing, and the status of a matter; and (iii)
2 statements made by a State employee of the agency to the agency
3 head or other employees of that agency.

4 (b-5) An ex parte communication received by an agency,
5 agency head, or other agency employee from an interested party
6 or his or her official representative or attorney shall
7 promptly be memorialized and made a part of the record.

8 (c) An ex parte communication received by any agency,
9 agency head, or other agency employee, other than an ex parte
10 communication described in subsection (b-5), shall immediately
11 be reported to that agency's ethics officer by the recipient
12 of the communication and by any other employee of that agency
13 who responds to the communication. The ethics officer shall
14 require that the ex parte communication be promptly made a
15 part of the record. The ethics officer shall promptly file the
16 ex parte communication with the Executive Ethics Commission,
17 including all written communications, all written responses to
18 the communications, and a memorandum prepared by the ethics
19 officer stating the nature and substance of all oral
20 communications, the identity and job title of the person to
21 whom each communication was made, all responses made, the
22 identity and job title of the person making each response, the
23 identity of each person from whom the written or oral ex parte
24 communication was received, the individual or entity
25 represented by that person, any action the person requested or
26 recommended, and any other pertinent information. The

1 disclosure shall also contain the date of any ex parte
2 communication.

3 (d) "Interested party" means a person or entity whose
4 rights, privileges, or interests are the subject of or are
5 directly affected by a regulatory, quasi-adjudicatory,
6 investment, or licensing matter. For purposes of an ex parte
7 communication received by either the Illinois Commerce
8 Commission or the Illinois Power Agency, "interested party"
9 also includes: (1) an organization comprised of 2 or more
10 businesses, persons, nonprofit entities, or any combination
11 thereof, that are working in concert to advance public policy
12 advocated by the organization, or (2) any party selling
13 renewable energy resources procured by the Illinois Power
14 Agency pursuant to Section 16-111.5 of the Public Utilities
15 Act and Section 1-75 of the Illinois Power Agency Act.

16 (e) This Section applies to the following agencies:

17 Executive Ethics Commission

18 Illinois Commerce Commission

19 Illinois Power Agency

20 Educational Labor Relations Board

21 State Board of Elections

22 Illinois Gaming Board

23 Health Facilities and Services Review Board

24 Illinois Workers' Compensation Commission

25 Illinois Labor Relations Board

26 Illinois Liquor Control Commission

1 Pollution Control Board
2 Property Tax Appeal Board
3 Illinois Racing Board
4 Illinois Purchased Care Review Board
5 Department of State Police Merit Board
6 Motor Vehicle Review Board
7 Prisoner Review Board
8 Civil Service Commission
9 Personnel Review Board for the Treasurer
10 Merit Commission for the Secretary of State
11 Merit Commission for the Office of the Comptroller
12 Court of Claims
13 Board of Review of the Department of Employment Security
14 Department of Insurance
15 Department of Professional Regulation and licensing boards
16 under the Department
17 Department of Public Health and licensing boards under the
18 Department
19 Office of Banks and Real Estate and licensing boards under
20 the Office
21 State Employees Retirement System Board of Trustees
22 Judges Retirement System Board of Trustees
23 General Assembly Retirement System Board of Trustees
24 Illinois Board of Investment
25 State Universities Retirement System Board of Trustees
26 Teachers Retirement System Officers Board of Trustees

1 (f) Any person who fails to (i) report an ex parte
2 communication to an ethics officer, (ii) make information part
3 of the record, or (iii) make a filing with the Executive Ethics
4 Commission as required by this Section or as required by
5 Section 5-165 of the Illinois Administrative Procedure Act
6 violates this Act.

7 (Source: P.A. 95-331, eff. 8-21-07; 96-31, eff. 6-30-09.)

8 Section 90-15. The Department of Commerce and Economic
9 Opportunity Law of the Civil Administrative Code of Illinois
10 is amended by adding Section 605-1075 as follows:

11 (20 ILCS 605/605-1075 new)

12 Sec. 605-1075. Energy Transition Assistance Fund.

13 (a) The General Assembly hereby declares that management
14 of several economic development programs requires a
15 consolidated funding source to improve resource efficiency.
16 The General Assembly specifically recognizes that properly
17 servng communities and workers impacted by the energy
18 transition requires that the Department of Commerce and
19 Economic Opportunity have access to the resources required for
20 the execution of the programs for workforce and contractor
21 development, just transition investments and community
22 support, and the implementation and administration of energy
23 and justice efforts by the State.

24 (b) The Department shall be responsible for the

1 administration of the Energy Transition Assistance Fund and
2 shall allocate funding on the basis of priorities established
3 in this Section. Each year, the Department shall determine the
4 available amount of resources in the Fund that can be
5 allocated to the programs identified in this Section, and
6 allocate the funding accordingly. The Department shall, to the
7 extent practical, consider both the short-term and long-term
8 costs of the programs and allocate funding so that the
9 Department is able to cover both the short-term and long-term
10 costs of these programs using projected revenue.

11 The available funding for each year shall be allocated
12 from the Fund in the following order of priority:

13 (1) for costs related to the Clean Jobs Workforce
14 Network Program, up to \$21,000,000 annually prior to June
15 1, 2023 and \$24,333,333 annually thereafter;

16 (2) for costs related to the Clean Energy Contractor
17 Incubator Program, up to \$21,000,000 annually;

18 (3) for costs related to the Clean Energy Primes
19 Contractor Accelerator Program, up to \$9,000,000 annually;

20 (4) for costs related to the Barrier Reduction
21 Program, up to \$21,000,000 annually;

22 (5) for costs related to the Jobs and Environmental
23 Justice Grant Program, up to \$34,000,000 annually;

24 (6) for costs related to the Returning Residents Clean
25 Jobs Training Program, up to \$6,000,000 annually;

26 (7) for costs related to Energy Transition Navigators,

1 up to \$6,000,000 annually;

2 (8) for costs related to the Illinois Climate Works
3 Preapprenticeship Program, up to \$10,000,000 annually;

4 (9) for costs related to Energy Transition Community
5 Support Grants, up to \$40,000,000 annually;

6 (10) for costs related to the Displaced Energy Worker
7 Dependent Scholarship, upon request by the Illinois
8 Student Assistance Commission, up to \$1,100,000 annually;

9 (11) up to \$10,000,000 annually shall be transferred
10 to the Public Utilities Fund for use by the Illinois
11 Commerce Commission for costs of administering the changes
12 made to the Public Utilities Act by this amendatory Act of
13 the 102nd General Assembly;

14 (12) up to \$4,000,000 annually shall be transferred to
15 the Illinois Power Agency Operations Fund for use by the
16 Illinois Power Agency; and

17 (13) for costs related to the Clean Energy Jobs and
18 Justice Fund, up to \$1,000,000 annually.

19 The Department is authorized to utilize up to 10% of the
20 Energy Transition Assistance Fund for administrative and
21 operational expenses to implement the requirements of this
22 Act.

23 (c) Within 30 days after the effective date of this
24 amendatory Act of the 102nd General Assembly, each electric
25 utility serving more than 500,000 customers in the State shall
26 report to the Department its total kilowatt-hours of energy

1 delivered during the 12 months ending on the immediately
2 preceding May 31. By October 31, 2021 and each October 31
3 thereafter, each electric utility serving more than 500,000
4 customers in the State shall report to the Department its
5 total kilowatt-hours of energy delivered during the 12 months
6 ending on the immediately preceding May 31.

7 (d) The Department shall, within 60 days after the
8 effective date of this amendatory Act of the 102nd General
9 Assembly:

10 (1) determine the amount necessary, but not more than
11 \$180,000,000, to meet the funding needs of the programs
12 reliant upon the Energy Transition Assistance Fund as a
13 revenue source for the period between the effective date
14 of this amendatory Act of the 102nd General Assembly and
15 December 31, 2021;

16 (2) determine, based on the kilowatt-hour deliveries
17 for the 12 months ending May 31, 2021 reported by the
18 electric utilities under subsection (c), the total energy
19 transition assistance charge to be allocated to each
20 electric utility for the period between the effective date
21 of this amendatory Act of the 102nd General Assembly and
22 December 31, 2021; and

23 (3) report the total energy transition assistance
24 charge applicable until December 31, 2021 to each electric
25 utility serving more than 500,000 customers in the State
26 and the Illinois Commerce Commission for purposes of

1 filing the tariff pursuant to Section 16-108.30 of the
2 Public Utilities Act.

3 (e) The Department shall by November 30, 2021, and each
4 November 30 thereafter:

5 (1) determine the amount necessary, but not more than
6 \$180,000,000, to meet the funding needs of the programs
7 reliant upon the Energy Transition Assistance Fund as a
8 revenue source for the immediately following calendar
9 year;

10 (2) determine, based on the kilowatt-hour deliveries
11 for the 12 months ending on the immediately preceding May
12 31 reported to it by the electric utilities under
13 subsection (c), the total energy transition assistance
14 charge to be allocated to each electric utility for the
15 immediately following calendar year; and

16 (3) report the energy transition assistance charge
17 applicable for the immediately following calendar year to
18 each electric utility serving more than 500,000 customers
19 in the State and the Illinois Commerce Commission for
20 purposes of filing the tariff pursuant to Section
21 16-108.30 of the Public Utilities Act.

22 (f) The energy transition assistance charge may not exceed
23 \$180,000,000 annually. If, at the end of the calendar year,
24 any surplus remains in the Energy Transition Assistance Fund,
25 the Department may allocate the surplus from the fund in the
26 following order of priority:

1 (1) for costs related to the development of the
2 Stretch Energy Codes and other standards at the Capital
3 Development Board, up to \$500,000 annually, at the request
4 of the Board;

5 (2) up to \$7,000,000 annually shall be transferred to
6 the Energy Efficiency Trust Fund and Clean Air Act Permit
7 Fund for use by the Environmental Protection Agency for
8 costs related to energy efficiency and weatherization, and
9 costs of implementation, administration, and enforcement
10 of the Clean Air Act; and

11 (3) for costs related to State fleet electrification
12 at the Department of Central Management Services, up to
13 \$10,000,000 annually, at the request of the Department.

14 Section 90-20. The Electric Vehicle Act is amended by
15 changing Section 15 and by adding Sections 40, 45, 50, 55, and
16 60 as follows:

17 (20 ILCS 627/15)

18 Sec. 15. Electric Vehicle Coordinator. The Governor, with
19 the advice and consent of the Senate, shall appoint a person
20 within the Illinois Environmental Protection Agency ~~Department~~
21 ~~of Commerce and Economic Opportunity~~ to serve as the Electric
22 Vehicle Coordinator for the State of Illinois. This person may
23 be an existing employee with other duties. The Coordinator
24 shall act as a point person for electric vehicle-related and

1 electric vehicle charging-related electric vehicle related
2 policies and activities in Illinois, including, but not
3 limited to, the issuance of electric vehicle rebates for
4 consumers and electric vehicle charging rebates for
5 organizations and companies.

6 (Source: P.A. 97-89, eff. 7-11-11.)

7 (20 ILCS 627/40 new)

8 Sec. 40. Rulemaking; resources. The Agency shall adopt
9 rules as necessary and dedicate sufficient resources to
10 implement Sections 45 and 55.

11 (20 ILCS 627/45 new)

12 Sec. 45. Beneficial electrification.

13 (a) It is the intent of the General Assembly to decrease
14 reliance on fossil fuels, reduce pollution from the
15 transportation sector, increase access to electrification for
16 all consumers, and ensure that electric vehicle adoption and
17 increased electricity usage and demand do not place
18 significant additional burdens on the electric system and
19 create benefits for Illinois residents.

20 (1) Illinois should increase the adoption of electric
21 vehicles in the State to 1,000,000 by 2030.

22 (2) Illinois should strive to be the best state in the
23 nation in which to drive and manufacture electric
24 vehicles.

1 (3) Widespread adoption of electric vehicles is
2 necessary to electrify the transportation sector,
3 diversify the transportation fuel mix, drive economic
4 development, and protect air quality.

5 (4) Accelerating the adoption of electric vehicles
6 will drive the decarbonization of Illinois' transportation
7 sector.

8 (5) Expanded infrastructure investment will help
9 Illinois more rapidly decarbonize the transportation
10 sector.

11 (6) Statewide adoption of electric vehicles requires
12 increasing access to electrification for all consumers.

13 (7) Widespread adoption of electric vehicles requires
14 increasing public access to charging equipment throughout
15 Illinois, especially in low-income and environmental
16 justice communities, where levels of air pollution burden
17 tend to be higher.

18 (8) Widespread adoption of electric vehicles and
19 charging equipment has the potential to provide customers
20 with fuel cost savings and electric utility customers with
21 cost-saving benefits.

22 (9) Widespread adoption of electric vehicles can
23 improve an electric utility's electric system efficiency
24 and operational flexibility, including the ability of the
25 electric utility to integrate renewable energy resources
26 and make use of off-peak generation resources that support

1 the operation of charging equipment.

2 (10) Widespread adoption of electric vehicles should
3 stimulate innovation, competition, and increased choices
4 in charging equipment and networks and should also attract
5 private capital investments and create high-quality jobs
6 in Illinois.

7 (b) As used in this Section:

8 "Agency" means the Environmental Protection Agency.

9 "Beneficial electrification programs" means programs that
10 lower carbon dioxide emissions, replace fossil fuel use,
11 create cost savings, improve electric grid operations, reduce
12 increases to peak demand, improve electric usage load shape,
13 and align electric usage with times of renewable generation.
14 All beneficial electrification programs shall provide for
15 incentives such that customers are induced to use electricity
16 at times of low overall system usage or at times when
17 generation from renewable energy sources is high. "Beneficial
18 electrification programs" include a portfolio of the
19 following:

20 (1) time-of-use electric rates;

21 (2) hourly pricing electric rates;

22 (3) optimized charging programs or programs that
23 encourage charging at times beneficial to the electric
24 grid;

25 (4) optional demand-response programs specifically
26 related to electrification efforts;

1 (5) incentives for electrification and associated
2 infrastructure tied to using electricity at off-peak
3 times;

4 (6) incentives for electrification and associated
5 infrastructure targeted to medium-duty and heavy-duty
6 vehicles used by transit agencies;

7 (7) incentives for electrification and associated
8 infrastructure targeted to school buses;

9 (8) incentives for electrification and associated
10 infrastructure for medium-duty and heavy-duty government
11 and private fleet vehicles;

12 (9) low-income programs that provide access to
13 electric vehicles for communities where car ownership or
14 new car ownership is not common;

15 (10) incentives for electrification in eligible
16 communities;

17 (11) incentives or programs to enable quicker adoption
18 of electric vehicles by developing public charging
19 stations in dense areas, workplaces, and low-income
20 communities;

21 (12) incentives or programs to develop electric
22 vehicle infrastructure that minimizes range anxiety,
23 filling the gaps in deployment, particularly in rural
24 areas and along highway corridors;

25 (13) incentives to encourage the development of
26 electrification and renewable energy generation in close

1 proximity in order to reduce grid congestion;

2 (14) offer support to low-income communities who are
3 experiencing financial and accessibility barriers such
4 that electric vehicle ownership is not an option; and

5 (15) other such programs as defined by the Commission.

6 "Black, indigenous, and people of color" or "BIPOC" means
7 people who are members of the groups described in
8 subparagraphs (a) through (e) of paragraph (A) of subsection
9 (1) of Section 2 of the Business Enterprise for Minorities,
10 Women, and Persons with Disabilities Act.

11 "Commission" means the Illinois Commerce Commission.

12 "Coordinator" means the Electric Vehicle Coordinator.

13 "Electric vehicle" means a vehicle that is exclusively
14 powered by and refueled by electricity, must be plugged in to
15 charge, and is licensed to drive on public roadways. "Electric
16 vehicle" does not include electric motorcycles or hybrid
17 electric vehicles and extended-range electric vehicles that
18 are also equipped with conventional fueled propulsion or
19 auxiliary engines.

20 "Electric vehicle charging station" means a station that
21 delivers electricity from a source outside an electric vehicle
22 into one or more electric vehicles.

23 "Environmental justice communities" means the definition
24 of that term based on existing methodologies and findings,
25 used and as may be updated by the Illinois Power Agency and its
26 program administrator in the Illinois Solar for All Program.

1 "Equity investment eligible community" or "eligible
2 community" means the geographic areas throughout Illinois
3 which would most benefit from equitable investments by the
4 State designed to combat discrimination and foster sustainable
5 economic growth. Specifically, "eligible community" means the
6 following areas:

7 (1) areas where residents have been historically
8 excluded from economic opportunities, including
9 opportunities in the energy sector, as defined pursuant to
10 Section 10-40 of the Cannabis Regulation and Tax Act; and

11 (2) areas where residents have been historically
12 subject to disproportionate burdens of pollution,
13 including pollution from the energy sector, as established
14 by environmental justice communities as defined by the
15 Illinois Power Agency pursuant to Illinois Power Agency
16 Act, excluding any racial or ethnic indicators.

17 "Equity investment eligible person" or "eligible person"
18 means the persons who would most benefit from equitable
19 investments by the State designed to combat discrimination and
20 foster sustainable economic growth. Specifically, "eligible
21 person" means the following people:

22 (1) persons whose primary residence is in an equity
23 investment eligible community;

24 (2) persons who are graduates of or currently enrolled
25 in the foster care system; or

26 (3) persons who were formerly incarcerated.

1 "Low-income" means persons and families whose income does
2 not exceed 80% of the state median income for the current State
3 fiscal year as established by the U.S. Department of Health
4 and Human Services.

5 "Make-ready infrastructure" means the electrical and
6 construction work necessary between the distribution circuit
7 to the connection point of charging equipment.

8 "Optimized charging programs" mean programs whereby owners
9 of electric vehicles can set their vehicles to be charged
10 based on the electric system's current demand, retail or
11 wholesale market rates, incentives, the carbon or other
12 pollution intensity of the electric generation mix, the
13 provision of grid services, efficient use of the electric
14 grid, or the availability of clean energy generation.
15 Optimized charging programs may be operated by utilities as
16 well as third parties.

17 (c) The Commission shall initiate a workshop process no
18 later than November 30, 2021 for the purpose of soliciting
19 input on the design of beneficial electrification programs
20 that the utility shall offer. The workshop shall be
21 coordinated by the Staff of the Commission, or a facilitator
22 retained by Staff, and shall be organized and facilitated in a
23 manner that encourages representation from diverse
24 stakeholders, including stakeholders representing
25 environmental justice and low-income communities, and ensures
26 equitable opportunities for participation, without requiring

1 formal intervention or representation by an attorney.

2 The stakeholder workshop process shall take into
3 consideration the benefits of electric vehicle adoption and
4 barriers to adoption, including:

5 (1) the benefit of lower bills for customers who do
6 not charge electric vehicles;

7 (2) benefits to the distribution system from electric
8 vehicle usage;

9 (3) the avoidance and reduction in capacity costs from
10 optimized charging and off-peak charging;

11 (4) energy price and cost reductions;

12 (5) environmental benefits, including greenhouse gas
13 emission and other pollution reductions;

14 (6) current barriers to mass-market adoption,
15 including cost of ownership and availability of charging
16 stations;

17 (7) current barriers to increasing access among
18 populations that have limited access to electric vehicle
19 ownership, communities significantly impacted by
20 transportation-related pollution, and market segments that
21 create disproportionate pollution impacts;

22 (8) benefits of and incentives for medium-duty and
23 heavy-duty fleet vehicle electrification;

24 (9) opportunities for eligible communities to benefit
25 from electrification;

26 (10) geographic areas and market segments that should

1 be prioritized for electrification infrastructure
2 investment.

3 The workshops shall consider barriers, incentives,
4 enabling rate structures, and other opportunities for the bill
5 reduction and environmental benefits described in this
6 subsection.

7 The workshop process shall conclude no later than February
8 28, 2022. Following the workshop, the Staff of the Commission,
9 or the facilitator retained by the Staff, shall prepare and
10 submit a report, no later than March 31, 2022, to the
11 Commission that includes, but is not limited to,
12 recommendations for transportation electrification investment
13 or incentives in the following areas:

14 (i) publicly accessible Level 2 and fast-charging
15 stations, with a focus on bringing access to
16 transportation electrification in densely populated areas
17 and workplaces within eligible communities;

18 (ii) medium-duty and heavy-duty charging
19 infrastructure used by government and private fleet
20 vehicles that serve or travel through environmental
21 justice or eligible communities;

22 (iii) medium-duty and heavy-duty charging
23 infrastructure used in school bus operations, whether
24 private or public, that primarily serve governmental or
25 educational institutions, and also serve or travel through
26 environmental justice or eligible communities;

1 (iv) public transit medium-duty and heavy-duty
2 charging infrastructure, developed in consultation with
3 public transportation agencies; and

4 (v) publicly accessible Level 2 and fast-charging
5 stations targeted to fill gaps in deployment, particularly
6 in rural areas and along State highway corridors.

7 The report must also identify the participants in the
8 process, program designs proposed during the process,
9 estimates of the costs and benefits of proposed programs, any
10 material issues that remained unresolved at the conclusions of
11 such process, and any recommendations for workshop process
12 improvements. The report shall be used by the Commission to
13 inform and evaluate the cost effectiveness and achievement of
14 goals within the submitted Beneficial Electrification Plans.

15 (d) No later than July 1, 2022, electric utilities serving
16 greater than 500,000 customers in the State shall file a
17 Beneficial Electrification Plan with the Illinois Commerce
18 Commission for programs that start no later than January 1,
19 2023. The plan shall take into consideration recommendations
20 from the workshop report described in this Section. Within 45
21 days after the filing of the Beneficial Electrification Plan,
22 the Commission shall, with reasonable notice, open an
23 investigation to consider whether the plan meets the
24 objectives and contains the information required by this
25 Section. The Commission shall determine if the proposed plan
26 is cost-beneficial and in the public interest. When

1 considering if the plan is in the public interest and
2 determining appropriate levels of cost recovery for
3 investments and expenditures related to programs proposed by
4 an electric utility, the Commission shall consider whether the
5 investments and other expenditures are designed and reasonably
6 expected to:

7 (1) maximize total energy cost savings and rate
8 reductions so that nonparticipants can benefit;

9 (2) address environmental justice interests by
10 ensuring there are significant opportunities for residents
11 and businesses in eligible communities to directly
12 participate in and benefit from beneficial electrification
13 programs;

14 (3) support at least a 40% investment of make-ready
15 infrastructure incentives to facilitate the rapid
16 deployment of charging equipment in or serving
17 environmental justice, low-income, and eligible
18 communities; however, nothing in this subsection is
19 intended to require a specific amount of spending in a
20 particular geographic area;

21 (4) support at least a 5% investment target in
22 electrifying medium-duty and heavy-duty school bus and
23 diesel public transportation vehicles located in or
24 serving environmental justice, low-income, and eligible
25 communities in order to provide those communities and
26 businesses with greater economic investment,

1 transportation opportunities, and a cleaner environment so
2 they can directly benefit from transportation
3 electrification efforts; however, nothing in this
4 subsection is intended to require a specific amount of
5 spending in a particular geographic area;

6 (5) stimulate innovation, competition, private
7 investment, and increased consumer choices in electric
8 vehicle charging equipment and networks;

9 (6) contribute to the reduction of carbon emissions
10 and meeting air quality standards, including improving air
11 quality in eligible communities who disproportionately
12 suffer from emissions from the medium-duty and heavy-duty
13 transportation sector;

14 (7) support the efficient and cost-effective use of
15 the electric grid in a manner that supports electric
16 vehicle charging operations; and

17 (8) provide resources to support private investment in
18 charging equipment for uses in public and private charging
19 applications, including residential, multi-family, fleet,
20 transit, community, and corridor applications.

21 The plan shall be determined to be cost-beneficial if the
22 total cost of beneficial electrification expenditures is less
23 than the net present value of increased electricity costs
24 (defined as marginal avoided energy, avoided capacity, and
25 avoided transmission and distribution system costs) avoided by
26 programs under the plan, the net present value of reductions

1 in other customer energy costs, net revenue from all electric
2 charging in the service territory, and the societal value of
3 reduced carbon emissions and surface-level pollutants,
4 particularly in environmental justice communities. The
5 calculation of costs and benefits should be based on net
6 impacts, including the impact on customer rates.

7 The Commission shall approve, approve with modifications,
8 or reject the plan within 270 days from the date of filing. The
9 Commission may approve the plan if it finds that the plan will
10 achieve the goals described in this Section and contains the
11 information described in this Section. Proceedings under this
12 Section shall proceed according to the rules provided by
13 Article IX of the Public Utilities Act. Information contained
14 in the approved plan shall be considered part of the record in
15 any Commission proceeding under Section 16-107.6 of the Public
16 Utilities Act, provided that a final order has not been
17 entered prior to the initial filing date. The Beneficial
18 Electrification Plan shall specifically address, at a minimum,
19 the following:

20 (i) make-ready investments to facilitate the rapid
21 deployment of charging equipment throughout the State,
22 facilitate the electrification of public transit and other
23 vehicle fleets in the light-duty, medium-duty, and
24 heavy-duty sectors, and align with Agency-issued rebates
25 for charging equipment;

26 (ii) the development and implementation of beneficial

1 electrification programs, including time-of-use rates and
2 their benefit for electric vehicle users and for all
3 customers, optimized charging programs to achieve savings
4 identified, and new contracts and compensation for
5 services in those programs, through signals that allow
6 electric vehicle charging to respond to local system
7 conditions, manage critical peak periods, serve as a
8 demand response or peak resource, and maximize renewable
9 energy use and integration into the grid;

10 (iii) optional commercial tariffs utilizing
11 alternatives to traditional demand-based rate structures
12 to facilitate charging for light duty, heavy duty, and
13 fleet electric vehicles;

14 (iv) financial and other challenges to electric
15 vehicle usage in low-income communities, and strategies
16 for overcoming those challenges, particularly in
17 communities and for people for whom car ownership is not
18 an option;

19 (v) methods of minimizing ratepayer impacts and
20 exempting or minimizing, to the extent possible,
21 low-income ratepayers from the costs associated with
22 facilitating the expansion of electric vehicle charging;

23 (vi) plans to increase access to Level 3 Public
24 Electric Vehicle Charging Infrastructure to serve vehicles
25 that need quicker charging times and vehicles of persons
26 who have no other access to charging infrastructure,

1 regardless of whether those projects participate in
2 optimized charging programs;

3 (vii) whether to establish charging standards for type
4 of plugs eligible for investment or incentive programs,
5 and if so, what standards;

6 (viii) opportunities for coordination and cohesion
7 with electric vehicle and electric vehicle charging
8 equipment incentives established by any agency,
9 department, board, or commission of the State, any other
10 unit of government in the State, any national programs, or
11 any unit of the federal government;

12 (ix) ideas for the development of online tools,
13 applications, and data sharing that provide essential
14 information to those charging electric vehicles, and
15 enable an automated charging response to price signals,
16 emission signals, real-time renewable generation
17 production, and other Commission-approved or
18 customer-desired indicators of beneficial charging times;
19 and

20 (x) customer education, outreach, and incentive
21 programs that increase awareness of the programs and the
22 benefits of transportation electrification, including
23 direct outreach to eligible communities;

24 (e) Proceedings under this Section shall proceed according
25 to the rules provided by Article IX of the Public Utilities
26 Act. Information contained in the approved plan shall be

1 considered part of the record in any Commission proceeding
2 under Section 16-107.6 of the Public Utilities Act, provided
3 that a final order has not been entered prior to the initial
4 filing date.

5 (f) The utility shall file an update to the plan on July 1,
6 2024 and every 3 years thereafter. This update shall describe
7 transportation investments made during the prior plan period,
8 investments planned for the following 24 months, and updates
9 to the information required by this Section. Beginning with
10 the first update, the utility shall develop the plan in
11 conjunction with the distribution system planning process
12 described in Section 16-105.17, including incorporation of
13 stakeholder feedback from that process.

14 (g) Within 35 days after the utility files its report, the
15 Commission shall, upon its own initiative, open an
16 investigation regarding the utility's plan update to
17 investigate whether the objectives described in this Section
18 are being achieved. The Commission shall determine whether
19 investment targets should be increased based on achievement of
20 spending goals outlined in the Beneficial Electrification Plan
21 and consistency with outcomes directed in the plan stakeholder
22 workshop report. If the Commission finds, after notice and
23 hearing, that the utility's plan is materially deficient, the
24 Commission shall issue an order requiring the utility to
25 devise a corrective action plan, subject to Commission
26 approval, to bring the plan into compliance with the goals of

1 this Section. The Commission's order shall be entered within
2 270 days after the utility files its annual report. The
3 contents of a plan filed under this Section shall be available
4 for evidence in Commission proceedings. However, omission from
5 an approved plan shall not render any future utility
6 expenditure to be considered unreasonable or imprudent. The
7 Commission may, upon sufficient evidence, allow expenditures
8 that were not part of any particular distribution plan. The
9 Commission shall consider revenues from electric vehicles in
10 the utility's service territory in evaluating the retail rate
11 impact. The retail rate impact from the development of
12 electric vehicle infrastructure shall not exceed 1% per year
13 of the total annual revenue requirements of the utility.

14 (h) In meeting the requirements of this Section, the
15 utility shall demonstrate efforts to increase the use of
16 contractors and electric vehicle charging station installers
17 that meet multiple workforce equity actions, including, but
18 not limited to:

19 (1) the business is headquartered in or the person
20 resides in an eligible community;

21 (2) the business is majority owned by eligible person
22 or the contractor is an eligible person;

23 (3) the business or person is certified by another
24 municipal, State, federal, or other certification for
25 disadvantaged businesses;

26 (4) the business or person meets the eligibility

1 criteria for a certification program such as:

2 (A) certified under Section 2 of the Business
3 Enterprise for Minorities, Women, and Persons with
4 Disabilities Act;

5 (B) certified by another municipal, State,
6 federal, or other certification for disadvantaged
7 businesses;

8 (C) submits an affidavit showing that the vendor
9 meets the eligibility criteria for a certification
10 program such as those in items (A) and (B); or

11 (D) if the vendor is a nonprofit, meets any of the
12 criteria in those in item (A), (B), or (C) with the
13 exception that the nonprofit is not required to meet
14 any criteria related to being a for-profit entity, or
15 is controlled by a board of directors that consists of
16 51% or greater individuals who are equity investment
17 eligible persons; or

18 (E) ensuring that program implementation
19 contractors and electric vehicle charging station
20 installers pay employees working on electric vehicle
21 charging installations at or above the prevailing wage
22 rate as published by the Department of Labor.

23 Utilities shall establish reporting procedures for vendors
24 that ensure compliance with this subsection, but are
25 structured to avoid, wherever possible, placing an undue
26 administrative burden on vendors.

1 (i) Program data collection.

2 (1) In order to ensure that the benefits provided to
3 Illinois residents and business by the clean energy
4 economy are equitably distributed across the State, it is
5 necessary to accurately measure the applicants and
6 recipients of this Program. The purpose of this paragraph
7 is to require the implementing utilities to collect all
8 data from Program applicants and beneficiaries to track
9 and improve equitable distribution of benefits across
10 Illinois communities. The further purpose is to measure
11 any potential impact of racial discrimination on the
12 distribution of benefits and provide the utilities the
13 information necessary to correct any discrimination
14 through methods consistent with State and federal law.

15 (2) The implementing utilities shall collect
16 demographic and geographic data for each applicant and
17 each person or business awarded benefits or contracts
18 under this Program.

19 (3) The implementing utilities shall collect the
20 following information from applicants and Program or
21 procurement beneficiaries where applicable:

22 (A) demographic information, including racial or
23 ethnic identity for real persons employed, contracted,
24 or subcontracted through the program;

25 (B) demographic information, including racial or
26 ethnic identity of business owners;

1 (C) geographic location of the residency of real
2 persons or geographic location of the headquarters for
3 businesses; and

4 (D) any other information necessary for the
5 purpose of achieving the purpose of this paragraph.

6 (4) The utility shall publish, at least annually,
7 aggregated information on the demographics of program and
8 procurement applicants and beneficiaries. The utilities
9 shall protect personal and confidential business
10 information as necessary.

11 (5) The utilities shall conduct a regular review
12 process to confirm the accuracy of reported data.

13 (6) On a quarterly basis, utilities shall collect data
14 necessary to ensure compliance with this Section and shall
15 communicate progress toward compliance to program
16 implementation contractors and electric vehicle charging
17 station installation vendors.

18 (7) Utilities filing Beneficial Electrification Plans
19 under this Section shall report annually to the Illinois
20 Commerce Commission and the General Assembly on how
21 hiring, contracting, job training, and other practices
22 related to its Beneficial electrification programs enhance
23 the diversity of vendors working on such programs. These
24 reports must include data on vendor and employee
25 diversity.

26 (j) The provisions of this Section are severable under

1 Section 1.31 of the Statute on Statutes.

2 (20 ILCS 627/55 new)

3 Sec. 55. Charging rebate program.

4 (a) In order to substantially offset the installation
5 costs of electric vehicle charging infrastructure, beginning
6 July 1, 2022, and continuing as long as funds are available,
7 the Agency shall issue rebates, consistent with the
8 Commission-approved Beneficial Electrification Plans in
9 accordance with Section 45, to public and private
10 organizations and companies to install and maintain Level 2 or
11 Level 3 charging stations.

12 (b) The Agency shall award rebates or grants that fund up
13 to 80% of the cost of the installation of charging stations.
14 The Agency shall award additional incentives per port for
15 every charging station installed in an eligible community and
16 every charging station located to support eligible persons. In
17 order to be eligible to receive a rebate or grant, the
18 organization or company must submit an application to the
19 Agency and commit to paying the prevailing wage for the
20 installation project. The Agency shall by rule provide
21 application and other programmatic details and requirements,
22 including additional incentives for eligible communities. The
23 Agency may determine per port or project caps based on a review
24 of best practices and stakeholder engagement. The Agency shall
25 accept applications on a rolling basis and shall award rebates

1 or grants within 60 days of each application. The Agency may
2 not award rebates or grants to an organization or company that
3 does not pay the prevailing wage for the installation of a
4 charging station for which it seeks a rebate or grant.

5 (20 ILCS 627/60 new)

6 Sec. 60. Study on loss infrastructure funds and
7 replacement options. The Illinois Department of Transportation
8 shall conduct a study to be delivered to the members of the
9 Illinois General Assembly and made available to the public no
10 later than September 30, 2022. The study shall consider how
11 the proliferation of electric vehicles will adversely affect
12 resources needed for transportation infrastructure and take
13 into consideration any relevant federal actions. The study
14 shall identify the potential revenue loss and offer multiple
15 options for replacing those lost revenues. The Illinois
16 Department of Transportation shall collaborate with
17 organizations representing businesses involved in designing
18 and building transportation infrastructure, organized labor,
19 the general business community, and users of the system. In
20 addition, the Illinois Department of Transportation may
21 collaborate with other state agencies, including but not
22 limited to the Illinois Secretary of State and the Illinois
23 Department of Revenue.

24 This Section is repealed on January 1, 2024.

1 Section 90-23. The Illinois Enterprise Zone Act is amended
2 by changing Section 5.5 as follows:

3 (20 ILCS 655/5.5) (from Ch. 67 1/2, par. 609.1)

4 Sec. 5.5. High Impact Business.

5 (a) In order to respond to unique opportunities to assist
6 in the encouragement, development, growth, and expansion of
7 the private sector through large scale investment and
8 development projects, the Department is authorized to receive
9 and approve applications for the designation of "High Impact
10 Businesses" in Illinois subject to the following conditions:

11 (1) such applications may be submitted at any time
12 during the year;

13 (2) such business is not located, at the time of
14 designation, in an enterprise zone designated pursuant to
15 this Act;

16 (3) the business intends to do one or more of the
17 following:

18 (A) the business intends to make a minimum
19 investment of \$12,000,000 which will be placed in
20 service in qualified property and intends to create
21 500 full-time equivalent jobs at a designated location
22 in Illinois or intends to make a minimum investment of
23 \$30,000,000 which will be placed in service in
24 qualified property and intends to retain 1,500
25 full-time retained jobs at a designated location in

1 Illinois. The business must certify in writing that
2 the investments would not be placed in service in
3 qualified property and the job creation or job
4 retention would not occur without the tax credits and
5 exemptions set forth in subsection (b) of this
6 Section. The terms "placed in service" and "qualified
7 property" have the same meanings as described in
8 subsection (h) of Section 201 of the Illinois Income
9 Tax Act; or

10 (B) the business intends to establish a new
11 electric generating facility at a designated location
12 in Illinois. "New electric generating facility", for
13 purposes of this Section, means a newly-constructed
14 electric generation plant or a newly-constructed
15 generation capacity expansion at an existing electric
16 generation plant, including the transmission lines and
17 associated equipment that transfers electricity from
18 points of supply to points of delivery, and for which
19 such new foundation construction commenced not sooner
20 than July 1, 2001. Such facility shall be designed to
21 provide baseload electric generation and shall operate
22 on a continuous basis throughout the year; and (i)
23 shall have an aggregate rated generating capacity of
24 at least 1,000 megawatts for all new units at one site
25 if it uses natural gas as its primary fuel and
26 foundation construction of the facility is commenced

1 on or before December 31, 2004, or shall have an
2 aggregate rated generating capacity of at least 400
3 megawatts for all new units at one site if it uses coal
4 or gases derived from coal as its primary fuel and
5 shall support the creation of at least 150 new
6 Illinois coal mining jobs, or (ii) shall be funded
7 through a federal Department of Energy grant before
8 December 31, 2010 and shall support the creation of
9 Illinois coal-mining jobs, or (iii) shall use coal
10 gasification or integrated gasification-combined cycle
11 units that generate electricity or chemicals, or both,
12 and shall support the creation of Illinois coal-mining
13 jobs. The business must certify in writing that the
14 investments necessary to establish a new electric
15 generating facility would not be placed in service and
16 the job creation in the case of a coal-fueled plant
17 would not occur without the tax credits and exemptions
18 set forth in subsection (b-5) of this Section. The
19 term "placed in service" has the same meaning as
20 described in subsection (h) of Section 201 of the
21 Illinois Income Tax Act; or

22 (B-5) the business intends to establish a new
23 gasification facility at a designated location in
24 Illinois. As used in this Section, "new gasification
25 facility" means a newly constructed coal gasification
26 facility that generates chemical feedstocks or

1 transportation fuels derived from coal (which may
2 include, but are not limited to, methane, methanol,
3 and nitrogen fertilizer), that supports the creation
4 or retention of Illinois coal-mining jobs, and that
5 qualifies for financial assistance from the Department
6 before December 31, 2010. A new gasification facility
7 does not include a pilot project located within
8 Jefferson County or within a county adjacent to
9 Jefferson County for synthetic natural gas from coal;
10 or

11 (C) the business intends to establish production
12 operations at a new coal mine, re-establish production
13 operations at a closed coal mine, or expand production
14 at an existing coal mine at a designated location in
15 Illinois not sooner than July 1, 2001; provided that
16 the production operations result in the creation of
17 150 new Illinois coal mining jobs as described in
18 subdivision (a)(3)(B) of this Section, and further
19 provided that the coal extracted from such mine is
20 utilized as the predominant source for a new electric
21 generating facility. The business must certify in
22 writing that the investments necessary to establish a
23 new, expanded, or reopened coal mine would not be
24 placed in service and the job creation would not occur
25 without the tax credits and exemptions set forth in
26 subsection (b-5) of this Section. The term "placed in

1 service" has the same meaning as described in
2 subsection (h) of Section 201 of the Illinois Income
3 Tax Act; or

4 (D) the business intends to construct new
5 transmission facilities or upgrade existing
6 transmission facilities at designated locations in
7 Illinois, for which construction commenced not sooner
8 than July 1, 2001. For the purposes of this Section,
9 "transmission facilities" means transmission lines
10 with a voltage rating of 115 kilovolts or above,
11 including associated equipment, that transfer
12 electricity from points of supply to points of
13 delivery and that transmit a majority of the
14 electricity generated by a new electric generating
15 facility designated as a High Impact Business in
16 accordance with this Section. The business must
17 certify in writing that the investments necessary to
18 construct new transmission facilities or upgrade
19 existing transmission facilities would not be placed
20 in service without the tax credits and exemptions set
21 forth in subsection (b-5) of this Section. The term
22 "placed in service" has the same meaning as described
23 in subsection (h) of Section 201 of the Illinois
24 Income Tax Act; or

25 (E) the business intends to establish a new wind
26 power facility at a designated location in Illinois.

1 For purposes of this Section, "new wind power
2 facility" means a newly constructed electric
3 generation facility, or a newly constructed expansion
4 of an existing electric generation facility, placed in
5 service on or after July 1, 2009, that generates
6 electricity using wind energy devices, and such
7 facility shall be deemed to include all associated
8 transmission lines, substations, and other equipment
9 related to the generation of electricity from wind
10 energy devices. For purposes of this Section, "wind
11 energy device" means any device, with a nameplate
12 capacity of at least 0.5 megawatts, that is used in the
13 process of converting kinetic energy from the wind to
14 generate electricity; or

15 (E-5) the business intends to establish a new
16 utility-scale solar facility at a designated location
17 in Illinois. For purposes of this Section, "new
18 utility-scale solar power facility" means a newly
19 constructed electric generation facility, or a newly
20 constructed expansion of an existing electric
21 generation facility, placed in service on or after
22 July 1, 2021, that (i) generates electricity using
23 photovoltaic cells and (ii) has a nameplate capacity
24 that is greater than 5,000 kilowatts, and such
25 facility shall be deemed to include all associated
26 transmission lines, substations, energy storage

1 facilities, and other equipment related to the
2 generation and storage of electricity from
3 photovoltaic cells; or

4 (F) the business commits to (i) make a minimum
5 investment of \$500,000,000, which will be placed in
6 service in a qualified property, (ii) create 125
7 full-time equivalent jobs at a designated location in
8 Illinois, (iii) establish a fertilizer plant at a
9 designated location in Illinois that complies with the
10 set-back standards as described in Table 1: Initial
11 Isolation and Protective Action Distances in the 2012
12 Emergency Response Guidebook published by the United
13 States Department of Transportation, (iv) pay a
14 prevailing wage for employees at that location who are
15 engaged in construction activities, and (v) secure an
16 appropriate level of general liability insurance to
17 protect against catastrophic failure of the fertilizer
18 plant or any of its constituent systems; in addition,
19 the business must agree to enter into a construction
20 project labor agreement including provisions
21 establishing wages, benefits, and other compensation
22 for employees performing work under the project labor
23 agreement at that location; for the purposes of this
24 Section, "fertilizer plant" means a newly constructed
25 or upgraded plant utilizing gas used in the production
26 of anhydrous ammonia and downstream nitrogen

1 fertilizer products for resale; for the purposes of
2 this Section, "prevailing wage" means the hourly cash
3 wages plus fringe benefits for training and
4 apprenticeship programs approved by the U.S.
5 Department of Labor, Bureau of Apprenticeship and
6 Training, health and welfare, insurance, vacations and
7 pensions paid generally, in the locality in which the
8 work is being performed, to employees engaged in work
9 of a similar character on public works; this paragraph
10 (F) applies only to businesses that submit an
11 application to the Department within 60 days after
12 July 25, 2013 (the effective date of Public Act
13 98-109) ~~this amendatory Act of the 98th General~~
14 ~~Assembly~~; and

15 (4) no later than 90 days after an application is
16 submitted, the Department shall notify the applicant of
17 the Department's determination of the qualification of the
18 proposed High Impact Business under this Section.

19 (b) Businesses designated as High Impact Businesses
20 pursuant to subdivision (a)(3)(A) of this Section shall
21 qualify for the credits and exemptions described in the
22 following Acts: Section 9-222 and Section 9-222.1A of the
23 Public Utilities Act, subsection (h) of Section 201 of the
24 Illinois Income Tax Act, and Section 1d of the Retailers'
25 Occupation Tax Act; provided that these credits and exemptions
26 described in these Acts shall not be authorized until the

1 minimum investments set forth in subdivision (a) (3) (A) of this
2 Section have been placed in service in qualified properties
3 and, in the case of the exemptions described in the Public
4 Utilities Act and Section 1d of the Retailers' Occupation Tax
5 Act, the minimum full-time equivalent jobs or full-time
6 retained jobs set forth in subdivision (a) (3) (A) of this
7 Section have been created or retained. Businesses designated
8 as High Impact Businesses under this Section shall also
9 qualify for the exemption described in Section 51 of the
10 Retailers' Occupation Tax Act. The credit provided in
11 subsection (h) of Section 201 of the Illinois Income Tax Act
12 shall be applicable to investments in qualified property as
13 set forth in subdivision (a) (3) (A) of this Section.

14 (b-5) Businesses designated as High Impact Businesses
15 pursuant to subdivisions (a) (3) (B), (a) (3) (B-5), (a) (3) (C),
16 and (a) (3) (D) of this Section shall qualify for the credits
17 and exemptions described in the following Acts: Section 51 of
18 the Retailers' Occupation Tax Act, Section 9-222 and Section
19 9-222.1A of the Public Utilities Act, and subsection (h) of
20 Section 201 of the Illinois Income Tax Act; however, the
21 credits and exemptions authorized under Section 9-222 and
22 Section 9-222.1A of the Public Utilities Act, and subsection
23 (h) of Section 201 of the Illinois Income Tax Act shall not be
24 authorized until the new electric generating facility, the new
25 gasification facility, the new transmission facility, or the
26 new, expanded, or reopened coal mine is operational, except

1 that a new electric generating facility whose primary fuel
2 source is natural gas is eligible only for the exemption under
3 Section 51 of the Retailers' Occupation Tax Act.

4 (b-6) Businesses designated as High Impact Businesses
5 pursuant to subdivision (a)(3)(E) of this Section shall
6 qualify for the exemptions described in Section 51 of the
7 Retailers' Occupation Tax Act; any business so designated as a
8 High Impact Business being, for purposes of this Section, a
9 "Wind Energy Business".

10 (b-7) Beginning on January 1, 2021, businesses designated
11 as High Impact Businesses by the Department shall qualify for
12 the High Impact Business construction jobs credit under
13 subsection (h-5) of Section 201 of the Illinois Income Tax Act
14 if the business meets the criteria set forth in subsection (i)
15 of this Section. The total aggregate amount of credits awarded
16 under the Blue Collar Jobs Act (Article 20 of Public Act 101-9
17 ~~this amendatory Act of the 101st General Assembly~~) shall not
18 exceed \$20,000,000 in any State fiscal year.

19 (c) High Impact Businesses located in federally designated
20 foreign trade zones or sub-zones are also eligible for
21 additional credits, exemptions and deductions as described in
22 the following Acts: Section 9-221 and Section 9-222.1 of the
23 Public Utilities Act; and subsection (g) of Section 201, and
24 Section 203 of the Illinois Income Tax Act.

25 (d) Except for businesses contemplated under subdivision
26 (a)(3)(E) of this Section, existing Illinois businesses which

1 apply for designation as a High Impact Business must provide
2 the Department with the prospective plan for which 1,500
3 full-time retained jobs would be eliminated in the event that
4 the business is not designated.

5 (e) Except for new wind power facilities contemplated
6 under subdivision (a) (3) (E) of this Section, new proposed
7 facilities which apply for designation as High Impact Business
8 must provide the Department with proof of alternative
9 non-Illinois sites which would receive the proposed investment
10 and job creation in the event that the business is not
11 designated as a High Impact Business.

12 (f) Except for businesses contemplated under subdivision
13 (a) (3) (E) of this Section, in the event that a business is
14 designated a High Impact Business and it is later determined
15 after reasonable notice and an opportunity for a hearing as
16 provided under the Illinois Administrative Procedure Act, that
17 the business would have placed in service in qualified
18 property the investments and created or retained the requisite
19 number of jobs without the benefits of the High Impact
20 Business designation, the Department shall be required to
21 immediately revoke the designation and notify the Director of
22 the Department of Revenue who shall begin proceedings to
23 recover all wrongfully exempted State taxes with interest. The
24 business shall also be ineligible for all State funded
25 Department programs for a period of 10 years.

26 (g) The Department shall revoke a High Impact Business

1 designation if the participating business fails to comply with
2 the terms and conditions of the designation. ~~However, the~~
3 ~~penalties for new wind power facilities or Wind Energy~~
4 ~~Businesses for failure to comply with any of the terms or~~
5 ~~conditions of the Illinois Prevailing Wage Act shall be only~~
6 ~~those penalties identified in the Illinois Prevailing Wage~~
7 ~~Act, and the Department shall not revoke a High Impact~~
8 ~~Business designation as a result of the failure to comply with~~
9 ~~any of the terms or conditions of the Illinois Prevailing Wage~~
10 ~~Act in relation to a new wind power facility or a Wind Energy~~
11 ~~Business.~~

12 (h) Prior to designating a business, the Department shall
13 provide the members of the General Assembly and Commission on
14 Government Forecasting and Accountability with a report
15 setting forth the terms and conditions of the designation and
16 guarantees that have been received by the Department in
17 relation to the proposed business being designated.

18 (i) High Impact Business construction jobs credit.
19 Beginning on January 1, 2021, a High Impact Business may
20 receive a tax credit against the tax imposed under subsections
21 (a) and (b) of Section 201 of the Illinois Income Tax Act in an
22 amount equal to 50% of the amount of the incremental income tax
23 attributable to High Impact Business construction jobs credit
24 employees employed in the course of completing a High Impact
25 Business construction jobs project. However, the High Impact
26 Business construction jobs credit may equal 75% of the amount

1 of the incremental income tax attributable to High Impact
2 Business construction jobs credit employees if the High Impact
3 Business construction jobs credit project is located in an
4 underserved area.

5 The Department shall certify to the Department of Revenue:

6 (1) the identity of taxpayers that are eligible for the High
7 Impact Business construction jobs credit; and (2) the amount
8 of High Impact Business construction jobs credits that are
9 claimed pursuant to subsection (h-5) of Section 201 of the
10 Illinois Income Tax Act in each taxable year. Any business
11 entity that receives a High Impact Business construction jobs
12 credit shall maintain a certified payroll pursuant to
13 subsection (j) of this Section.

14 As used in this subsection (i):

15 "High Impact Business construction jobs credit" means an
16 amount equal to 50% (or 75% if the High Impact Business
17 construction project is located in an underserved area) of the
18 incremental income tax attributable to High Impact Business
19 construction job employees. The total aggregate amount of
20 credits awarded under the Blue Collar Jobs Act (Article 20 of
21 Public Act 101-9 ~~this amendatory Act of the 101st General~~
22 ~~Assembly~~) shall not exceed \$20,000,000 in any State fiscal
23 year

24 "High Impact Business construction job employee" means a
25 laborer or worker who is employed by an Illinois contractor or
26 subcontractor in the actual construction work on the site of a

1 High Impact Business construction job project.

2 "High Impact Business construction jobs project" means
3 building a structure or building or making improvements of any
4 kind to real property, undertaken and commissioned by a
5 business that was designated as a High Impact Business by the
6 Department. The term "High Impact Business construction jobs
7 project" does not include the routine operation, routine
8 repair, or routine maintenance of existing structures,
9 buildings, or real property.

10 "Incremental income tax" means the total amount withheld
11 during the taxable year from the compensation of High Impact
12 Business construction job employees.

13 "Underserved area" means a geographic area that meets one
14 or more of the following conditions:

15 (1) the area has a poverty rate of at least 20%
16 according to the latest federal decennial census;

17 (2) 75% or more of the children in the area
18 participate in the federal free lunch program according to
19 reported statistics from the State Board of Education;

20 (3) at least 20% of the households in the area receive
21 assistance under the Supplemental Nutrition Assistance
22 Program (SNAP); or

23 (4) the area has an average unemployment rate, as
24 determined by the Illinois Department of Employment
25 Security, that is more than 120% of the national
26 unemployment average, as determined by the U.S. Department

1 of Labor, for a period of at least 2 consecutive calendar
2 years preceding the date of the application.

3 (j) Each contractor and subcontractor who is engaged in
4 and executing a High Impact Business Construction jobs
5 project, as defined under subsection (i) of this Section, for
6 a business that is entitled to a credit pursuant to subsection
7 (i) of this Section shall:

8 (1) make and keep, for a period of 5 years from the
9 date of the last payment made on or after June 5, 2021 (the
10 effective date of Public Act 101-9) ~~this amendatory Act of~~
11 ~~the 101st General Assembly~~ on a contract or subcontract
12 for a High Impact Business Construction Jobs Project,
13 records for all laborers and other workers employed by the
14 contractor or subcontractor on the project; the records
15 shall include:

16 (A) the worker's name;

17 (B) the worker's address;

18 (C) the worker's telephone number, if available;

19 (D) the worker's social security number;

20 (E) the worker's classification or
21 classifications;

22 (F) the worker's gross and net wages paid in each
23 pay period;

24 (G) the worker's number of hours worked each day;

25 (H) the worker's starting and ending times of work
26 each day;

1 (I) the worker's hourly wage rate; and

2 (J) the worker's hourly overtime wage rate;

3 (2) no later than the 15th day of each calendar month,
4 provide a certified payroll for the immediately preceding
5 month to the taxpayer in charge of the High Impact
6 Business construction jobs project; within 5 business days
7 after receiving the certified payroll, the taxpayer shall
8 file the certified payroll with the Department of Labor
9 and the Department of Commerce and Economic Opportunity; a
10 certified payroll must be filed for only those calendar
11 months during which construction on a High Impact Business
12 construction jobs project has occurred; the certified
13 payroll shall consist of a complete copy of the records
14 identified in paragraph (1) of this subsection (j), but
15 may exclude the starting and ending times of work each
16 day; the certified payroll shall be accompanied by a
17 statement signed by the contractor or subcontractor or an
18 officer, employee, or agent of the contractor or
19 subcontractor which avers that:

20 (A) he or she has examined the certified payroll
21 records required to be submitted by the Act and such
22 records are true and accurate; and

23 (B) the contractor or subcontractor is aware that
24 filing a certified payroll that he or she knows to be
25 false is a Class A misdemeanor.

26 A general contractor is not prohibited from relying on a

1 certified payroll of a lower-tier subcontractor, provided the
2 general contractor does not knowingly rely upon a
3 subcontractor's false certification.

4 Any contractor or subcontractor subject to this
5 subsection, and any officer, employee, or agent of such
6 contractor or subcontractor whose duty as an officer,
7 employee, or agent it is to file a certified payroll under this
8 subsection, who willfully fails to file such a certified
9 payroll on or before the date such certified payroll is
10 required by this paragraph to be filed and any person who
11 willfully files a false certified payroll that is false as to
12 any material fact is in violation of this Act and guilty of a
13 Class A misdemeanor.

14 The taxpayer in charge of the project shall keep the
15 records submitted in accordance with this subsection on or
16 after June 5, 2021 (the effective date of Public Act 101-9)
17 ~~this amendatory Act of the 101st General Assembly~~ for a period
18 of 5 years from the date of the last payment for work on a
19 contract or subcontract for the High Impact Business
20 construction jobs project.

21 The records submitted in accordance with this subsection
22 shall be considered public records, except an employee's
23 address, telephone number, and social security number, and
24 made available in accordance with the Freedom of Information
25 Act. The Department of Labor shall accept any reasonable
26 submissions by the contractor that meet the requirements of

1 this subsection (j) and shall share the information with the
2 Department in order to comply with the awarding of a High
3 Impact Business construction jobs credit. A contractor,
4 subcontractor, or public body may retain records required
5 under this Section in paper or electronic format.

6 (k) Upon 7 business days' notice, each contractor and
7 subcontractor shall make available for inspection and copying
8 at a location within this State during reasonable hours, the
9 records identified in this subsection (j) to the taxpayer in
10 charge of the High Impact Business construction jobs project,
11 its officers and agents, the Director of the Department of
12 Labor and his or her deputies and agents, and to federal,
13 State, or local law enforcement agencies and prosecutors.

14 (Source: P.A. 101-9, eff. 6-5-19; revised 7-12-19.)

15 Section 90-24. The Department of Labor Law of the Civil
16 Administrative Code of Illinois is amended by changing Section
17 1505-215 and by adding Section 1505-220 as follows:

18 (20 ILCS 1505/1505-215)

19 Sec. 1505-215. Bureau on Apprenticeship Programs and Clean
20 Energy Jobs ~~Advisory Board~~.

21 (a) For purposes of this Section, "clean energy sector"
22 means solar energy, wind energy, energy efficiency, solar
23 thermal, green hydrogen, geothermal, and electric vehicle
24 industries and other renewable energy industries, industries

1 achieving emission reductions, and related industries that
2 manufacture, develop, build, maintain, or provide ancillary
3 services to renewable energy resources or energy efficiency
4 products or services, including the manufacture and
5 installation of healthier building materials that contain
6 fewer hazardous chemicals.

7 (b) There is created within the Department of Labor a
8 Bureau on Apprenticeship Programs and Clean Energy Jobs. This
9 Bureau shall work to increase minority participation in active
10 apprentice programs in Illinois that are approved by the
11 United States Department of Labor and in clean energy jobs in
12 Illinois. The Bureau shall identify barriers to minorities
13 gaining access to construction careers and careers in the
14 clean energy sector and make recommendations to the Governor
15 and the General Assembly for policies to remove those
16 barriers. The Department may hire staff to perform outreach in
17 promoting diversity in active apprenticeship programs approved
18 by the United States Department of Labor.

19 (c) The Bureau shall annually compile racial and gender
20 workforce diversity information from contractors receiving
21 State or other public funds and by labor unions with members
22 working on projects receiving State or other public funds.

23 (d) The Bureau shall compile racial and gender workforce
24 diversity information from certified transcripts of payroll
25 reports filed in the preceding year pursuant to the Prevailing
26 Wage Act for all clean energy sector construction projects.

1 The Bureau shall work with the Department of Commerce and
2 Economic Opportunity, the Illinois Power Agency, the Illinois
3 Commerce Commission, and other agencies, as necessary, to
4 receive and share data and reporting on racial and gender
5 workforce diversity, demographic data, and any other data
6 necessary to achieve the goals of this Section.

7 (e) By April 15, 2022 and every April 15 thereafter, the
8 Bureau shall publish and make available on the Department's
9 website a report summarizing the racial and gender diversity
10 of the workforce on all clean energy sector projects by
11 county. The report shall use a consistent structure for
12 information requests and presentation, with an easy-to-use
13 table of contents, to enable comparable year-over-year
14 solicitation and benchmarking of data. The development of the
15 report structure shall be open to a public review and comment
16 period. That report shall compare the race, ethnicity, and
17 gender of the workers on covered clean energy sector projects
18 to the general population of the county in which the project is
19 located. The report shall also disaggregate such data to
20 compare the race, ethnicity, and gender of workers employed by
21 union and nonunion contractors and compare the race,
22 ethnicity, and gender of workers who reside in Illinois and
23 those who reside outside of Illinois. The report shall also
24 include the race, ethnicity, and gender of the workers by
25 prevailing wage classification.

26 (f) The Bureau shall present its annual report to the

1 Energy Workforce Advisory Council in order to inform its
2 program evaluations, recommendations, and objectives pursuant
3 to Section 5-65 of the Energy Transition Act. The Bureau shall
4 also present its annual report to the Illinois Power Agency in
5 order to inform its ongoing equity and compliance efforts in
6 the clean energy sector.

7 The Bureau and all entities subject to the requirements of
8 subsection (d) shall hold an annual workshop open to the
9 public in 2022 and every year thereafter on the state of racial
10 and gender workforce diversity in the clean energy sector in
11 order to collaboratively seek solutions to structural
12 impediments to achieving diversity, equity, and inclusion
13 goals, including testimony from each participating entity,
14 subject matter experts, and advocates.

15 (g) The Bureau shall publish each annual report prepared
16 and filed pursuant to subsection (d) on the Department of
17 Labor's website for at least 5 years.

18 (Source: P.A. 101-170, eff. 1-1-20; 101-601, eff. 1-1-20;
19 revised 10-22-20.)

20 (20 ILCS 1505/1505-220 new)

21 Sec. 1505-220. Small Clean Energy Contractor Prevailing
22 Wage Act Assistance. The General Assembly finds that small
23 clean energy businesses, especially those in or serving
24 underserved or historically disinvested communities, need
25 assistance and resources to help them comply with the

1 Prevailing Wage Act. Therefore, the Department of Labor shall
2 develop and administer a statewide program to assist small
3 clean energy contractors in administering and complying with
4 the Prevailing Wage Act requirements. This Program shall
5 provide training and ongoing technical assistance pertaining
6 to compliance with the Prevailing Wage Act, including
7 certified payroll reporting requirements. Ongoing assistance
8 shall include, but is not limited to, answering contractor
9 questions, recommending tools and process improvements,
10 establishing an account with and utilizing the Certified
11 Transcript of Payroll Portal, building administrative
12 expertise within individual businesses, and any other
13 assistance businesses identify as needed based on verbal or
14 other input. All Program training, technical assistance,
15 materials, services, and systems shall be structured to
16 accommodate and address real-world circumstances encountered
17 by small clean energy contractors; shall be developed,
18 refined, and adjusted as necessary in consultation with such
19 contractors; and shall be administered to serve businesses
20 that operate in languages other than English and do so at a
21 level of service equivalent to that offered to businesses that
22 operate in English. The Department may enter into agreements
23 with entities with experience in supporting small businesses
24 in underserved or historically disinvested communities to
25 implement portions or all of the program, ensuring such
26 capacity is developed in northern, central, and southern

1 Illinois regions. The Department shall communicate and market
2 program services to small clean energy contractors statewide,
3 and may do so in coordination with the Department of Commerce
4 and Economic Opportunity.

5 Section 90-25. The Energy Efficient Building Act is
6 amended by changing Sections 10, 15, 20, 30, 40, and 45 and by
7 adding Section 55 as follows:

8 (20 ILCS 3125/10)

9 Sec. 10. Definitions.

10 "Board" means the Capital Development Board.

11 "Building" includes both residential buildings and
12 commercial buildings.

13 "Code" means the latest published edition of the
14 International Code Council's International Energy Conservation
15 Code as adopted by the Board, including any published
16 supplements adopted by the Board and any amendments and
17 adaptations to the Code that are made by the Board.

18 "Commercial building" means any building except a building
19 that is a residential building, as defined in this Section.

20 "Department" means the Department of Commerce and Economic
21 Opportunity.

22 "Municipality" means any city, village, or incorporated
23 town.

24 "Residential building" means (i) a detached one-family or

1 2-family dwelling or (ii) any building that is 3 stories or
2 less in height above grade that contains multiple dwelling
3 units, in which the occupants reside on a primarily permanent
4 basis, such as a townhouse, a row house, an apartment house, a
5 convent, a monastery, a rectory, a fraternity or sorority
6 house, a dormitory, and a rooming house; provided, however,
7 that when applied to a building located within the boundaries
8 of a municipality having a population of 1,000,000 or more,
9 the term "residential building" means a building containing
10 one or more dwelling units, not exceeding 4 stories above
11 grade, where occupants are primarily permanent.

12 "Site energy index" means a scalar published by the
13 Pacific Northwest National Laboratories representing the ratio
14 of the site energy performance of an evaluated code compared
15 to the site energy performance of the 2006 International
16 Energy Conservation Code. A "site energy index" includes only
17 conservation measures and excludes net energy credit for any
18 on-site or off-site energy production.

19 (Source: P.A. 101-144, eff. 7-26-19.)

20 (20 ILCS 3125/15)

21 Sec. 15. Energy Efficient Building Code. The Board, in
22 consultation with the Department, shall adopt the Code as
23 minimum requirements for commercial buildings, applying to the
24 construction of, renovations to, and additions to all
25 commercial buildings in the State. The Board, in consultation

1 with the Department, shall also adopt the Code as the minimum
2 and maximum requirements for residential buildings, applying
3 to the construction of, renovations to, and additions to all
4 residential buildings in the State, except as provided for in
5 Section 45 of this Act. The Board may appropriately adapt the
6 International Energy Conservation Code to apply to the
7 particular economy, population distribution, geography, and
8 climate of the State and construction therein, consistent with
9 the public policy objectives of this Act.

10 (Source: P.A. 96-778, eff. 8-28-09.)

11 (20 ILCS 3125/20)

12 Sec. 20. Applicability.

13 (a) The Board shall review and adopt the Code within one
14 year after its publication. The Code shall take effect within
15 6 months after it is adopted by the Board, except that,
16 beginning January 1, 2012, the Code adopted in 2012 shall take
17 effect on January 1, 2013. Except as otherwise provided in
18 this Act, the Code shall apply to (i) any new building or
19 structure in this State for which a building permit
20 application is received by a municipality or county and (ii)
21 beginning on the effective date of this amendatory Act of the
22 100th General Assembly, each State facility specified in
23 Section 4.01 of the Capital Development Board Act. In the case
24 of any addition, alteration, renovation, or repair to an
25 existing residential or commercial structure, the Code adopted

1 under this Act applies only to the portions of that structure
2 that are being added, altered, renovated, or repaired. The
3 changes made to this Section by this amendatory Act of the 97th
4 General Assembly shall in no way invalidate or otherwise
5 affect contracts entered into on or before the effective date
6 of this amendatory Act of the 97th General Assembly.

7 (b) The following buildings shall be exempt from the Code:

8 (1) Buildings otherwise exempt from the provisions of
9 a locally adopted building code and buildings that do not
10 contain a conditioned space.

11 (2) Buildings that do not use either electricity or
12 fossil fuel for comfort conditioning. For purposes of
13 determining whether this exemption applies, a building
14 will be presumed to be heated by electricity, even in the
15 absence of equipment used for electric comfort heating,
16 whenever the building is provided with electrical service
17 in excess of 100 amps, unless the code enforcement
18 official determines that this electrical service is
19 necessary for purposes other than providing electric
20 comfort heating.

21 (3) Historic buildings. This exemption shall apply to
22 those buildings that are listed on the National Register
23 of Historic Places or the Illinois Register of Historic
24 Places, and to those buildings that have been designated
25 as historically significant by a local governing body that
26 is authorized to make such designations.

1 (4) (Blank).

2 (5) Other buildings specified as exempt by the
3 International Energy Conservation Code.

4 (c) Additions, alterations, renovations, or repairs to an
5 existing building, building system, or portion thereof shall
6 conform to the provisions of the Code as they relate to new
7 construction without requiring the unaltered portion of the
8 existing building or building system to comply with the Code.
9 The following need not comply with the Code, provided that the
10 energy use of the building is not increased: (i) storm windows
11 installed over existing fenestration, (ii) glass-only
12 replacements in an existing sash and frame, (iii) existing
13 ceiling, wall, or floor cavities exposed during construction,
14 provided that these cavities are filled with insulation, and
15 (iv) construction where the existing roof, wall, or floor is
16 not exposed.

17 (d) A unit of local government that does not regulate
18 energy efficient building standards is not required to adopt,
19 enforce, or administer the Code; however, any energy efficient
20 building standards adopted by a unit of local government must
21 comply with this Act. If a unit of local government does not
22 regulate energy efficient building standards, any
23 construction, renovation, or addition to buildings or
24 structures is subject to the provisions contained in this Act.
25 (Source: P.A. 100-729, eff. 8-3-18.)

1 (20 ILCS 3125/30)

2 Sec. 30. Enforcement. The Board, in consultation with the
3 Department, shall determine procedures for compliance with the
4 Code. These procedures may include but need not be limited to
5 certification by a national, State, or local accredited energy
6 conservation program or inspections from private
7 Code-certified inspectors using the Code. For purposes of the
8 Illinois Stretch Energy Code under Section 55, the Board shall
9 allow and encourage, as an alternative compliance mechanism,
10 project certification by a nationally recognized nonprofit
11 certification organization specializing in high-performance
12 passive buildings and offering climate-specific building
13 energy standards that require equal or better energy
14 performance than the Illinois Stretch Energy Code.

15 (Source: P.A. 93-936, eff. 8-13-04.)

16 (20 ILCS 3125/40)

17 Sec. 40. Input from interested parties. When developing
18 Code adaptations, rules, and procedures for compliance with
19 the Code, the Capital Development Board shall seek input from
20 representatives from the building trades, design
21 professionals, construction professionals, code
22 administrators, and other interested entities affected. Any
23 board or group that the Capital Development Board seeks input
24 from must include the following:

25 (i) a representative from a group that represents

1 environmental justice;

2 (ii) a representative of a nonprofit or professional
3 association advocating for the environment;

4 (iii) an energy-efficiency advocate with technical
5 expertise in single-family residential buildings;

6 (iv) an energy-efficiency advocate with technical
7 expertise in commercial buildings; and

8 (v) an energy-efficiency advocate with technical expertise
9 in multifamily buildings, such as an affordable housing
10 developer.

11 (Source: P.A. 99-639, eff. 7-28-16.)

12 (20 ILCS 3125/45)

13 Sec. 45. Home rule.

14 (a) ~~(Blank). No unit of local government, including any~~
15 ~~home rule unit, may regulate energy efficient building~~
16 ~~standards for commercial buildings in a manner that is less~~
17 ~~stringent than the provisions contained in this Act.~~

18 (b) No unit of local government, including any home rule
19 unit, may regulate energy efficient building standards for
20 residential buildings in a manner that is either less or more
21 stringent than the standards established pursuant to this Act;
22 provided, however, that the following entities may regulate
23 energy efficient building standards for residential or
24 commercial buildings in a manner that is more stringent than
25 the provisions contained in this Act: (i) a unit of local

1 government, including a home rule unit, that has, on or before
2 May 15, 2009, adopted or incorporated by reference energy
3 efficient building standards for residential or commercial
4 buildings that are equivalent to or more stringent than the
5 2006 International Energy Conservation Code, (ii) a unit of
6 local government, including a home rule unit, that has, on or
7 before May 15, 2009, provided to the Capital Development
8 Board, as required by Section 10.18 of the Capital Development
9 Board Act, an identification of an energy efficient building
10 code or amendment that is equivalent to or more stringent than
11 the 2006 International Energy Conservation Code, (ii-5) a
12 municipality that has adopted the Illinois Stretch Energy
13 Code, and (iii) a municipality with a population of 1,000,000
14 or more.

15 (c) No unit of local government, including any home rule
16 unit or unit of local government that is subject to State
17 regulation under the Code as provided in Section 15 of this
18 Act, may hereafter enact any annexation ordinance or
19 resolution, or require or enter into any annexation agreement,
20 that imposes energy efficient building standards for
21 residential or commercial buildings that are either less or
22 more stringent than the energy efficiency standards in effect,
23 at the time of construction, throughout the unit of local
24 government, except for the Illinois Stretch Energy Code.

25 (d) This Section is a denial and limitation of home rule
26 powers and functions under subsection (i) of Section 6 of

1 Article VII of the Illinois Constitution on the concurrent
2 exercise by home rule units of powers and functions exercised
3 by the State. Nothing in this Section, however, prevents a
4 unit of local government from adopting an energy efficiency
5 code or standards for commercial buildings that are more
6 stringent than the Code under this Act.

7 (e) A unit of local government requiring the Illinois
8 Stretch Energy Code must do so with the adoption of the Code by
9 its governing body.

10 (Source: P.A. 99-639, eff. 7-28-16.)

11 (20 ILCS 3125/55 new)

12 Sec. 55. Illinois Stretch Energy Code.

13 (a) The Board, in consultation with the Department, shall
14 create and adopt the Illinois Stretch Energy Code, to allow
15 municipalities and projects authorized or funded by the Board
16 to achieve more energy efficiency in buildings than the
17 Illinois Energy Conservation Code through a consistent pathway
18 across the State. The Illinois Stretch Energy Code shall be
19 available for adoption by any municipality and shall set
20 minimum energy efficiency requirements, taking the place of
21 the Illinois Energy Conservation Code within any municipality
22 that adopts the Illinois Stretch Energy Code.

23 (b) The Illinois Stretch Energy Code shall have separate
24 components for commercial and residential buildings, which may
25 be adopted by the municipality jointly or separately.

1 (c) The Illinois Stretch Energy Code shall apply to all
2 projects to which an energy conservation code is applicable
3 that are authorized or funded in any part by the Board after
4 January 1, 2024.

5 (d) Development of the Illinois Stretch Energy Code shall
6 be completed and available for adoption by municipalities by
7 December 31, 2023.

8 (e) Consistent with the requirements under paragraph (2.5)
9 of subsection (g) of Section 8-103B of the Public Utilities
10 Act and under paragraph (2) of subsection (j) of Section 8-104
11 of the Public Utilities Act, municipalities may adopt the
12 Illinois Stretch Energy Code and may use utility programs to
13 support compliance with the Illinois Stretch Energy Code. The
14 amount of savings from such utility efforts that may be
15 counted toward achievement of their annual savings goals shall
16 be based on reasonable estimates of the increase in savings
17 resulting from the utility efforts, relative to reasonable
18 approximations of what would have occurred absent the utility
19 involvement.

20 (f) The Illinois Stretch Energy Code's residential
21 components shall:

22 (1) apply to residential buildings as defined under
23 Section 10;

24 (2) set performance targets using a site energy index
25 with reductions relative to the 2006 International Energy
26 Conservation Code; and

1 (3) include stretch energy codes with site energy
2 index standards and adoption dates as follows: by no later
3 than December 31, 2023, the Board shall create and adopt a
4 stretch energy code with a site energy index no greater
5 than 0.50 of the 2006 International Energy Conservation
6 Code; by no later than December 31, 2025, the Board shall
7 create and adopt a stretch energy code with a site energy
8 index no greater than 0.40 of the 2006 International
9 Energy Conservation Code, unless the Board identifies
10 unanticipated burdens associated with the stretch energy
11 code adopted in 2023, in which case the Board may adopt a
12 stretch energy code with a site energy index no greater
13 than 0.42 of the 2006 International Energy Conservation
14 Code, provided that the more relaxed standard has a site
15 energy index that is at least 0.05 more restrictive than
16 the 2024 International Energy Conservation Code; by no
17 later than December 31, 2028, the Board shall create and
18 adopt a stretch energy code with a site energy index no
19 greater than 0.33 of the 2006 International Energy
20 Conservation Code, unless the Board identifies
21 unanticipated burdens associated with the stretch energy
22 code adopted in 2025, in which case the Board may adopt a
23 stretch energy code with a site energy index no greater
24 than 0.35 of the 2006 International Energy Conservation
25 Code, but only if that more relaxed standard has a site
26 energy index that is at least 0.05 more restrictive than

1 the 2027 International Energy Conservation Code; and by no
2 later than December 31, 2031, the Board shall create and
3 adopt a stretch energy code with a site energy index no
4 greater than 0.25 of the 2006 International Energy
5 Conservation Code.

6 (g) The Illinois Stretch Energy Code's commercial
7 components shall:

8 (1) apply to commercial buildings as defined under
9 Section 10;

10 (2) set performance targets using a site energy index
11 with reductions relative to the 2006 International Energy
12 Conservation Code; and

13 (3) include stretch energy codes with site energy
14 index standards and adoption dates as follows: by no later
15 than December 31, 2023, the Board shall create and adopt a
16 stretch energy code with a site energy index no greater
17 than 0.60 of the 2006 International Energy Conservation
18 Code; by no later than December 31, 2025, the Board shall
19 create and adopt a stretch energy code with a site energy
20 index no greater than 0.50 of the 2006 International
21 Energy Conservation Code; by no later than December 31,
22 2028, the Board shall create and adopt a stretch energy
23 code with a site energy index no greater than 0.44 of the
24 2006 International Energy Conservation Code; and by no
25 later than December 31, 2031, the Board shall create and
26 adopt a stretch energy code with a site energy index no

1 greater than 0.39 of the 2006 International Energy
2 Conservation Code.

3 (h) The process for the creation of the Illinois Stretch
4 Energy Code includes:

5 (1) within 60 days after the effective date of this
6 amendatory Act of the 102nd General Assembly, the Capital
7 Development Board shall meet with the Illinois Energy Code
8 Advisory Council to advise and provide technical
9 assistance and recommendations to the Capital Development
10 Board for the Illinois Stretch Energy Code, which shall:

11 (A) advise the Capital Development Board on
12 creation of interim performance targets, code
13 requirements, and an implementation plan for the
14 Illinois Stretch Energy Code;

15 (B) recommend amendments to proposed rules issued
16 by the Capital Development Board;

17 (C) recommend complementary programs or policies;

18 (D) complete recommendations and development for
19 the Illinois Stretch Energy Code elements and
20 requirements by July 31, 2023;

21 (2) As part of its deliberations, the Illinois Energy
22 Code Advisory Council shall actively solicit input from
23 other energy code stakeholders and interested parties.

24 Section 90-30. The Illinois Power Agency Act is amended by
25 changing Sections 1-5, 1-10, 1-20, 1-35, 1-56, 1-70, 1-75,

1 1-92, and 1-125 and by adding Section 1-128 as follows:

2 (20 ILCS 3855/1-5)

3 Sec. 1-5. Legislative declarations and findings. The
4 General Assembly finds and declares:

5 (1) The health, welfare, and prosperity of all
6 Illinois residents ~~citizens~~ require the provision of
7 adequate, reliable, affordable, efficient, and
8 environmentally sustainable electric service at the lowest
9 total cost over time, taking into account any benefits of
10 price stability.

11 (1.5) To provide the highest quality of life for the
12 residents of Illinois and to provide for a clean and
13 healthy environment, it is the policy of this State to
14 rapidly transition to 100% clean energy by 2050.

15 (2) (Blank).

16 (3) (Blank).

17 (4) It is necessary to improve the process of
18 procuring electricity to serve Illinois residents, to
19 promote investment in energy efficiency and
20 demand-response measures, and to maintain and support
21 development of clean coal technologies, generation
22 resources that operate at all hours of the day and under
23 all weather conditions, zero emission facilities, and
24 renewable resources.

25 (5) Procuring a diverse electricity supply portfolio

1 will ensure the lowest total cost over time for adequate,
2 reliable, efficient, and environmentally sustainable
3 electric service.

4 (6) Including renewable resources and zero emission
5 credits from zero emission facilities in that portfolio
6 will reduce long-term direct and indirect costs to
7 consumers by decreasing environmental impacts and by
8 avoiding or delaying the need for new generation,
9 transmission, and distribution infrastructure. Developing
10 new renewable energy resources in Illinois, including
11 brownfield solar projects and community solar projects,
12 will help to diversify Illinois electricity supply, avoid
13 and reduce pollution, reduce peak demand, and enhance
14 public health and well-being of Illinois residents.

15 (7) Developing community solar projects in Illinois
16 will help to expand access to renewable energy resources
17 to more Illinois residents.

18 (8) Developing brownfield solar projects in Illinois
19 will help return blighted or contaminated land to
20 productive use while enhancing public health and the
21 well-being of Illinois residents, including those in
22 environmental justice communities.

23 (9) Energy efficiency, demand-response measures, zero
24 emission energy, and renewable energy are resources
25 currently underused in Illinois. These resources should be
26 used, when cost effective, to reduce costs to consumers,

1 improve reliability, and improve environmental quality and
2 public health.

3 (10) The State should encourage the use of advanced
4 clean coal technologies that capture and sequester carbon
5 dioxide emissions to advance environmental protection
6 goals and to demonstrate the viability of coal and
7 coal-derived fuels in a carbon-constrained economy.

8 (10.5) The State should encourage the development of
9 interregional high voltage direct current (HVDC)
10 transmission lines that benefit Illinois. All ratepayers
11 in the State served by the regional transmission
12 organization where the HVDC converter station is
13 interconnected benefit from the long-term price stability
14 and market access provided by interregional HVDC
15 transmission facilities. The benefits to Illinois include:
16 reduction in wholesale power prices; access to lower-cost
17 markets; enabling the integration of additional renewable
18 generating units within the State through near
19 instantaneous dispatchability and the provision of
20 ancillary services; creating good-paying union jobs in
21 Illinois; and, enhancing grid reliability and climate
22 resilience via HVDC facilities that are installed
23 underground.

24 (10.6) The health, welfare, and safety of the people
25 of the State are advanced by developing new HVDC
26 transmission lines predominantly along transportation

1 rights-of-way, with an HVDC converter station that is
2 located in the service territory of a public utility as
3 defined in Section 3-105 of the Public Utilities Act
4 serving more than 3,000,000 retail customers, and with a
5 project labor agreement as defined in Section 1-10 of this
6 Act.

7 (11) The General Assembly enacted Public Act 96-0795
8 to reform the State's purchasing processes, recognizing
9 that government procurement is susceptible to abuse if
10 structural and procedural safeguards are not in place to
11 ensure independence, insulation, oversight, and
12 transparency.

13 (12) The principles that underlie the procurement
14 reform legislation apply also in the context of power
15 purchasing.

16 (13) To ensure that the benefits of installing
17 renewable resources are available to all Illinois
18 residents and located across the State, subject to
19 appropriation, it is necessary for the Agency to provide
20 public information and educational resources on how
21 residents can benefit from the expansion of renewable
22 energy in Illinois and participate in the Illinois Solar
23 for All Program established in Section 1-56, the
24 Adjustable Block program established in Section 1-75, the
25 job training programs established by paragraph (1) of
26 subsection (a) of Section 16-108.12 of the Public

1 Utilities Act, and the programs and resources established
2 by the Energy Transition Act.

3 The General Assembly therefore finds that it is necessary
4 to create the Illinois Power Agency and that the goals and
5 objectives of that Agency are to accomplish each of the
6 following:

7 (A) Develop electricity procurement plans to ensure
8 adequate, reliable, affordable, efficient, and
9 environmentally sustainable electric service at the lowest
10 total cost over time, taking into account any benefits of
11 price stability, for electric utilities that on December
12 31, 2005 provided electric service to at least 100,000
13 customers in Illinois and for small multi-jurisdictional
14 electric utilities that (i) on December 31, 2005 served
15 less than 100,000 customers in Illinois and (ii) request a
16 procurement plan for their Illinois jurisdictional load.
17 The procurement plan shall be updated on an annual basis
18 and shall include renewable energy resources and,
19 beginning with the delivery year commencing June 1, 2017,
20 zero emission credits from zero emission facilities
21 sufficient to achieve the standards specified in this Act.

22 (B) Conduct the competitive procurement processes
23 identified in this Act.

24 (C) Develop electric generation and co-generation
25 facilities that use indigenous coal or renewable
26 resources, or both, financed with bonds issued by the

1 Illinois Finance Authority.

2 (D) Supply electricity from the Agency's facilities at
3 cost to one or more of the following: municipal electric
4 systems, governmental aggregators, or rural electric
5 cooperatives in Illinois.

6 (E) Ensure that the process of power procurement is
7 conducted in an ethical and transparent fashion, immune
8 from improper influence.

9 (F) Continue to review its policies and practices to
10 determine how best to meet its mission of providing the
11 lowest cost power to the greatest number of people, at any
12 given point in time, in accordance with applicable law.

13 (G) Operate in a structurally insulated, independent,
14 and transparent fashion so that nothing impedes the
15 Agency's mission to secure power at the best prices the
16 market will bear, provided that the Agency meets all
17 applicable legal requirements.

18 (H) Implement renewable energy procurement and
19 training programs throughout the State to diversify
20 Illinois electricity supply, improve reliability, avoid
21 and reduce pollution, reduce peak demand, and enhance
22 public health and well-being of Illinois residents,
23 including low-income residents.

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

25 (20 ILCS 3855/1-10)

1 Sec. 1-10. Definitions.

2 "Agency" means the Illinois Power Agency.

3 "Agency loan agreement" means any agreement pursuant to
4 which the Illinois Finance Authority agrees to loan the
5 proceeds of revenue bonds issued with respect to a project to
6 the Agency upon terms providing for loan repayment
7 installments at least sufficient to pay when due all principal
8 of, interest and premium, if any, on those revenue bonds, and
9 providing for maintenance, insurance, and other matters in
10 respect of the project.

11 "Authority" means the Illinois Finance Authority.

12 "Brownfield site photovoltaic project" means photovoltaics
13 that are either:

14 (1) interconnected to an electric utility as defined
15 in this Section, a municipal utility as defined in this
16 Section, a public utility as defined in Section 3-105 of
17 the Public Utilities Act, or an electric cooperative~~7~~ as
18 defined in Section 3-119 of the Public Utilities Act~~7~~ and
19 ~~(2)~~ located at a site that is regulated by any of the
20 following entities under the following programs:

21 (A) the United States Environmental Protection
22 Agency under the federal Comprehensive Environmental
23 Response, Compensation, and Liability Act of 1980, as
24 amended;

25 (B) the United States Environmental Protection
26 Agency under the Corrective Action Program of the

1 federal Resource Conservation and Recovery Act, as
2 amended;

3 (C) the Illinois Environmental Protection Agency
4 under the Illinois Site Remediation Program; or

5 (D) the Illinois Environmental Protection Agency
6 under the Illinois Solid Waste Program; ~~or-~~

7 (2) located at the site of a coal mine that has
8 permanently ceased coal production, permanently halted any
9 re-mining operations, and is no longer accepting any coal
10 combustion residues; has both completed all clean-up and
11 remediation obligations under the federal Surface Mining
12 and Reclamation Act of 1977 and all applicable Illinois
13 rules and any other clean-up, remediation, or ongoing
14 monitoring to safeguard the health and well-being of the
15 people of the State of Illinois, as well as demonstrated
16 compliance with all applicable federal and State
17 environmental rules and regulations, including, but not
18 limited, to 35 Ill. Adm. Code Part 845 and any rules for
19 historic fill of coal combustion residuals, including any
20 rules finalized in Subdocket A of Illinois Pollution
21 Control Board docket R2020-019.

22 "Clean coal facility" means an electric generating
23 facility that uses primarily coal as a feedstock and that
24 captures and sequesters carbon dioxide emissions at the
25 following levels: at least 50% of the total carbon dioxide
26 emissions that the facility would otherwise emit if, at the

1 time construction commences, the facility is scheduled to
2 commence operation before 2016, at least 70% of the total
3 carbon dioxide emissions that the facility would otherwise
4 emit if, at the time construction commences, the facility is
5 scheduled to commence operation during 2016 or 2017, and at
6 least 90% of the total carbon dioxide emissions that the
7 facility would otherwise emit if, at the time construction
8 commences, the facility is scheduled to commence operation
9 after 2017. The power block of the clean coal facility shall
10 not exceed allowable emission rates for sulfur dioxide,
11 nitrogen oxides, carbon monoxide, particulates and mercury for
12 a natural gas-fired combined-cycle facility the same size as
13 and in the same location as the clean coal facility at the time
14 the clean coal facility obtains an approved air permit. All
15 coal used by a clean coal facility shall have high volatile
16 bituminous rank and greater than 1.7 pounds of sulfur per
17 million btu content, unless the clean coal facility does not
18 use gasification technology and was operating as a
19 conventional coal-fired electric generating facility on June
20 1, 2009 (the effective date of Public Act 95-1027).

21 "Clean coal SNG brownfield facility" means a facility that
22 (1) has commenced construction by July 1, 2015 on an urban
23 brownfield site in a municipality with at least 1,000,000
24 residents; (2) uses a gasification process to produce
25 substitute natural gas; (3) uses coal as at least 50% of the
26 total feedstock over the term of any sourcing agreement with a

1 utility and the remainder of the feedstock may be either
2 petroleum coke or coal, with all such coal having a high
3 bituminous rank and greater than 1.7 pounds of sulfur per
4 million Btu content unless the facility reasonably determines
5 that it is necessary to use additional petroleum coke to
6 deliver additional consumer savings, in which case the
7 facility shall use coal for at least 35% of the total feedstock
8 over the term of any sourcing agreement; and (4) captures and
9 sequesters at least 85% of the total carbon dioxide emissions
10 that the facility would otherwise emit.

11 "Clean coal SNG facility" means a facility that uses a
12 gasification process to produce substitute natural gas, that
13 sequesters at least 90% of the total carbon dioxide emissions
14 that the facility would otherwise emit, that uses at least 90%
15 coal as a feedstock, with all such coal having a high
16 bituminous rank and greater than 1.7 pounds of sulfur per
17 million btu content, and that has a valid and effective permit
18 to construct emission sources and air pollution control
19 equipment and approval with respect to the federal regulations
20 for Prevention of Significant Deterioration of Air Quality
21 (PSD) for the plant pursuant to the federal Clean Air Act;
22 provided, however, a clean coal SNG brownfield facility shall
23 not be a clean coal SNG facility.

24 "Clean energy" means energy generation that is 90% or
25 greater free of carbon dioxide emissions.

26 "Commission" means the Illinois Commerce Commission.

1 "Community renewable generation project" means an electric
2 generating facility that:

3 (1) is powered by wind, solar thermal energy,
4 photovoltaic cells or panels, biodiesel, crops and
5 untreated and unadulterated organic waste biomass, ~~tree~~
6 ~~waste,~~ and hydropower that does not involve new
7 construction or significant expansion of hydropower dams;

8 (2) is interconnected at the distribution system level
9 of an electric utility as defined in this Section, a
10 municipal utility as defined in this Section that owns or
11 operates electric distribution facilities, a public
12 utility as defined in Section 3-105 of the Public
13 Utilities Act, or an electric cooperative, as defined in
14 Section 3-119 of the Public Utilities Act;

15 (3) credits the value of electricity generated by the
16 facility to the subscribers of the facility; and

17 (4) is limited in nameplate capacity to less than or
18 equal to 5,000 ~~2,000~~ kilowatts.

19 "Costs incurred in connection with the development and
20 construction of a facility" means:

21 (1) the cost of acquisition of all real property,
22 fixtures, and improvements in connection therewith and
23 equipment, personal property, and other property, rights,
24 and easements acquired that are deemed necessary for the
25 operation and maintenance of the facility;

26 (2) financing costs with respect to bonds, notes, and

1 other evidences of indebtedness of the Agency;

2 (3) all origination, commitment, utilization,
3 facility, placement, underwriting, syndication, credit
4 enhancement, and rating agency fees;

5 (4) engineering, design, procurement, consulting,
6 legal, accounting, title insurance, survey, appraisal,
7 escrow, trustee, collateral agency, interest rate hedging,
8 interest rate swap, capitalized interest, contingency, as
9 required by lenders, and other financing costs, and other
10 expenses for professional services; and

11 (5) the costs of plans, specifications, site study and
12 investigation, installation, surveys, other Agency costs
13 and estimates of costs, and other expenses necessary or
14 incidental to determining the feasibility of any project,
15 together with such other expenses as may be necessary or
16 incidental to the financing, insuring, acquisition, and
17 construction of a specific project and starting up,
18 commissioning, and placing that project in operation.

19 "Delivery services" has the same definition as found in
20 Section 16-102 of the Public Utilities Act.

21 "Delivery year" means the consecutive 12-month period
22 beginning June 1 of a given year and ending May 31 of the
23 following year.

24 "Department" means the Department of Commerce and Economic
25 Opportunity.

26 "Director" means the Director of the Illinois Power

1 Agency.

2 "Demand-response" means measures that decrease peak
3 electricity demand or shift demand from peak to off-peak
4 periods.

5 "Distributed renewable energy generation device" means a
6 device that is:

7 (1) powered by wind, solar thermal energy,
8 photovoltaic cells or panels, biodiesel, crops and
9 untreated and unadulterated organic waste biomass, tree
10 waste, and hydropower that does not involve new
11 construction or significant expansion of hydropower dams,
12 waste heat to power systems, or qualified combined heat
13 and power systems;

14 (2) interconnected at the distribution system level of
15 either an electric utility as defined in this Section, a
16 municipal utility as defined in this Section that owns or
17 operates electric distribution facilities, or a rural
18 electric cooperative as defined in Section 3-119 of the
19 Public Utilities Act;

20 (3) located on the customer side of the customer's
21 electric meter and is primarily used to offset that
22 customer's electricity load; and

23 (4) (blank). ~~limited in nameplate capacity to less~~
24 ~~than or equal to 2,000 kilowatts.~~

25 "Energy efficiency" means measures that reduce the amount
26 of electricity or natural gas consumed in order to achieve a

1 given end use. "Energy efficiency" includes voltage
2 optimization measures that optimize the voltage at points on
3 the electric distribution voltage system and thereby reduce
4 electricity consumption by electric customers' end use
5 devices. "Energy efficiency" also includes measures that
6 reduce the total Btus of electricity, natural gas, and other
7 fuels needed to meet the end use or uses.

8 "Electric utility" has the same definition as found in
9 Section 16-102 of the Public Utilities Act.

10 "Equity investment eligible community" or "eligible
11 community" are synonymous and mean the geographic areas
12 throughout Illinois which would most benefit from equitable
13 investments by the State designed to combat discrimination.
14 Specifically, the eligible communities shall be defined as the
15 following areas:

16 (1) R3 Areas as established pursuant to Section 10-40
17 of the Cannabis Regulation and Tax Act, where residents
18 have historically been excluded from economic
19 opportunities, including opportunities in the energy
20 sector; and

21 (2) Environmental justice communities, as defined by
22 the Illinois Power Agency pursuant to the Illinois Power
23 Agency Act, where residents have historically been subject
24 to disproportionate burdens of pollution, including
25 pollution from the energy sector.

26 "Equity eligible persons" or "eligible persons" means

1 persons who would most benefit from equitable investments by
2 the State designed to combat discrimination, specifically:

3 (1) persons who graduate from or are current or former
4 participants in the Clean Jobs Workforce Network Program,
5 the Clean Energy Contractor Incubator Program, the
6 Illinois Climate Works Preapprenticeship Program,
7 Returning Residents Clean Jobs Training Program, or the
8 Clean Energy Primes Contractor Accelerator Program, and
9 the solar training pipeline and multi-cultural jobs
10 program created in paragraphs (a) (1) and (a) (3) of Section
11 16-108.21 of the Public Utilities Act;

12 (2) persons who are graduates of or currently enrolled
13 in the foster care system;

14 (3) persons who were formerly incarcerated;

15 (4) persons whose primary residence is in an equity
16 investment eligible community.

17 "Equity eligible contractor" means a business that is
18 majority-owned by eligible persons, or a nonprofit or
19 cooperative that is majority-governed by eligible persons, or
20 is a natural person that is an eligible person offering
21 personal services as an independent contractor.

22 "Facility" means an electric generating unit or a
23 co-generating unit that produces electricity along with
24 related equipment necessary to connect the facility to an
25 electric transmission or distribution system.

26 "General Contractor" means the entity or organization with

1 main responsibility for the building of a construction project
2 and who is the party signing the prime construction contract
3 for the project.

4 "Governmental aggregator" means one or more units of local
5 government that individually or collectively procure
6 electricity to serve residential retail electrical loads
7 located within its or their jurisdiction.

8 "High voltage direct current converter station" means the
9 collection of equipment that converts direct current energy
10 from a high voltage direct current transmission line into
11 alternating current using Voltage Source Conversion technology
12 and that is interconnected with transmission or distribution
13 assets located in Illinois.

14 "High voltage direct current renewable energy credit"
15 means a renewable energy credit associated with a renewable
16 energy resource where the renewable energy resource has
17 entered into a contract to transmit the energy associated with
18 such renewable energy credit over high voltage direct current
19 transmission facilities.

20 "High voltage direct current transmission facilities"
21 means the collection of installed equipment that converts
22 alternating current energy in one location to direct current
23 and transmits that direct current energy to a high voltage
24 direct current converter station using Voltage Source
25 Conversion technology. "High voltage direct current
26 transmission facilities" includes the high voltage direct

1 current converter station itself and associated high voltage
2 direct current transmission lines. Notwithstanding the
3 preceding, after the effective date of this amendatory Act of
4 the 102nd General Assembly, an otherwise qualifying collection
5 of equipment does not qualify as high voltage direct current
6 transmission facilities unless its developer entered into a
7 project labor agreement, is capable of transmitting
8 electricity at 525kv with an Illinois converter station
9 located and interconnected in the region of the PJM
10 Interconnection, LLC, and the system does not operate as a
11 public utility, as that term is defined in Section 3-105 of the
12 Public Utilities Act.

13 "Index price" means the real-time energy settlement price
14 at the applicable Illinois trading hub, such as PJM-NIHUB or
15 MISO-IL, for a given settlement period.

16 "Indexed renewable energy credit" means a tradable credit
17 that represents the environmental attributes of one megawatt
18 hour of energy produced from a renewable energy resource, the
19 price of which shall be calculated by subtracting the strike
20 price offered by a new utility-scale wind project or a new
21 utility-scale photovoltaic project from the index price in a
22 given settlement period.

23 "Indexed renewable energy credit counterparty" has the
24 same meaning as "public utility" as defined in Section 3-105
25 of the Public Utilities Act.

26 "Local government" means a unit of local government as

1 defined in Section 1 of Article VII of the Illinois
2 Constitution.

3 "Municipality" means a city, village, or incorporated
4 town.

5 "Municipal utility" means a public utility owned and
6 operated by any subdivision or municipal corporation of this
7 State.

8 "Nameplate capacity" means the aggregate inverter
9 nameplate capacity in kilowatts AC.

10 "Person" means any natural person, firm, partnership,
11 corporation, either domestic or foreign, company, association,
12 limited liability company, joint stock company, or association
13 and includes any trustee, receiver, assignee, or personal
14 representative thereof.

15 "Project" means the planning, bidding, and construction of
16 a facility.

17 "Project labor agreement" means a pre-hire collective
18 bargaining agreement that covers all terms and conditions of
19 employment on a specific construction project and must include
20 the following:

21 (1) provisions establishing the minimum hourly wage
22 for each class of labor organization employee;

23 (2) provisions establishing the benefits and other
24 compensation for each class of labor organization
25 employee;

26 (3) provisions establishing that no strike or disputes

1 will be engaged in by the labor organization employees;

2 (4) provisions establishing that no lockout or
3 disputes will be engaged in by the general contractor
4 building the project; and

5 (5) provisions for minorities and women, as defined
6 under the Business Enterprise for Minorities, Women, and
7 Persons with Disabilities Act, setting forth goals for
8 apprenticeship hours to be performed by minorities and
9 women and setting forth goals for total hours to be
10 performed by underrepresented minorities and women.

11 A labor organization and the general contractor building
12 the project shall have the authority to include other terms
13 and conditions as they deem necessary.

14 "Public utility" has the same definition as found in
15 Section 3-105 of the Public Utilities Act.

16 "Qualified combined heat and power systems" means systems
17 that, either simultaneously or sequentially, produce
18 electricity and useful thermal energy from a single fuel
19 source. Such systems are eligible for "renewable energy
20 credits" in an amount equal to its total energy output where a
21 renewable fuel is consumed or in an amount equal to the net
22 reduction in nonrenewable fuel consumed on a total energy
23 output basis.

24 "Real property" means any interest in land together with
25 all structures, fixtures, and improvements thereon, including
26 lands under water and riparian rights, any easements,

1 covenants, licenses, leases, rights-of-way, uses, and other
2 interests, together with any liens, judgments, mortgages, or
3 other claims or security interests related to real property.

4 "Renewable energy credit" means a tradable credit that
5 represents the environmental attributes of one megawatt hour
6 of energy produced from a renewable energy resource.

7 "Renewable energy resources" includes energy and its
8 associated renewable energy credit or renewable energy credits
9 from wind, solar thermal energy, photovoltaic cells and
10 panels, biodiesel, anaerobic digestion, crops and untreated
11 and unadulterated organic waste biomass, ~~tree waste,~~ and
12 hydropower that does not involve new construction or
13 significant expansion of hydropower dams, waste heat to power
14 systems, or qualified combined heat and power systems. For
15 purposes of this Act, landfill gas produced in the State is
16 considered a renewable energy resource. "Renewable energy
17 resources" does not include the incineration or burning of
18 tires, garbage, general household, institutional, and
19 commercial waste, industrial lunchroom or office waste,
20 landscape waste ~~other than tree waste,~~ railroad crossties,
21 utility poles, or construction or demolition debris, other
22 than untreated and unadulterated waste wood. "Renewable energy
23 resources" also includes high voltage direct current renewable
24 energy credits and the associated energy converted to
25 alternating current by a high voltage direct current converter
26 station to the extent that: (1) the generator of such

1 renewable energy resource contracted with a third party to
2 transmit the energy over the high voltage direct current
3 transmission facilities, and (2) the third-party contracting
4 for delivery of renewable energy resources over the high
5 voltage direct current transmission facilities have ownership
6 rights over the unretired associated high voltage direct
7 current renewable energy credit.

8 "Retail customer" has the same definition as found in
9 Section 16-102 of the Public Utilities Act.

10 "Revenue bond" means any bond, note, or other evidence of
11 indebtedness issued by the Authority, the principal and
12 interest of which is payable solely from revenues or income
13 derived from any project or activity of the Agency.

14 "Sequester" means permanent storage of carbon dioxide by
15 injecting it into a saline aquifer, a depleted gas reservoir,
16 or an oil reservoir, directly or through an enhanced oil
17 recovery process that may involve intermediate storage,
18 regardless of whether these activities are conducted by a
19 clean coal facility, a clean coal SNG facility, a clean coal
20 SNG brownfield facility, or a party with which a clean coal
21 facility, clean coal SNG facility, or clean coal SNG
22 brownfield facility has contracted for such purposes.

23 "Service area" has the same definition as found in Section
24 16-102 of the Public Utilities Act.

25 "Settlement period" means the period of time utilized by
26 MISO and PJM and their successor organizations as the basis

1 for settlement calculations in the real-time energy market.

2 "Sourcing agreement" means (i) in the case of an electric
3 utility, an agreement between the owner of a clean coal
4 facility and such electric utility, which agreement shall have
5 terms and conditions meeting the requirements of paragraph (3)
6 of subsection (d) of Section 1-75, (ii) in the case of an
7 alternative retail electric supplier, an agreement between the
8 owner of a clean coal facility and such alternative retail
9 electric supplier, which agreement shall have terms and
10 conditions meeting the requirements of Section 16-115(d) (5) of
11 the Public Utilities Act, and (iii) in case of a gas utility,
12 an agreement between the owner of a clean coal SNG brownfield
13 facility and the gas utility, which agreement shall have the
14 terms and conditions meeting the requirements of subsection
15 (h-1) of Section 9-220 of the Public Utilities Act.

16 "Strike price" means a contract price for energy and
17 renewable energy credits from a new utility-scale wind project
18 or a new utility-scale photovoltaic project.

19 "Subscriber" means a person who (i) takes delivery service
20 from an electric utility, and (ii) has a subscription of no
21 less than 200 watts to a community renewable generation
22 project that is located in the electric utility's service
23 area. No subscriber's subscriptions may total more than 40% of
24 the nameplate capacity of an individual community renewable
25 generation project. Entities that are affiliated by virtue of
26 a common parent shall not represent multiple subscriptions

1 that total more than 40% of the nameplate capacity of an
2 individual community renewable generation project.

3 "Subscription" means an interest in a community renewable
4 generation project expressed in kilowatts, which is sized
5 primarily to offset part or all of the subscriber's
6 electricity usage.

7 "Substitute natural gas" or "SNG" means a gas manufactured
8 by gasification of hydrocarbon feedstock, which is
9 substantially interchangeable in use and distribution with
10 conventional natural gas.

11 "Total resource cost test" or "TRC test" means a standard
12 that is met if, for an investment in energy efficiency or
13 demand-response measures, the benefit-cost ratio is greater
14 than one. The benefit-cost ratio is the ratio of the net
15 present value of the total benefits of the program to the net
16 present value of the total costs as calculated over the
17 lifetime of the measures. A total resource cost test compares
18 the sum of avoided electric utility costs, representing the
19 benefits that accrue to the system and the participant in the
20 delivery of those efficiency measures and including avoided
21 costs associated with reduced use of natural gas or other
22 fuels, avoided costs associated with reduced water
23 consumption, and avoided costs associated with reduced
24 operation and maintenance costs, as well as other quantifiable
25 societal benefits, to the sum of all incremental costs of
26 end-use measures that are implemented due to the program

1 (including both utility and participant contributions), plus
2 costs to administer, deliver, and evaluate each demand-side
3 program, to quantify the net savings obtained by substituting
4 the demand-side program for supply resources. In calculating
5 avoided costs of power and energy that an electric utility
6 would otherwise have had to acquire, reasonable estimates
7 shall be included of financial costs likely to be imposed by
8 future regulations and legislation on emissions of greenhouse
9 gases. In discounting future societal costs and benefits for
10 the purpose of calculating net present values, a societal
11 discount rate based on actual, long-term Treasury bond yields
12 should be used. Notwithstanding anything to the contrary, the
13 TRC test shall not include or take into account a calculation
14 of market price suppression effects or demand reduction
15 induced price effects.

16 "Utility-scale solar project" means an electric generating
17 facility that:

18 (1) generates electricity using photovoltaic cells;

19 and

20 (2) has a nameplate capacity that is greater than

21 5,000 ~~2,000~~ kilowatts.

22 "Utility-scale wind project" means an electric generating
23 facility that:

24 (1) generates electricity using wind; and

25 (2) has a nameplate capacity that is greater than

26 5,000 ~~2,000~~ kilowatts.

1 "Waste Heat to Power Systems" means systems that capture
2 and generate electricity from energy that would otherwise be
3 lost to the atmosphere without the use of additional fuel.

4 "Zero emission credit" means a tradable credit that
5 represents the environmental attributes of one megawatt hour
6 of energy produced from a zero emission facility.

7 "Zero emission facility" means a facility that: (1) is
8 fueled by nuclear power; and (2) is interconnected with PJM
9 Interconnection, LLC or the Midcontinent Independent System
10 Operator, Inc., or their successors.

11 (Source: P.A. 98-90, eff. 7-15-13; 99-906, eff. 6-1-17.)

12 (20 ILCS 3855/1-20)

13 Sec. 1-20. General powers and duties of the Agency.

14 (a) The Agency is authorized to do each of the following:

15 (1) Develop electricity procurement plans to ensure
16 adequate, reliable, affordable, efficient, and
17 environmentally sustainable electric service at the lowest
18 total cost over time, taking into account any benefits of
19 price stability, for electric utilities that on December
20 31, 2005 provided electric service to at least 100,000
21 customers in Illinois and for small multi-jurisdictional
22 electric utilities that (A) on December 31, 2005 served
23 less than 100,000 customers in Illinois and (B) request a
24 procurement plan for their Illinois jurisdictional load.
25 Except as provided in paragraph (1.5) of this subsection

1 (a), the electricity procurement plans shall be updated on
2 an annual basis and shall include electricity generated
3 from renewable resources sufficient to achieve the
4 standards specified in this Act. Beginning with the
5 delivery year commencing June 1, 2017, develop procurement
6 plans to include zero emission credits generated from zero
7 emission facilities sufficient to achieve the standards
8 specified in this Act. Beginning with the delivery year
9 commencing on June 1, 2022, the Agency is authorized to
10 develop carbon mitigation credit procurement plans to
11 include carbon mitigation credits generated from
12 carbon-free energy resources sufficient to achieve the
13 standards specified in this Act.

14 (1.5) Develop a long-term renewable resources
15 procurement plan in accordance with subsection (c) of
16 Section 1-75 of this Act for renewable energy credits in
17 amounts sufficient to achieve the standards specified in
18 this Act for delivery years commencing June 1, 2017 and
19 for the programs and renewable energy credits specified in
20 Section 1-56 of this Act. Electricity procurement plans
21 for delivery years commencing after May 31, 2017, shall
22 not include procurement of renewable energy resources.

23 (2) Conduct competitive procurement processes to
24 procure the supply resources identified in the electricity
25 procurement plan, pursuant to Section 16-111.5 of the
26 Public Utilities Act, and, for the delivery year

1 commencing June 1, 2017, conduct procurement processes to
2 procure zero emission credits from zero emission
3 facilities, under subsection (d-5) of Section 1-75 of this
4 Act. For the delivery year commencing June 1, 2022, the
5 Agency is authorized to conduct procurement processes to
6 procure carbon mitigation credits from carbon-free energy
7 resources, under subsection (d-10) of Section 1-75 of this
8 Act.

9 (2.5) Beginning with the procurement for the 2017
10 delivery year, conduct competitive procurement processes
11 and implement programs to procure renewable energy credits
12 identified in the long-term renewable resources
13 procurement plan developed and approved under subsection
14 (c) of Section 1-75 of this Act and Section 16-111.5 of the
15 Public Utilities Act.

16 (2.10) Oversee the procurement by electric utilities
17 that served more than 300,000 customers in this State as
18 of January 1, 2019 of renewable energy credits from new
19 renewable energy facilities to be installed, along with
20 energy storage facilities, at or adjacent to the sites of
21 electric generating facilities that burned coal as their
22 primary fuel source as of January 1, 2016 in accordance
23 with subsection (c-5) of Section 1-75 of this Act.

24 (3) Develop electric generation and co-generation
25 facilities that use indigenous coal or renewable
26 resources, or both, financed with bonds issued by the

1 Illinois Finance Authority.

2 (4) Supply electricity from the Agency's facilities at
3 cost to one or more of the following: municipal electric
4 systems, governmental aggregators, or rural electric
5 cooperatives in Illinois.

6 (b) Except as otherwise limited by this Act, the Agency
7 has all of the powers necessary or convenient to carry out the
8 purposes and provisions of this Act, including without
9 limitation, each of the following:

10 (1) To have a corporate seal, and to alter that seal at
11 pleasure, and to use it by causing it or a facsimile to be
12 affixed or impressed or reproduced in any other manner.

13 (2) To use the services of the Illinois Finance
14 Authority necessary to carry out the Agency's purposes.

15 (3) To negotiate and enter into loan agreements and
16 other agreements with the Illinois Finance Authority.

17 (4) To obtain and employ personnel and hire
18 consultants that are necessary to fulfill the Agency's
19 purposes, and to make expenditures for that purpose within
20 the appropriations for that purpose.

21 (5) To purchase, receive, take by grant, gift, devise,
22 bequest, or otherwise, lease, or otherwise acquire, own,
23 hold, improve, employ, use, and otherwise deal in and
24 with, real or personal property whether tangible or
25 intangible, or any interest therein, within the State.

26 (6) To acquire real or personal property, whether

1 tangible or intangible, including without limitation
2 property rights, interests in property, franchises,
3 obligations, contracts, and debt and equity securities,
4 and to do so by the exercise of the power of eminent domain
5 in accordance with Section 1-21; except that any real
6 property acquired by the exercise of the power of eminent
7 domain must be located within the State.

8 (7) To sell, convey, lease, exchange, transfer,
9 abandon, or otherwise dispose of, or mortgage, pledge, or
10 create a security interest in, any of its assets,
11 properties, or any interest therein, wherever situated.

12 (8) To purchase, take, receive, subscribe for, or
13 otherwise acquire, hold, make a tender offer for, vote,
14 employ, sell, lend, lease, exchange, transfer, or
15 otherwise dispose of, mortgage, pledge, or grant a
16 security interest in, use, and otherwise deal in and with,
17 bonds and other obligations, shares, or other securities
18 (or interests therein) issued by others, whether engaged
19 in a similar or different business or activity.

20 (9) To make and execute agreements, contracts, and
21 other instruments necessary or convenient in the exercise
22 of the powers and functions of the Agency under this Act,
23 including contracts with any person, including personal
24 service contracts, or with any local government, State
25 agency, or other entity; and all State agencies and all
26 local governments are authorized to enter into and do all

1 things necessary to perform any such agreement, contract,
2 or other instrument with the Agency. No such agreement,
3 contract, or other instrument shall exceed 40 years.

4 (10) To lend money, invest and reinvest its funds in
5 accordance with the Public Funds Investment Act, and take
6 and hold real and personal property as security for the
7 payment of funds loaned or invested.

8 (11) To borrow money at such rate or rates of interest
9 as the Agency may determine, issue its notes, bonds, or
10 other obligations to evidence that indebtedness, and
11 secure any of its obligations by mortgage or pledge of its
12 real or personal property, machinery, equipment,
13 structures, fixtures, inventories, revenues, grants, and
14 other funds as provided or any interest therein, wherever
15 situated.

16 (12) To enter into agreements with the Illinois
17 Finance Authority to issue bonds whether or not the income
18 therefrom is exempt from federal taxation.

19 (13) To procure insurance against any loss in
20 connection with its properties or operations in such
21 amount or amounts and from such insurers, including the
22 federal government, as it may deem necessary or desirable,
23 and to pay any premiums therefor.

24 (14) To negotiate and enter into agreements with
25 trustees or receivers appointed by United States
26 bankruptcy courts or federal district courts or in other

1 proceedings involving adjustment of debts and authorize
2 proceedings involving adjustment of debts and authorize
3 legal counsel for the Agency to appear in any such
4 proceedings.

5 (15) To file a petition under Chapter 9 of Title 11 of
6 the United States Bankruptcy Code or take other similar
7 action for the adjustment of its debts.

8 (16) To enter into management agreements for the
9 operation of any of the property or facilities owned by
10 the Agency.

11 (17) To enter into an agreement to transfer and to
12 transfer any land, facilities, fixtures, or equipment of
13 the Agency to one or more municipal electric systems,
14 governmental aggregators, or rural electric agencies or
15 cooperatives, for such consideration and upon such terms
16 as the Agency may determine to be in the best interest of
17 the residents ~~citizens~~ of Illinois.

18 (18) To enter upon any lands and within any building
19 whenever in its judgment it may be necessary for the
20 purpose of making surveys and examinations to accomplish
21 any purpose authorized by this Act.

22 (19) To maintain an office or offices at such place or
23 places in the State as it may determine.

24 (20) To request information, and to make any inquiry,
25 investigation, survey, or study that the Agency may deem
26 necessary to enable it effectively to carry out the

1 provisions of this Act.

2 (21) To accept and expend appropriations.

3 (22) To engage in any activity or operation that is
4 incidental to and in furtherance of efficient operation to
5 accomplish the Agency's purposes, including hiring
6 employees that the Director deems essential for the
7 operations of the Agency.

8 (23) To adopt, revise, amend, and repeal rules with
9 respect to its operations, properties, and facilities as
10 may be necessary or convenient to carry out the purposes
11 of this Act, subject to the provisions of the Illinois
12 Administrative Procedure Act and Sections 1-22 and 1-35 of
13 this Act.

14 (24) To establish and collect charges and fees as
15 described in this Act.

16 (25) To conduct competitive gasification feedstock
17 procurement processes to procure the feedstocks for the
18 clean coal SNG brownfield facility in accordance with the
19 requirements of Section 1-78 of this Act.

20 (26) To review, revise, and approve sourcing
21 agreements and mediate and resolve disputes between gas
22 utilities and the clean coal SNG brownfield facility
23 pursuant to subsection (h-1) of Section 9-220 of the
24 Public Utilities Act.

25 (27) To request, review and accept proposals, execute
26 contracts, purchase renewable energy credits and otherwise

1 dedicate funds from the Illinois Power Agency Renewable
2 Energy Resources Fund to create and carry out the
3 objectives of the Illinois Solar for All Program ~~program~~
4 in accordance with Section 1-56 of this Act.

5 (28) To ensure Illinois residents and business benefit
6 from programs administered by the Agency and are properly
7 protected from any deceptive or misleading marketing
8 practices by participants in the Agency's programs and
9 procurements.

10 (c) In conducting the procurement of electricity or other
11 products, beginning January 1, 2022, the Agency shall not
12 procure any products or services from persons or organizations
13 that are in violation of the Displaced Energy Workers Bill of
14 Rights, as provided under the Energy Community Reinvestment
15 Act at the time of the procurement event or fail to comply the
16 labor standards established in subparagraph (Q) of paragraph
17 (1) of subsection (c) of Section 1-75.

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

19 (20 ILCS 3855/1-35)

20 Sec. 1-35. Agency rules. The Agency shall adopt rules as
21 may be necessary and appropriate for the operation of the
22 Agency. In addition to other rules relevant to the operation
23 of the Agency, the Agency shall adopt rules that accomplish
24 each of the following:

25 (1) Establish procedures for monitoring the

1 administration of any contract administered directly or
2 indirectly by the Agency; except that the procedures shall
3 not extend to executed contracts between electric
4 utilities and their suppliers.

5 (2) If deemed necessary by the Agency, establish
6 ~~Establish~~ procedures for the recovery of costs incurred in
7 connection with the development and construction of a
8 facility should the Agency cancel a project, provided that
9 no such costs shall be passed on to public utilities or
10 their customers or paid from the Illinois Power Agency
11 Operations Fund.

12 (3) Implement accounting rules and a system of
13 accounts, in accordance with State law, permitting all
14 reporting (i) required by the State, (ii) required under
15 this Act, (iii) required by the Authority, or (iv)
16 required under the Public Utilities Act.

17 The Agency shall not adopt any rules that infringe upon
18 the authority granted to the Commission.

19 (Source: P.A. 95-481, eff. 8-28-07.)

20 (20 ILCS 3855/1-56)

21 Sec. 1-56. Illinois Power Agency Renewable Energy
22 Resources Fund; Illinois Solar for All Program.

23 (a) The Illinois Power Agency Renewable Energy Resources
24 Fund is created as a special fund in the State treasury.

25 (b) The Illinois Power Agency Renewable Energy Resources

1 Fund shall be administered by the Agency as described in this
2 subsection (b), provided that the changes to this subsection
3 (b) made by this amendatory Act of the 99th General Assembly
4 shall not interfere with existing contracts under this
5 Section.

6 (1) The Illinois Power Agency Renewable Energy
7 Resources Fund shall be used to purchase renewable energy
8 credits according to any approved procurement plan
9 developed by the Agency prior to June 1, 2017.

10 (2) The Illinois Power Agency Renewable Energy
11 Resources Fund shall also be used to create the Illinois
12 Solar for All Program, which provides ~~shall include~~
13 incentives for low-income distributed generation and
14 community solar projects, and other associated approved
15 expenditures. The objectives of the Illinois Solar for All
16 Program are to bring photovoltaics to low-income
17 communities in this State in a manner that maximizes the
18 development of new photovoltaic generating facilities, to
19 create a long-term, low-income solar marketplace
20 throughout this State, to integrate, through interaction
21 with stakeholders, with existing energy efficiency
22 initiatives, and to minimize administrative costs. The
23 Illinois Solar for All Program shall be implemented in a
24 manner that seeks to minimize administrative costs, and
25 maximize efficiencies and synergies available through
26 coordination with similar initiatives, including the

1 Adjustable Block program described in subparagraphs (K)
2 through (M) of paragraph (1) of subsection (c) of Section
3 1-75, energy efficiency programs, job training programs,
4 and community action agencies. The Agency shall strive to
5 ensure that renewable energy credits procured through the
6 Illinois Solar for All Program and each of its subprograms
7 are purchased from projects across the breadth of
8 low-income and environmental justice communities in
9 Illinois, including both urban and rural communities, are
10 not concentrated in a few communities, and do not exclude
11 particular low-income or environmental justice
12 communities. The Agency shall include a description of its
13 proposed approach to the design, administration,
14 implementation and evaluation of the Illinois Solar for
15 All Program, as part of the long-term renewable resources
16 procurement plan authorized by subsection (c) of Section
17 1-75 of this Act, and the program shall be designed to grow
18 the low-income solar market. The Agency or utility, as
19 applicable, shall purchase renewable energy credits from
20 the (i) photovoltaic distributed renewable energy
21 generation projects and (ii) community solar projects that
22 are procured under procurement processes authorized by the
23 long-term renewable resources procurement plans approved
24 by the Commission.

25 The Illinois Solar for All Program shall include the
26 program offerings described in subparagraphs (A) through

1 (E) ~~(D)~~ of this paragraph (2), which the Agency shall
2 implement through contracts with third-party providers
3 and, subject to appropriation, pay the approximate amounts
4 identified using monies available in the Illinois Power
5 Agency Renewable Energy Resources Fund. Each contract that
6 provides for the installation of solar facilities shall
7 provide that the solar facilities will produce energy and
8 economic benefits, at a level determined by the Agency to
9 be reasonable, for the participating low income customers.
10 The monies available in the Illinois Power Agency
11 Renewable Energy Resources Fund and not otherwise
12 committed to contracts executed under subsection (i) of
13 this Section, as well as, in the case of the programs
14 described under subparagraphs (A) through (E) of this
15 paragraph (2), funding authorized pursuant to subparagraph
16 (O) of paragraph (1) of subsection (c) of Section 1-75 of
17 this Act, shall initially be allocated among the programs
18 described in this paragraph (2), as follows: 35% ~~22.5%~~ of
19 these funds shall be allocated to programs described in
20 subparagraphs ~~subparagraph~~ (A) and (E) of this paragraph
21 (2), 40% ~~37.5%~~ of these funds shall be allocated to
22 programs described in subparagraph (B) of this paragraph
23 (2), and 25% ~~15%~~ of these funds shall be allocated to
24 programs described in subparagraph (C) of this paragraph
25 (2), ~~and 25% of these funds, but in no event more than~~
26 ~~\$50,000,000, shall be allocated to programs described in~~

1 ~~subparagraph (D) of this paragraph (2).~~ The allocation of
2 funds among subparagraphs (A), (B), ~~or~~ (C), and (E) of
3 this paragraph (2) may be changed if the Agency, after
4 receiving input through a stakeholder process, ~~or~~
5 ~~administrator, through delegated authority,~~ determines
6 incentives in subparagraphs (A), (B), ~~or~~ (C), or (E) of
7 this paragraph (2) have not been adequately subscribed to
8 fully utilize available Illinois Solar for All Program
9 funds ~~the Illinois Power Agency Renewable Energy Resources~~
10 ~~Fund. The determination shall include input through a~~
11 ~~stakeholder process. The program offerings described in~~
12 ~~subparagraphs (A) through (D) of this paragraph (2) shall~~
13 ~~also be implemented through contracts funded from such~~
14 ~~additional amounts as are allocated to one or more of the~~
15 ~~programs in the long term renewable resources procurement~~
16 ~~plans as specified in subsection (c) of Section 1-75 of~~
17 ~~this Act and subparagraph (O) of paragraph (1) of such~~
18 ~~subsection (c).~~

19 Contracts that will be paid with funds in the Illinois
20 Power Agency Renewable Energy Resources Fund shall be
21 executed by the Agency. Contracts that will be paid with
22 funds collected by an electric utility shall be executed
23 by the electric utility.

24 Contracts under the Illinois Solar for All Program
25 shall include an approach, as set forth in the long-term
26 renewable resources procurement plans, to ensure the

1 wholesale market value of the energy is credited to
2 participating low-income customers or organizations and to
3 ensure tangible economic benefits flow directly to program
4 participants, except in the case of low-income
5 multi-family housing where the low-income customer does
6 not directly pay for energy. Priority shall be given to
7 projects that demonstrate meaningful involvement of
8 low-income community members in designing the initial
9 proposals. Acceptable proposals to implement projects must
10 demonstrate the applicant's ability to conduct initial
11 community outreach, education, and recruitment of
12 low-income participants in the community. Projects must
13 include job training opportunities if available, with the
14 specific level of trainee usage to be determined through
15 the Agency's long-term renewable resources procurement
16 plan, and the Illinois Solar for All Program Administrator
17 shall ~~endeavor to~~ coordinate with the job training
18 programs described in paragraph (1) of subsection (a) of
19 Section 16-108.12 of the Public Utilities Act and in the
20 Energy Transition Act.

21 The Agency shall make every effort to ensure that
22 small and emerging businesses, particularly those located
23 in low-income and environmental justice communities, are
24 able to participate in the Illinois Solar for All Program.
25 These efforts may include, but shall not be limited to,
26 proactive support from the program administrator,

1 different or preferred access to subprograms and
2 administrator-identified customers or grassroots
3 education provider-identified customers, and different
4 incentive levels. The Agency shall report on progress and
5 barriers to participation of small and emerging businesses
6 in the Illinois Solar for All Program at least once a year.
7 The report shall be made available on the Agency's website
8 and, in years when the Agency is updating its long-term
9 renewable resources procurement plan, included in that
10 Plan.

11 (A) Low-income single-family and small multifamily
12 solar distributed generation incentive. This program
13 will provide incentives to low-income customers,
14 either directly or through solar providers, to
15 increase the participation of low-income households in
16 photovoltaic on-site distributed generation at
17 residential buildings containing one to 4 units.
18 Companies participating in this program that install
19 solar panels shall commit to hiring job trainees for a
20 portion of their low-income installations, and an
21 administrator shall facilitate partnering the
22 companies that install solar panels with entities that
23 provide solar panel installation job training. It is a
24 goal of this program that a minimum of 25% of the
25 incentives for this program be allocated to projects
26 located within environmental justice communities.

1 Contracts entered into under this paragraph may be
2 entered into with an entity that will develop and
3 administer the program and shall also include
4 contracts for renewable energy credits from the
5 photovoltaic distributed generation that is the
6 subject of the program, as set forth in the long-term
7 renewable resources procurement plan. Additionally:

8 (i) The Agency shall reserve a portion of this
9 program for projects that promote energy
10 sovereignty through ownership of projects by
11 low-income households, not-for-profit
12 organizations providing services to low-income
13 households, affordable housing owners, community
14 cooperatives, or community-based limited liability
15 companies providing services to low-income
16 households. Projects that feature energy ownership
17 should ensure that local people have control of
18 the project and reap benefits from the project
19 over and above energy bill savings. The Agency may
20 consider the inclusion of projects that promote
21 ownership over time or that involve partial
22 project ownership by communities, as promoting
23 energy sovereignty. Incentives for projects that
24 promote energy sovereignty may be higher than
25 incentives for equivalent projects that do not
26 promote energy sovereignty under this same

1 program.

2 (ii) Through its long-term renewable resources
3 procurement plan, the Agency shall consider
4 additional program and contract requirements to
5 ensure faithful compliance by applicants
6 benefiting from preferences for projects
7 designated to promote energy sovereignty. The
8 Agency shall make every effort to enable solar
9 providers already participating in the Adjustable
10 Block-Program under subparagraph (K) of paragraph
11 (1) of subsection (c) of Section 1-75 of this Act,
12 and particularly solar providers developing
13 projects under item (i) of subparagraph (K) of
14 paragraph (1) of subsection (c) of Section 1-75 of
15 this Act to easily participate in the Low-Income
16 Distributed Generation Incentive program described
17 under this subparagraph (A), and vice versa. This
18 effort may include, but shall not be limited to,
19 utilizing similar or the same application systems
20 and processes, similar or the same forms and
21 formats of communication, and providing active
22 outreach to companies participating in one program
23 but not the other. The Agency shall report on
24 efforts made to encourage this cross-participation
25 in its long-term renewable resources procurement
26 plan.

1 (B) Low-Income Community Solar Project Initiative.
2 Incentives shall be offered to low-income customers,
3 either directly or through developers, to increase the
4 participation of low-income subscribers of community
5 solar projects. The developer of each project shall
6 identify its partnership with community stakeholders
7 regarding the location, development, and participation
8 in the project, provided that nothing shall preclude a
9 project from including an anchor tenant that does not
10 qualify as low-income. Companies participating in this
11 program that develop or install solar projects shall
12 commit to hiring job trainees for a portion of their
13 low-income installations, and an administrator shall
14 facilitate partnering the companies that install solar
15 projects with entities that provide solar installation
16 and related job training. ~~Incentives should also be~~
17 ~~offered to community solar projects that are 100%~~
18 ~~low income subscriber owned, which includes low income~~
19 ~~households, not for profit organizations, and~~
20 ~~affordable housing owners.~~ It is a goal of this
21 program that a minimum of 25% of the incentives for
22 this program be allocated to community photovoltaic
23 projects in environmental justice communities. The
24 Agency shall reserve a portion of this program for
25 projects that promote energy sovereignty through
26 ownership of projects by low-income households,

1 not-for-profit organizations providing services to
2 low-income households, affordable housing owners, or
3 community-based limited liability companies providing
4 services to low-income households. Projects that
5 feature energy ownership should ensure that local
6 people have control of the project and reap benefits
7 from the project over and above energy bill savings.
8 The Agency may consider the inclusion of projects that
9 promote ownership over time or that involve partial
10 project ownership by communities, as promoting energy
11 sovereignty. Incentives for projects that promote
12 energy sovereignty may be higher than incentives for
13 equivalent projects that do not promote energy
14 sovereignty under this same program. Contracts entered
15 into under this paragraph may be entered into with
16 developers and shall also include contracts for
17 renewable energy credits related to the program.

18 (C) Incentives for non-profits and public
19 facilities. Under this program funds shall be used to
20 support on-site photovoltaic distributed renewable
21 energy generation devices to serve the load associated
22 with not-for-profit customers and to support
23 photovoltaic distributed renewable energy generation
24 that uses photovoltaic technology to serve the load
25 associated with public sector customers taking service
26 at public buildings. Companies participating in this

1 program that develop or install solar projects shall
2 commit to hiring job trainees for a portion of their
3 low-income installations, and an administrator shall
4 facilitate partnering the companies that install solar
5 projects with entities that provide solar installation
6 and related job training. Through its long-term
7 renewable resources procurement plan, the Agency shall
8 consider additional program and contract requirements
9 to ensure faithful compliance by applicants benefiting
10 from preferences for projects designated to promote
11 energy sovereignty. It is a goal of this program that
12 at least 25% of the incentives for this program be
13 allocated to projects located in environmental justice
14 communities. Contracts entered into under this
15 paragraph may be entered into with an entity that will
16 develop and administer the program or with developers
17 and shall also include contracts for renewable energy
18 credits related to the program.

19 (D) (Blank). ~~Low Income Community Solar Pilot~~
20 ~~Projects. Under this program, persons, including, but~~
21 ~~not limited to, electric utilities, shall propose~~
22 ~~pilot community solar projects. Community solar~~
23 ~~projects proposed under this subparagraph (D) may~~
24 ~~exceed 2,000 kilowatts in nameplate capacity, but the~~
25 ~~amount paid per project under this program may not~~
26 ~~exceed \$20,000,000. Pilot projects must result in~~

1 ~~economic benefits for the members of the community in~~
2 ~~which the project will be located. The proposed pilot~~
3 ~~project must include a partnership with at least one~~
4 ~~community-based organization. Approved pilot projects~~
5 ~~shall be competitively bid by the Agency, subject to~~
6 ~~fair and equitable guidelines developed by the Agency.~~
7 ~~Funding available under this subparagraph (D) may not~~
8 ~~be distributed solely to a utility, and at least some~~
9 ~~funds under this subparagraph (D) must include a~~
10 ~~project partnership that includes community ownership~~
11 ~~by the project subscribers. Contracts entered into~~
12 ~~under this paragraph may be entered into with an~~
13 ~~entity that will develop and administer the program or~~
14 ~~with developers and shall also include contracts for~~
15 ~~renewable energy credits related to the program. A~~
16 ~~project proposed by a utility that is implemented~~
17 ~~under this subparagraph (D) shall not be included in~~
18 ~~the utility's ratebase.~~

19 (E) Low-income large multifamily solar incentive.
20 This program shall provide incentives to low-income
21 customers, either directly or through solar providers,
22 to increase the participation of low-income households
23 in photovoltaic on-site distributed generation at
24 residential buildings with 5 or more units. Companies
25 participating in this program that develop or install
26 solar projects shall commit to hiring job trainees for

1 a portion of their low-income installations, and an
2 administrator shall facilitate partnering the
3 companies that install solar projects with entities
4 that provide solar installation and related job
5 training. It is a goal of this program that a minimum
6 of 25% of the incentives for this program be allocated
7 to projects located within environmental justice
8 communities. The Agency shall reserve a portion of
9 this program for projects that promote energy
10 sovereignty through ownership of projects by
11 low-income households, not-for-profit organizations
12 providing services to low-income households,
13 affordable housing owners, or community-based limited
14 liability companies providing services to low-income
15 households. Projects that feature energy ownership
16 should ensure that local people have control of the
17 project and reap benefits from the project over and
18 above energy bill savings. The Agency may consider the
19 inclusion of projects that promote ownership over time
20 or that involve partial project ownership by
21 communities, as promoting energy sovereignty.
22 Incentives for projects that promote energy
23 sovereignty may be higher than incentives for
24 equivalent projects that do not promote energy
25 sovereignty under this same program.

26 The requirement that a qualified person, as defined in

1 paragraph (1) of subsection (i) of this Section, install
2 photovoltaic devices does not apply to the Illinois Solar
3 for All Program described in this subsection (b).

4 In addition to the programs outlined in paragraphs (A)
5 through (E), the Agency and other parties may propose
6 additional programs through the Long-Term Renewable
7 Resources Procurement Plan developed and approved under
8 paragraph (5) of subsection (b) of Section 16-111.5 of the
9 Public Utilities Act. Additional programs may target
10 market segments not specified above and may also include
11 incentives targeted to increase the uptake of
12 nonphotovoltaic technologies by low-income customers,
13 including energy storage paired with photovoltaics, if the
14 Commission determines that the Illinois Solar for All
15 Program would provide greater benefits to the public
16 health and well-being of low-income residents through also
17 supporting that additional program versus supporting
18 programs already authorized.

19 (3) Costs associated with the Illinois Solar for All
20 Program and its components described in paragraph (2) of
21 this subsection (b), including, but not limited to, costs
22 associated with procuring experts, consultants, and the
23 program administrator referenced in this subsection (b)
24 and related incremental costs, costs related to income
25 verification and facilitating customer participation in
26 the program, and costs related to the evaluation of the

1 Illinois Solar for All Program, may be paid for using
2 monies in the Illinois Power Agency Renewable Energy
3 Resources Fund, and funds allocated pursuant to
4 subparagraph (O) of paragraph (1) of subsection (c) of
5 Section 1-75, but the Agency or program administrator
6 shall strive to minimize costs in the implementation of
7 the program. The Agency or contracting electric utility
8 shall purchase renewable energy credits from generation
9 that is the subject of a contract under subparagraphs (A)
10 through (E) ~~(D)~~ of ~~this~~ paragraph (2) of this subsection
11 (b), and may pay for such renewable energy credits through
12 an upfront payment per installed kilowatt of nameplate
13 capacity paid once the device is interconnected at the
14 distribution system level of the interconnecting utility
15 and verified as is energized. Payments for renewable
16 energy credits ~~The payment~~ shall be in exchange for ~~an~~
17 ~~assignment of~~ all renewable energy credits generated by
18 the system during the first 15 years of operation and
19 shall be structured to overcome barriers to participation
20 in the solar market by the low-income community. The
21 incentives provided for in this Section may be implemented
22 through the pricing of renewable energy credits where the
23 prices paid for the credits are higher than the prices
24 from programs offered under subsection (c) of Section 1-75
25 of this Act to account for the additional capital
26 necessary to successfully access targeted market segments

1 ~~incentives. The Agency shall ensure collaboration with~~
2 ~~community agencies, and allocate up to 5% of the funds~~
3 ~~available under the Illinois Solar for All Program to~~
4 ~~community-based groups to assist in grassroots education~~
5 ~~efforts related to the Illinois Solar for All Program.~~ The
6 Agency or contracting electric utility shall retire any
7 renewable energy credits purchased under ~~from~~ this program
8 and the credits shall count towards the obligation under
9 subsection (c) of Section 1-75 of this Act for the
10 electric utility to which the project is interconnected,
11 if applicable.

12 The Agency shall direct that up to 5% of the funds
13 available under the Illinois Solar for All Program to
14 community-based groups and other qualifying organizations
15 to assist in community-driven education efforts related to
16 the Illinois Solar for All Program, including general
17 energy education, job training program outreach efforts,
18 and other activities deemed to be qualified by the Agency.
19 Grassroots education funding shall not be used to support
20 the marketing by solar project development firms and
21 organizations, unless such education provides equal
22 opportunities for all applicable firms and organizations.

23 (4) The Agency shall, consistent with the requirements
24 of this subsection (b), propose the Illinois Solar for All
25 Program terms, conditions, and requirements, including the
26 prices to be paid for renewable energy credits, and which

1 prices may be determined through a formula, through the
2 development, review, and approval of the Agency's
3 long-term renewable resources procurement plan described
4 in subsection (c) of Section 1-75 of this Act and Section
5 16-111.5 of the Public Utilities Act. In the course of the
6 Commission proceeding initiated to review and approve the
7 plan, including the Illinois Solar for All Program
8 proposed by the Agency, a party may propose an additional
9 low-income solar or solar incentive program, or
10 modifications to the programs proposed by the Agency, and
11 the Commission may approve an additional program, or
12 modifications to the Agency's proposed program, if the
13 additional or modified program more effectively maximizes
14 the benefits to low-income customers after taking into
15 account all relevant factors, including, but not limited
16 to, the extent to which a competitive market for
17 low-income solar has developed. Following the Commission's
18 approval of the Illinois Solar for All Program, the Agency
19 or a party may propose adjustments to the program terms,
20 conditions, and requirements, including the price offered
21 to new systems, to ensure the long-term viability and
22 success of the program. The Commission shall review and
23 approve any modifications to the program through the plan
24 revision process described in Section 16-111.5 of the
25 Public Utilities Act.

26 (5) The Agency shall issue a request for

1 qualifications for a third-party program administrator or
2 administrators to administer all or a portion of the
3 Illinois Solar for All Program. The third-party program
4 administrator shall be chosen through a competitive bid
5 process based on selection criteria and requirements
6 developed by the Agency, including, but not limited to,
7 experience in administering low-income energy programs and
8 overseeing statewide clean energy or energy efficiency
9 services. If the Agency retains a program administrator or
10 administrators to implement all or a portion of the
11 Illinois Solar for All Program, each administrator shall
12 periodically submit reports to the Agency and Commission
13 for each program that it administers, at appropriate
14 intervals to be identified by the Agency in its long-term
15 renewable resources procurement plan, provided that the
16 reporting interval is at least quarterly. The third-party
17 program administrator may be, but need not be, the same
18 administrator as for the Adjustable Block program
19 described in subparagraphs (K) through (M) of paragraph
20 (1) of subsection (c) of Section 1-75. The Agency, through
21 its long-term renewable resources procurement plan
22 approval process, shall also determine if individual
23 subprograms of the Illinois Solar for All Program are
24 better served by a different or separate Program
25 Administrator.

26 The third-party administrator's responsibilities

1 shall also include facilitating placement for graduates of
2 Illinois-based renewable energy-specific job training
3 programs, including the Clean Jobs Workforce Network
4 Program and the Illinois Climate Works Preapprenticeship
5 Program administered by the Department of Commerce and
6 Economic Opportunity and programs administered under
7 Section 16-108.12 of the Public Utilities Act. To increase
8 the uptake of trainees by participating firms, the
9 administrator shall also develop a web-based clearinghouse
10 for information available to both job training program
11 graduates and firms participating, directly or indirectly,
12 in Illinois solar incentive programs. The program
13 administrator shall also coordinate its activities with
14 entities implementing electric and natural gas
15 income-qualified energy efficiency programs, including
16 customer referrals to and from such programs, and connect
17 prospective low-income solar customers with any existing
18 deferred maintenance programs where applicable.

19 (6) The long-term renewable resources procurement plan
20 shall also provide for an independent evaluation of the
21 Illinois Solar for All Program. At least every 2 years,
22 the Agency shall select an independent evaluator to review
23 and report on the Illinois Solar for All Program and the
24 performance of the third-party program administrator of
25 the Illinois Solar for All Program. The evaluation shall
26 be based on objective criteria developed through a public

1 stakeholder process. The process shall include feedback
2 and participation from Illinois Solar for All Program
3 stakeholders, including participants and organizations in
4 environmental justice and historically underserved
5 communities. The report shall include a summary of the
6 evaluation of the Illinois Solar for All Program based on
7 the stakeholder developed objective criteria. The report
8 shall include the number of projects installed; the total
9 installed capacity in kilowatts; the average cost per
10 kilowatt of installed capacity to the extent reasonably
11 obtainable by the Agency; the number of jobs or job
12 opportunities created; economic, social, and environmental
13 benefits created; and the total administrative costs
14 expended by the Agency and program administrator to
15 implement and evaluate the program. The report shall be
16 delivered to the Commission and posted on the Agency's
17 website, and shall be used, as needed, to revise the
18 Illinois Solar for All Program. The Commission shall also
19 consider the results of the evaluation as part of its
20 review of the long-term renewable resources procurement
21 plan under subsection (c) of Section 1-75 of this Act.

22 (7) If additional funding for the programs described
23 in this subsection (b) is available under subsection (k)
24 of Section 16-108 of the Public Utilities Act, then the
25 Agency shall submit a procurement plan to the Commission
26 no later than September 1, 2018, that proposes how the

1 Agency will procure programs on behalf of the applicable
2 utility. After notice and hearing, the Commission shall
3 approve, or approve with modification, the plan no later
4 than November 1, 2018.

5 (8) As part of the development and update of the
6 long-term renewable resources procurement plan authorized
7 by subsection (c) of Section 1-75 of this Act, the Agency
8 shall plan for: (A) actions to refer customers from the
9 Illinois Solar for All Program to electric and natural gas
10 income-qualified energy efficiency programs, and vice
11 versa, with the goal of increasing participation in both
12 of these programs; (B) effective procedures for data
13 sharing, as needed, to effectuate referrals between the
14 Illinois Solar for All Program and both electric and
15 natural gas income-qualified energy efficiency programs,
16 including sharing customer information directly with the
17 utilities, as needed and appropriate; and (C) efforts to
18 identify any existing deferred maintenance programs for
19 which prospective Solar for All Program customers may be
20 eligible and connect prospective customers for whom
21 deferred maintenance is or may be a barrier to solar
22 installation to those programs.

23 As used in this subsection (b), "low-income households"
24 means persons and families whose income does not exceed 80% of
25 area median income, adjusted for family size and revised every
26 5 years.

1 For the purposes of this subsection (b), the Agency shall
2 define "environmental justice community" based on the
3 methodologies and findings established by the Agency and the
4 Administrator for the Illinois Solar for All Program in its
5 initial long-term renewable resources procurement plan and as
6 updated by the Agency and the Administrator for the Illinois
7 Solar for All Program as part of the long-term renewable
8 resources procurement plan update development, to ensure, to
9 ~~the extent practicable, compatibility with other agencies'~~
10 ~~definitions and may, for guidance, look to the definitions~~
11 ~~used by federal, state, or local governments.~~

12 (b-5) After the receipt of all payments required by
13 Section 16-115D of the Public Utilities Act, no additional
14 funds shall be deposited into the Illinois Power Agency
15 Renewable Energy Resources Fund unless directed by order of
16 the Commission.

17 (b-10) After the receipt of all payments required by
18 Section 16-115D of the Public Utilities Act and payment in
19 full of all contracts executed by the Agency under subsections
20 (b) and (i) of this Section, if the balance of the Illinois
21 Power Agency Renewable Energy Resources Fund is under \$5,000,
22 then the Fund shall be inoperative and any remaining funds and
23 any funds submitted to the Fund after that date, shall be
24 transferred to the Supplemental Low-Income Energy Assistance
25 Fund for use in the Low-Income Home Energy Assistance Program,
26 as authorized by the Energy Assistance Act.

1 (c) (Blank).

2 (d) (Blank).

3 (e) All renewable energy credits procured using monies
4 from the Illinois Power Agency Renewable Energy Resources Fund
5 shall be permanently retired.

6 (f) The selection of one or more third-party program
7 managers or administrators, the selection of the independent
8 evaluator, and the procurement processes described in this
9 Section are exempt from the requirements of the Illinois
10 Procurement Code, under Section 20-10 of that Code.

11 (g) All disbursements from the Illinois Power Agency
12 Renewable Energy Resources Fund shall be made only upon
13 warrants of the Comptroller drawn upon the Treasurer as
14 custodian of the Fund upon vouchers signed by the Director or
15 by the person or persons designated by the Director for that
16 purpose. The Comptroller is authorized to draw the warrant
17 upon vouchers so signed. The Treasurer shall accept all
18 warrants so signed and shall be released from liability for
19 all payments made on those warrants.

20 (h) The Illinois Power Agency Renewable Energy Resources
21 Fund shall not be subject to sweeps, administrative charges,
22 or chargebacks, including, but not limited to, those
23 authorized under Section 8h of the State Finance Act, that
24 would in any way result in the transfer of any funds from this
25 Fund to any other fund of this State or in having any such
26 funds utilized for any purpose other than the express purposes

1 set forth in this Section.

2 (h-5) The Agency may assess fees to each bidder to recover
3 the costs incurred in connection with a procurement process
4 held under this Section. Fees collected from bidders shall be
5 deposited into the Renewable Energy Resources Fund.

6 (i) Supplemental procurement process.

7 (1) Within 90 days after the effective date of this
8 amendatory Act of the 98th General Assembly, the Agency
9 shall develop a one-time supplemental procurement plan
10 limited to the procurement of renewable energy credits, if
11 available, from new or existing photovoltaics, including,
12 but not limited to, distributed photovoltaic generation.
13 Nothing in this subsection (i) requires procurement of
14 wind generation through the supplemental procurement.

15 Renewable energy credits procured from new
16 photovoltaics, including, but not limited to, distributed
17 photovoltaic generation, under this subsection (i) must be
18 procured from devices installed by a qualified person. In
19 its supplemental procurement plan, the Agency shall
20 establish contractually enforceable mechanisms for
21 ensuring that the installation of new photovoltaics is
22 performed by a qualified person.

23 For the purposes of this paragraph (1), "qualified
24 person" means a person who performs installations of
25 photovoltaics, including, but not limited to, distributed
26 photovoltaic generation, and who: (A) has completed an

1 apprenticeship as a journeyman electrician from a United
2 States Department of Labor registered electrical
3 apprenticeship and training program and received a
4 certification of satisfactory completion; or (B) does not
5 currently meet the criteria under clause (A) of this
6 paragraph (1), but is enrolled in a United States
7 Department of Labor registered electrical apprenticeship
8 program, provided that the person is directly supervised
9 by a person who meets the criteria under clause (A) of this
10 paragraph (1); or (C) has obtained one of the following
11 credentials in addition to attesting to satisfactory
12 completion of at least 5 years or 8,000 hours of
13 documented hands-on electrical experience: (i) a North
14 American Board of Certified Energy Practitioners (NABCEP)
15 Installer Certificate for Solar PV; (ii) an Underwriters
16 Laboratories (UL) PV Systems Installer Certificate; (iii)
17 an Electronics Technicians Association, International
18 (ETAI) Level 3 PV Installer Certificate; or (iv) an
19 Associate in Applied Science degree from an Illinois
20 Community College Board approved community college program
21 in renewable energy or a distributed generation
22 technology.

23 For the purposes of this paragraph (1), "directly
24 supervised" means that there is a qualified person who
25 meets the qualifications under clause (A) of this
26 paragraph (1) and who is available for supervision and

1 consultation regarding the work performed by persons under
2 clause (B) of this paragraph (1), including a final
3 inspection of the installation work that has been directly
4 supervised to ensure safety and conformity with applicable
5 codes.

6 For the purposes of this paragraph (1), "install"
7 means the major activities and actions required to
8 connect, in accordance with applicable building and
9 electrical codes, the conductors, connectors, and all
10 associated fittings, devices, power outlets, or
11 apparatuses mounted at the premises that are directly
12 involved in delivering energy to the premises' electrical
13 wiring from the photovoltaics, including, but not limited
14 to, to distributed photovoltaic generation.

15 The renewable energy credits procured pursuant to the
16 supplemental procurement plan shall be procured using up
17 to \$30,000,000 from the Illinois Power Agency Renewable
18 Energy Resources Fund. The Agency shall not plan to use
19 funds from the Illinois Power Agency Renewable Energy
20 Resources Fund in excess of the monies on deposit in such
21 fund or projected to be deposited into such fund. The
22 supplemental procurement plan shall ensure adequate,
23 reliable, affordable, efficient, and environmentally
24 sustainable renewable energy resources (including credits)
25 at the lowest total cost over time, taking into account
26 any benefits of price stability.

1 To the extent available, 50% of the renewable energy
2 credits procured from distributed renewable energy
3 generation shall come from devices of less than 25
4 kilowatts in nameplate capacity. Procurement of renewable
5 energy credits from distributed renewable energy
6 generation devices shall be done through multi-year
7 contracts of no less than 5 years. The Agency shall create
8 credit requirements for counterparties. In order to
9 minimize the administrative burden on contracting
10 entities, the Agency shall solicit the use of third
11 parties to aggregate distributed renewable energy. These
12 third parties shall enter into and administer contracts
13 with individual distributed renewable energy generation
14 device owners. An individual distributed renewable energy
15 generation device owner shall have the ability to measure
16 the output of his or her distributed renewable energy
17 generation device.

18 In developing the supplemental procurement plan, the
19 Agency shall hold at least one workshop open to the public
20 within 90 days after the effective date of this amendatory
21 Act of the 98th General Assembly and shall consider any
22 comments made by stakeholders or the public. Upon
23 development of the supplemental procurement plan within
24 this 90-day period, copies of the supplemental procurement
25 plan shall be posted and made publicly available on the
26 Agency's and Commission's websites. All interested parties

1 shall have 14 days following the date of posting to
2 provide comment to the Agency on the supplemental
3 procurement plan. All comments submitted to the Agency
4 shall be specific, supported by data or other detailed
5 analyses, and, if objecting to all or a portion of the
6 supplemental procurement plan, accompanied by specific
7 alternative wording or proposals. All comments shall be
8 posted on the Agency's and Commission's websites. Within
9 14 days following the end of the 14-day review period, the
10 Agency shall revise the supplemental procurement plan as
11 necessary based on the comments received and file its
12 revised supplemental procurement plan with the Commission
13 for approval.

14 (2) Within 5 days after the filing of the supplemental
15 procurement plan at the Commission, any person objecting
16 to the supplemental procurement plan shall file an
17 objection with the Commission. Within 10 days after the
18 filing, the Commission shall determine whether a hearing
19 is necessary. The Commission shall enter its order
20 confirming or modifying the supplemental procurement plan
21 within 90 days after the filing of the supplemental
22 procurement plan by the Agency.

23 (3) The Commission shall approve the supplemental
24 procurement plan of renewable energy credits to be
25 procured from new or existing photovoltaics, including,
26 but not limited to, distributed photovoltaic generation,

1 if the Commission determines that it will ensure adequate,
2 reliable, affordable, efficient, and environmentally
3 sustainable electric service in the form of renewable
4 energy credits at the lowest total cost over time, taking
5 into account any benefits of price stability.

6 (4) The supplemental procurement process under this
7 subsection (i) shall include each of the following
8 components:

9 (A) Procurement administrator. The Agency may
10 retain a procurement administrator in the manner set
11 forth in item (2) of subsection (a) of Section 1-75 of
12 this Act to conduct the supplemental procurement or
13 may elect to use the same procurement administrator
14 administering the Agency's annual procurement under
15 Section 1-75.

16 (B) Procurement monitor. The procurement monitor
17 retained by the Commission pursuant to Section
18 16-111.5 of the Public Utilities Act shall:

19 (i) monitor interactions among the procurement
20 administrator and bidders and suppliers;

21 (ii) monitor and report to the Commission on
22 the progress of the supplemental procurement
23 process;

24 (iii) provide an independent confidential
25 report to the Commission regarding the results of
26 the procurement events;

1 (iv) assess compliance with the procurement
2 plan approved by the Commission for the
3 supplemental procurement process;

4 (v) preserve the confidentiality of supplier
5 and bidding information in a manner consistent
6 with all applicable laws, rules, regulations, and
7 tariffs;

8 (vi) provide expert advice to the Commission
9 and consult with the procurement administrator
10 regarding issues related to procurement process
11 design, rules, protocols, and policy-related
12 matters;

13 (vii) consult with the procurement
14 administrator regarding the development and use of
15 benchmark criteria, standard form contracts,
16 credit policies, and bid documents; and

17 (viii) perform, with respect to the
18 supplemental procurement process, any other
19 procurement monitor duties specifically delineated
20 within subsection (i) of this Section.

21 (C) Solicitation, pre-qualification, and
22 registration of bidders. The procurement administrator
23 shall disseminate information to potential bidders to
24 promote a procurement event, notify potential bidders
25 that the procurement administrator may enter into a
26 post-bid price negotiation with bidders that meet the

1 applicable benchmarks, provide supply requirements,
2 and otherwise explain the competitive procurement
3 process. In addition to such other publication as the
4 procurement administrator determines is appropriate,
5 this information shall be posted on the Agency's and
6 the Commission's websites. The procurement
7 administrator shall also administer the
8 prequalification process, including evaluation of
9 credit worthiness, compliance with procurement rules,
10 and agreement to the standard form contract developed
11 pursuant to item (D) of this paragraph (4). The
12 procurement administrator shall then identify and
13 register bidders to participate in the procurement
14 event.

15 (D) Standard contract forms and credit terms and
16 instruments. The procurement administrator, in
17 consultation with the Agency, the Commission, and
18 other interested parties and subject to Commission
19 oversight, shall develop and provide standard contract
20 forms for the supplier contracts that meet generally
21 accepted industry practices as well as include any
22 applicable State of Illinois terms and conditions that
23 are required for contracts entered into by an agency
24 of the State of Illinois. Standard credit terms and
25 instruments that meet generally accepted industry
26 practices shall be similarly developed. Contracts for

1 new photovoltaics shall include a provision attesting
2 that the supplier will use a qualified person for the
3 installation of the device pursuant to paragraph (1)
4 of subsection (i) of this Section. The procurement
5 administrator shall make available to the Commission
6 all written comments it receives on the contract
7 forms, credit terms, or instruments. If the
8 procurement administrator cannot reach agreement with
9 the parties as to the contract terms and conditions,
10 the procurement administrator must notify the
11 Commission of any disputed terms and the Commission
12 shall resolve the dispute. The terms of the contracts
13 shall not be subject to negotiation by winning
14 bidders, and the bidders must agree to the terms of the
15 contract in advance so that winning bids are selected
16 solely on the basis of price.

17 (E) Requests for proposals; competitive
18 procurement process. The procurement administrator
19 shall design and issue requests for proposals to
20 supply renewable energy credits in accordance with the
21 supplemental procurement plan, as approved by the
22 Commission. The requests for proposals shall set forth
23 a procedure for sealed, binding commitment bidding
24 with pay-as-bid settlement, and provision for
25 selection of bids on the basis of price, provided,
26 however, that no bid shall be accepted if it exceeds

1 the benchmark developed pursuant to item (F) of this
2 paragraph (4).

3 (F) Benchmarks. Benchmarks for each product to be
4 procured shall be developed by the procurement
5 administrator in consultation with Commission staff,
6 the Agency, and the procurement monitor for use in
7 this supplemental procurement.

8 (G) A plan for implementing contingencies in the
9 event of supplier default, Commission rejection of
10 results, or any other cause.

11 (5) Within 2 business days after opening the sealed
12 bids, the procurement administrator shall submit a
13 confidential report to the Commission. The report shall
14 contain the results of the bidding for each of the
15 products along with the procurement administrator's
16 recommendation for the acceptance and rejection of bids
17 based on the price benchmark criteria and other factors
18 observed in the process. The procurement monitor also
19 shall submit a confidential report to the Commission
20 within 2 business days after opening the sealed bids. The
21 report shall contain the procurement monitor's assessment
22 of bidder behavior in the process as well as an assessment
23 of the procurement administrator's compliance with the
24 procurement process and rules. The Commission shall review
25 the confidential reports submitted by the procurement
26 administrator and procurement monitor and shall accept or

1 reject the recommendations of the procurement
2 administrator within 2 business days after receipt of the
3 reports.

4 (6) Within 3 business days after the Commission
5 decision approving the results of a procurement event, the
6 Agency shall enter into binding contractual arrangements
7 with the winning suppliers using the standard form
8 contracts.

9 (7) The names of the successful bidders and the
10 average of the winning bid prices for each contract type
11 and for each contract term shall be made available to the
12 public within 2 days after the supplemental procurement
13 event. The Commission, the procurement monitor, the
14 procurement administrator, the Agency, and all
15 participants in the procurement process shall maintain the
16 confidentiality of all other supplier and bidding
17 information in a manner consistent with all applicable
18 laws, rules, regulations, and tariffs. Confidential
19 information, including the confidential reports submitted
20 by the procurement administrator and procurement monitor
21 pursuant to this Section, shall not be made publicly
22 available and shall not be discoverable by any party in
23 any proceeding, absent a compelling demonstration of need,
24 nor shall those reports be admissible in any proceeding
25 other than one for law enforcement purposes.

26 (8) The supplemental procurement provided in this

1 subsection (i) shall not be subject to the requirements
2 and limitations of subsections (c) and (d) of this
3 Section.

4 (9) Expenses incurred in connection with the
5 procurement process held pursuant to this Section,
6 including, but not limited to, the cost of developing the
7 supplemental procurement plan, the procurement
8 administrator, procurement monitor, and the cost of the
9 retirement of renewable energy credits purchased pursuant
10 to the supplemental procurement shall be paid for from the
11 Illinois Power Agency Renewable Energy Resources Fund. The
12 Agency shall enter into an interagency agreement with the
13 Commission to reimburse the Commission for its costs
14 associated with the procurement monitor for the
15 supplemental procurement process.

16 (Source: P.A. 98-672, eff. 6-30-14; 99-906, eff. 6-1-17.)

17 (20 ILCS 3855/1-70)

18 Sec. 1-70. Agency officials.

19 (a) The Agency shall have a Director who meets the
20 qualifications specified in Section 5-222 of the Civil
21 Administrative Code of Illinois.

22 (b) Within the Illinois Power Agency, the Agency shall
23 establish a Planning and Procurement Bureau and may establish
24 a Resource Development Bureau. Each Bureau shall report to the
25 Director.

1 (c) The Chief of the Planning and Procurement Bureau shall
2 be appointed by the Director, at the Director's sole
3 discretion, and (i) shall have at least 5 years of direct
4 experience in electricity supply planning and procurement and
5 (ii) shall also hold an advanced degree in risk management,
6 law, business, or a related field.

7 (d) The Chief of the Resource Development Bureau may be
8 appointed by the Director and (i) shall have at least 5 years
9 of direct experience in electric generating project
10 development and (ii) shall also hold an advanced degree in
11 economics, engineering, law, business, or a related field.

12 (e) For terms ending before December 31, 2019, the
13 Director shall receive an annual salary of \$100,000 or as set
14 by the Executive Ethics Commission based on a review of
15 comparable State agency director salaries, whichever is
16 higher. No annual salary for the Director or a Bureau Chief
17 shall exceed the amount of salary set by law for the Governor
18 that is in effect on July 1 of that fiscal year. Compensation
19 Review Board, whichever is higher. For terms ending before
20 December 31, 2019, the Bureau Chiefs shall each receive an
21 annual salary of \$85,000 or as set by the Compensation Review
22 Board, whichever is higher. For terms beginning after the
23 effective date of this amendatory Act of the 100th General
24 Assembly, the annual salaries for the Director and the Bureau
25 Chiefs shall be an amount equal to 15% more than the respective
26 position's annual salary as of December 31, 2018. The

1 ~~calculation of the 2018 salary base for this adjustment shall~~
2 ~~not include any cost of living adjustments, as authorized by~~
3 ~~Senate Joint Resolution 192 of the 86th General Assembly, for~~
4 ~~the period beginning July 1, 2009 to June 30, 2019. Beginning~~
5 ~~July 1, 2019 and each July 1 thereafter, the Director and the~~
6 ~~Bureau Chiefs shall receive an increase in salary based on a~~
7 ~~cost of living adjustment as authorized by Senate Joint~~
8 ~~Resolution 192 of the 86th General Assembly.~~

9 (f) The Director and Bureau Chiefs shall not, for 2 years
10 prior to appointment or for 2 years after he or she leaves his
11 or her position, be employed by an electric utility,
12 independent power producer, power marketer, or alternative
13 retail electric supplier regulated by the Commission or the
14 Federal Energy Regulatory Commission.

15 (g) The Director and Bureau Chiefs are prohibited from:
16 (i) owning, directly or indirectly, 5% or more of the voting
17 capital stock of an electric utility, independent power
18 producer, power marketer, or alternative retail electric
19 supplier; (ii) being in any chain of successive ownership of
20 5% or more of the voting capital stock of any electric utility,
21 independent power producer, power marketer, or alternative
22 retail electric supplier; (iii) receiving any form of
23 compensation, fee, payment, or other consideration from an
24 electric utility, independent power producer, power marketer,
25 or alternative retail electric supplier, including legal fees,
26 consulting fees, bonuses, or other sums. These limitations do

1 not apply to any compensation received pursuant to a defined
2 benefit plan or other form of deferred compensation, provided
3 that the individual has otherwise severed all ties to the
4 utility, power producer, power marketer, or alternative retail
5 electric supplier.

6 (Source: P.A. 99-536, eff. 7-8-16; 100-1179, eff. 1-18-19.)

7 (20 ILCS 3855/1-75)

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

11 (a) The Planning and Procurement Bureau shall each year,
12 beginning in 2008, develop procurement plans and conduct
13 competitive procurement processes in accordance with the
14 requirements of Section 16-111.5 of the Public Utilities Act
15 for the eligible retail customers of electric utilities that
16 on December 31, 2005 provided electric service to at least
17 100,000 customers in Illinois. Beginning with the delivery
18 year commencing on June 1, 2017, the Planning and Procurement
19 Bureau shall develop plans and processes for the procurement
20 of zero emission credits from zero emission facilities in
21 accordance with the requirements of subsection (d-5) of this
22 Section. Beginning on the effective date of this amendatory
23 Act of the 102nd General Assembly, the Planning and
24 Procurement Bureau shall develop plans and processes for the
25 procurement of carbon mitigation credits from carbon-free

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

17 Beginning with the plan or plans to be implemented in the
18 2017 delivery year, the Agency shall no longer include the
19 procurement of renewable energy resources in the annual
20 procurement plans required by this subsection (a), except as
21 provided in subsection (q) of Section 16-111.5 of the Public
22 Utilities Act, and shall instead develop a long-term renewable
23 resources procurement plan in accordance with subsection (c)
24 of this Section and Section 16-111.5 of the Public Utilities
25 Act.

26 In accordance with subsection (c-5) of this Section, the

1 Planning and Procurement Bureau shall oversee the procurement
2 by electric utilities that served more than 300,000 retail
3 customers in this State as of January 1, 2019 of renewable
4 energy credits from new utility-scale solar projects to be
5 installed, along with energy storage facilities, at or
6 adjacent to the sites of electric generating facilities that,
7 as of January 1, 2016, burned coal as their primary fuel
8 source.

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

15 (A) direct previous experience assembling
16 large-scale power supply plans or portfolios for
17 end-use customers;

18 (B) an advanced degree in economics, mathematics,
19 engineering, risk management, or a related area of
20 study;

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

23 (D) expertise in wholesale electricity market
24 rules, including those established by the Federal
25 Energy Regulatory Commission and regional transmission
26 organizations;

1 (E) expertise in credit protocols and familiarity
2 with contract protocols;

3 (F) adequate resources to perform and fulfill the
4 required functions and responsibilities; and

5 (G) the absence of a conflict of interest and
6 inappropriate bias for or against potential bidders or
7 the affected electric utilities.

8 (2) The Agency shall each year, as needed, issue a
9 request for qualifications for a procurement administrator
10 to conduct the competitive procurement processes in
11 accordance with Section 16-111.5 of the Public Utilities
12 Act. In order to qualify an expert or expert consulting
13 firm must have:

14 (A) direct previous experience administering a
15 large-scale competitive procurement process;

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

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

20 (D) expertise in wholesale electricity market
21 rules, including those established by the Federal
22 Energy Regulatory Commission and regional transmission
23 organizations;

24 (E) expertise in credit and contract protocols;

25 (F) adequate resources to perform and fulfill the
26 required functions and responsibilities; and

1 (G) the absence of a conflict of interest and
2 inappropriate bias for or against potential bidders or
3 the affected electric utilities.

4 (3) The Agency shall provide affected utilities and
5 other interested parties with the lists of qualified
6 experts or expert consulting firms identified through the
7 request for qualifications processes that are under
8 consideration to develop the procurement plans and to
9 serve as the procurement administrator. The Agency shall
10 also provide each qualified expert's or expert consulting
11 firm's response to the request for qualifications. All
12 information provided under this subparagraph shall also be
13 provided to the Commission. The Agency may provide by rule
14 for fees associated with supplying the information to
15 utilities and other interested parties. These parties
16 shall, within 5 business days, notify the Agency in
17 writing if they object to any experts or expert consulting
18 firms on the lists. Objections shall be based on:

- 19 (A) failure to satisfy qualification criteria;
20 (B) identification of a conflict of interest; or
21 (C) evidence of inappropriate bias for or against
22 potential bidders or the affected utilities.

23 The Agency shall remove experts or expert consulting
24 firms from the lists within 10 days if there is a
25 reasonable basis for an objection and provide the updated
26 lists to the affected utilities and other interested

1 parties. If the Agency fails to remove an expert or expert
2 consulting firm from a list, an objecting party may seek
3 review by the Commission within 5 days thereafter by
4 filing a petition, and the Commission shall render a
5 ruling on the petition within 10 days. There is no right of
6 appeal of the Commission's ruling.

7 (4) The Agency shall issue requests for proposals to
8 the qualified experts or expert consulting firms to
9 develop a procurement plan for the affected utilities and
10 to serve as procurement administrator.

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

15 (6) The Agency shall select an expert or expert
16 consulting firm, with approval of the Commission, to serve
17 as procurement administrator based on the proposals
18 submitted. If the Commission rejects, within 5 days, the
19 Agency's selection, the Agency shall submit another
20 recommendation within 3 days based on the proposals
21 submitted. The Agency shall award a 5-year contract to the
22 expert or expert consulting firm so selected with
23 Commission approval.

24 (b) The experts or expert consulting firms retained by the
25 Agency shall, as appropriate, prepare procurement plans, and
26 conduct a competitive procurement process as prescribed in

1 Section 16-111.5 of the Public Utilities Act, to ensure
2 adequate, reliable, affordable, efficient, and environmentally
3 sustainable electric service at the lowest total cost over
4 time, taking into account any benefits of price stability, for
5 eligible retail customers of electric utilities that on
6 December 31, 2005 provided electric service to at least
7 100,000 customers in the State of Illinois, and for eligible
8 Illinois retail customers of small multi-jurisdictional
9 electric utilities that (i) on December 31, 2005 served less
10 than 100,000 customers in Illinois and (ii) request a
11 procurement plan for their Illinois jurisdictional load.

12 (c) Renewable portfolio standard.

13 (1) (A) The Agency shall develop a long-term renewable
14 resources procurement plan that shall include procurement
15 programs and competitive procurement events necessary to
16 meet the goals set forth in this subsection (c). The
17 initial long-term renewable resources procurement plan
18 shall be released for comment no later than 160 days after
19 June 1, 2017 (the effective date of Public Act 99-906).
20 The Agency shall review, and may revise on an expedited
21 basis, the long-term renewable resources procurement plan
22 at least every 2 years, which shall be conducted in
23 conjunction with the procurement plan under Section
24 16-111.5 of the Public Utilities Act to the extent
25 practicable to minimize administrative expense. No later
26 than 120 days after the effective date of this amendatory

1 Act of the 102nd General Assembly, the Agency shall
2 release for comment a revision to the long-term renewable
3 resources procurement plan, updating elements of the most
4 recently approved plan as needed to comply with this
5 amendatory Act of the 102nd General Assembly, and any
6 long-term renewable resources procurement plan update
7 published by the Agency but not yet approved by the
8 Illinois Commerce Commission shall be withdrawn. The
9 long-term renewable resources procurement plans shall be
10 subject to review and approval by the Commission under
11 Section 16-111.5 of the Public Utilities Act.

12 (B) Subject to subparagraph (F) of this paragraph (1),
13 the long-term renewable resources procurement plan shall
14 attempt to meet ~~include~~ the goals for procurement of
15 renewable energy credits at levels of ~~to meet~~ at least the
16 following overall percentages: 13% by the 2017 delivery
17 year; increasing by at least 1.5% each delivery year
18 thereafter to at least 25% by the 2025 delivery year;
19 increasing by at least 3% each delivery year thereafter to
20 at least 40% by the 2030 delivery year, and continuing at
21 no less than 40% ~~25%~~ for each delivery year thereafter.
22 The Agency shall attempt to procure 50% by delivery year
23 2040. The Agency shall determine the annual increase
24 between delivery year 2030 and delivery year 2040, if any,
25 taking into account energy demand, other energy resources,
26 and other public policy goals. In the event of a conflict

1 between these goals and the new wind and new photovoltaic
2 procurement requirements described in items (i) through
3 (iii) of subparagraph (C) of this paragraph (1), the
4 long-term plan shall prioritize compliance with the new
5 wind and new photovoltaic procurement requirements
6 described in items (i) through (iii) of subparagraph (C)
7 of this paragraph (1) over the annual percentage targets
8 described in this subparagraph (B). The Agency shall not
9 comply with the annual percentage targets described in
10 this subparagraph (B) by procuring renewable energy
11 credits that are unlikely to lead to the development of
12 new renewable resources.

13 For the delivery year beginning June 1, 2017, the
14 procurement plan shall attempt to include, subject to the
15 prioritization outlined in this subparagraph (B),
16 cost-effective renewable energy resources equal to at
17 least 13% of each utility's load for eligible retail
18 customers and 13% of the applicable portion of each
19 utility's load for retail customers who are not eligible
20 retail customers, which applicable portion shall equal 50%
21 of the utility's load for retail customers who are not
22 eligible retail customers on February 28, 2017.

23 For the delivery year beginning June 1, 2018, the
24 procurement plan shall attempt to include, subject to the
25 prioritization outlined in this subparagraph (B),
26 cost-effective renewable energy resources equal to at

1 least 14.5% of each utility's load for eligible retail
2 customers and 14.5% of the applicable portion of each
3 utility's load for retail customers who are not eligible
4 retail customers, which applicable portion shall equal 75%
5 of the utility's load for retail customers who are not
6 eligible retail customers on February 28, 2017.

7 For the delivery year beginning June 1, 2019, and for
8 each year thereafter, the procurement plans shall attempt
9 to include, subject to the prioritization outlined in this
10 subparagraph (B), cost-effective renewable energy
11 resources equal to a minimum percentage of each utility's
12 load for all retail customers as follows: 16% by June 1,
13 2019; increasing by 1.5% each year thereafter to 25% by
14 June 1, 2025; and 25% by June 1, 2026; increasing by at
15 least 3% each delivery year thereafter to at least 40% by
16 the 2030 delivery year, and continuing at no less than 40%
17 for each delivery year thereafter. The Agency shall
18 attempt to procure 50% by delivery year 2040. The Agency
19 shall determine the annual increase between delivery year
20 2030 and delivery year 2040, if any, taking into account
21 energy demand, other energy resources, and other public
22 policy goals.

23 For each delivery year, the Agency shall first
24 recognize each utility's obligations for that delivery
25 year under existing contracts. Any renewable energy
26 credits under existing contracts, including renewable

1 energy credits as part of renewable energy resources,
2 shall be used to meet the goals set forth in this
3 subsection (c) for the delivery year.

4 ~~(C) Of the renewable energy credits procured under~~
5 ~~this subsection (c), at least 75% shall come from wind and~~
6 ~~photovoltaic projects.~~ The long-term renewable resources
7 procurement plan described in subparagraph (A) of this
8 paragraph (1) shall include the procurement of renewable
9 energy credits from new projects in amounts equal to at
10 least the following:

11 (i) 10,000,000 renewable energy credits delivered
12 annually by the end of the 2021 delivery year, and
13 increasing ratably to reach 45,000,000 renewable
14 energy credits delivered annually from new wind and
15 solar projects by the end of delivery year 2030 such
16 that the goals in subparagraph (B) of this paragraph
17 (1) are met entirely by procurements of renewable
18 energy credits from new wind and photovoltaic
19 projects. ~~Of By the end of the 2020 delivery year: At~~
20 ~~least 2,000,000 renewable energy credits for each~~
21 ~~delivery year shall come from new wind projects; and~~
22 ~~At least 2,000,000 renewable energy credits for each~~
23 ~~delivery year shall come from new photovoltaic~~
24 ~~projects; of that amount, to the extent possible, the~~
25 Agency shall procure 45% from wind projects and 55%
26 from photovoltaic projects. Of the amount to be

1 procured from photovoltaic projects, the Agency shall
2 procure: at least 50% from solar photovoltaic projects
3 using the program outlined in subparagraph (K) of this
4 paragraph (1) from distributed renewable energy
5 generation devices or community renewable generation
6 projects; at least 47% ~~40%~~ from utility-scale solar
7 projects; at least 3% ~~2%~~ from brownfield site
8 photovoltaic projects that are not community renewable
9 generation projects; ~~and the remainder shall be~~
10 ~~determined through the long term planning process~~
11 ~~described in subparagraph (A) of this paragraph (1).~~

12 In developing the long-term renewable resources
13 procurement plan, the Agency shall consider other
14 approaches, in addition to competitive procurements,
15 that can be used to procure renewable energy credits
16 from brownfield site photovoltaic projects and thereby
17 help return blighted or contaminated land to
18 productive use while enhancing public health and the
19 well-being of Illinois residents, including those in
20 environmental justice communities, as defined using
21 existing methodologies and findings used by the Agency
22 and its Administrator in its Illinois Solar for All
23 Program.

24 (ii) In any given delivery year, if forecasted
25 expenses are less than the maximum budget available
26 under subparagraph (E) of this paragraph (1), the

1 Agency shall continue to procure new renewable energy
2 credits until that budget is exhausted in the manner
3 outlined in item (i) of this subparagraph (C). By the
4 ~~end of the 2025 delivery year:~~

5 ~~At least 3,000,000 renewable energy credits~~
6 ~~for each delivery year shall come from new wind~~
7 ~~projects; and~~

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

23 ~~(iii) By the end of the 2030 delivery year:~~

24 ~~At least 4,000,000 renewable energy credits~~
25 ~~for each delivery year shall come from new wind~~
26 ~~projects; and~~

1 ~~At least 4,000,000 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 ~~devices or community renewable generation~~
9 ~~projects; at least 40% from utility scale solar~~
10 ~~projects; at least 2% from brownfield site~~
11 ~~photovoltaic projects that are not community~~
12 ~~renewable generation projects; and the remainder~~
13 ~~shall be determined through the long term planning~~
14 ~~process described in subparagraph (A) of this~~
15 ~~paragraph (1).~~

16 (iii) For purposes of this Section:

17 "New wind projects" means wind renewable energy
18 facilities that are energized after June 1, 2017 for
19 the delivery year commencing June 1, 2017 ~~or within 3~~
20 ~~years after the date the Commission approves contracts~~
21 ~~for subsequent delivery years.~~

22 "New photovoltaic projects" means photovoltaic
23 renewable energy facilities that are energized after
24 June 1, 2017. Photovoltaic projects developed under
25 Section 1-56 of this Act shall not apply towards the
26 new photovoltaic project requirements in this

1 subparagraph (C).

2 For purposes of calculating whether the Agency has
3 procured enough new wind and solar renewable energy
4 credits required by this subparagraph (C), renewable
5 energy facilities that have a multi-year renewable
6 energy credit delivery contract with the utility
7 through at least delivery year 2030 shall be
8 considered new, however no renewable energy credits
9 from contracts entered into before June 1, 2021 shall
10 be used to calculate whether the Agency has procured
11 the correct proportion of new wind and new solar
12 contracts described in this subparagraph (C) for
13 delivery year 2021 and thereafter.

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

1 substantially similar contract length and structure.
2 Benchmarks shall reflect development, financing, or
3 related costs resulting from requirements imposed through
4 other provisions of State law, including, but not limited
5 to, requirements in subparagraphs (P) and (Q) of this
6 paragraph (1) and the Renewable Energy Facilities
7 Agricultural Impact Mitigation Act. Confidential
8 benchmarks ~~Benchmarks~~ shall be developed by the
9 procurement administrator, in consultation with the
10 Commission staff, Agency staff, and the procurement
11 monitor and shall be subject to Commission review and
12 approval. If price benchmarks for like products in the
13 region are not available, the procurement administrator
14 shall establish price benchmarks based on publicly
15 available data on regional technology costs and expected
16 current and future regional energy prices. The benchmarks
17 in this Section shall not be used to curtail or otherwise
18 reduce contractual obligations entered into by or through
19 the Agency prior to June 1, 2017 (the effective date of
20 Public Act 99-906).

21 (E) For purposes of this subsection (c), the required
22 procurement of cost-effective renewable energy resources
23 for a particular year commencing prior to June 1, 2017
24 shall be measured as a percentage of the actual amount of
25 electricity (megawatt-hours) supplied by the electric
26 utility to eligible retail customers in the delivery year

1 ending immediately prior to the procurement, and, for
2 delivery years commencing on and after June 1, 2017, the
3 required procurement of cost-effective renewable energy
4 resources for a particular year shall be measured as a
5 percentage of the actual amount of electricity
6 (megawatt-hours) delivered by the electric utility in the
7 delivery year ending immediately prior to the procurement,
8 to all retail customers in its service territory. For
9 purposes of this subsection (c), the amount paid per
10 kilowatthour means the total amount paid for electric
11 service expressed on a per kilowatthour basis. For
12 purposes of this subsection (c), the total amount paid for
13 electric service includes without limitation amounts paid
14 for supply, transmission, capacity, distribution,
15 surcharges, and add-on taxes.

16 Notwithstanding the requirements of this subsection
17 (c), the total of renewable energy resources procured
18 under the procurement plan for any single year shall be
19 subject to the limitations of this subparagraph (E). Such
20 procurement shall be reduced for all retail customers
21 based on the amount necessary to limit the annual
22 estimated average net increase due to the costs of these
23 resources included in the amounts paid by eligible retail
24 customers in connection with electric service to no more
25 than 4.25% ~~the greater of 2.015%~~ of the amount paid per
26 kilowatthour by those customers during the year ending May

1 31, 2009 ~~2007~~ ~~or the incremental amount per kilowatthour~~
2 ~~paid for these resources in 2011~~. To arrive at a maximum
3 dollar amount of renewable energy resources to be procured
4 for the particular delivery year, the resulting per
5 kilowatthour amount shall be applied to the actual amount
6 of kilowatthours of electricity delivered, or applicable
7 portion of such amount as specified in paragraph (1) of
8 this subsection (c), as applicable, by the electric
9 utility in the delivery year immediately prior to the
10 procurement to all retail customers in its service
11 territory. The calculations required by this subparagraph
12 (E) shall be made only once for each delivery year at the
13 time that the renewable energy resources are procured.
14 Once the determination as to the amount of renewable
15 energy resources to procure is made based on the
16 calculations set forth in this subparagraph (E) and the
17 contracts procuring those amounts are executed, no
18 subsequent rate impact determinations shall be made and no
19 adjustments to those contract amounts shall be allowed.
20 All costs incurred under such contracts shall be fully
21 recoverable by the electric utility as provided in this
22 Section.

23 (F) If the limitation on the amount of renewable
24 energy resources procured in subparagraph (E) of this
25 paragraph (1) prevents the Agency from meeting all of the
26 goals in this subsection (c), the Agency's long-term plan

1 shall prioritize compliance with the requirements of this
2 subsection (c) regarding renewable energy credits in the
3 following order:

4 (i) renewable energy credits under existing
5 contractual obligations as of June 1, 2021;

6 (i-5) funding for the Illinois Solar for All
7 Program, as described in subparagraph (O) of this
8 paragraph (1);

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

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

15 (G) The following provisions shall apply to the
16 Agency's procurement of renewable energy credits under
17 this subsection (c):

18 (i) Notwithstanding whether a long-term renewable
19 resources procurement plan has been approved, the
20 Agency shall conduct an initial forward procurement
21 for renewable energy credits from new utility-scale
22 wind projects within 160 days after June 1, 2017 (the
23 effective date of Public Act 99-906). For the purposes
24 of this initial forward procurement, the Agency shall
25 solicit 15-year contracts for delivery of 1,000,000
26 renewable energy credits delivered annually from new

1 utility-scale wind projects to begin delivery on June
2 1, 2019, if available, but not later than June 1, 2021,
3 unless the project has delays in the establishment of
4 an operating interconnection with the applicable
5 transmission or distribution system as a result of the
6 actions or inactions of the transmission or
7 distribution provider, or other causes for force
8 majeure as outlined in the procurement contract, in
9 which case, not later than June 1, 2022. Payments to
10 suppliers of renewable energy credits shall commence
11 upon delivery. Renewable energy credits procured under
12 this initial procurement shall be included in the
13 Agency's long-term plan and shall apply to all
14 renewable energy goals in this subsection (c).

15 (ii) Notwithstanding whether a long-term renewable
16 resources procurement plan has been approved, the
17 Agency shall conduct an initial forward procurement
18 for renewable energy credits from new utility-scale
19 solar projects and brownfield site photovoltaic
20 projects within one year after June 1, 2017 (the
21 effective date of Public Act 99-906). For the purposes
22 of this initial forward procurement, the Agency shall
23 solicit 15-year contracts for delivery of 1,000,000
24 renewable energy credits delivered annually from new
25 utility-scale solar projects and brownfield site
26 photovoltaic projects to begin delivery on June 1,

1 2019, if available, but not later than June 1, 2021,
2 unless the project has delays in the establishment of
3 an operating interconnection with the applicable
4 transmission or distribution system as a result of the
5 actions or inactions of the transmission or
6 distribution provider, or other causes for force
7 majeure as outlined in the procurement contract, in
8 which case, not later than June 1, 2022. The Agency may
9 structure this initial procurement in one or more
10 discrete procurement events. Payments to suppliers of
11 renewable energy credits shall commence upon delivery.
12 Renewable energy credits procured under this initial
13 procurement shall be included in the Agency's
14 long-term plan and shall apply to all renewable energy
15 goals in this subsection (c).

16 (iii) Notwithstanding whether the Commission has
17 approved the periodic long-term renewable resources
18 procurement plan revision described in Section
19 16-111.5 of the Public Utilities Act, the Agency shall
20 conduct at least one subsequent forward procurement
21 for renewable energy credits from new utility-scale
22 wind projects, new utility-scale solar projects, and
23 new brownfield site photovoltaic projects within 240
24 days after the effective date of this amendatory Act
25 of the 102nd General Assembly in quantities necessary
26 to meet the requirements of subparagraph (C) of this

1 paragraph (1) through the delivery year beginning June
2 1, 2021. ~~Subsequent forward procurements for~~
3 ~~utility scale wind projects shall solicit at least~~
4 ~~1,000,000 renewable energy credits delivered annually~~
5 ~~per procurement event and shall be planned, scheduled,~~
6 ~~and designed such that the cumulative amount of~~
7 ~~renewable energy credits delivered from all new wind~~
8 ~~projects in each delivery year shall not exceed the~~
9 ~~Agency's projection of the cumulative amount of~~
10 ~~renewable energy credits that will be delivered from~~
11 ~~all new photovoltaic projects, including utility scale~~
12 ~~and distributed photovoltaic devices, in the same~~
13 ~~delivery year at the time scheduled for wind contract~~
14 ~~delivery.~~

15 (iv) Notwithstanding whether the Commission has
16 approved the periodic long-term renewable resources
17 procurement plan revision described in Section
18 16-111.5 of the Public Utilities Act, the Agency shall
19 open capacity for each category in the Adjustable
20 Block program within 90 days after the effective date
21 of this amendatory Act of the 102nd General Assembly
22 manner:

23 (1) The Agency shall open the first block of
24 annual capacity for the category described in item
25 (i) of subparagraph (K) of this paragraph (1). The
26 first block of annual capacity for item (i) shall

1 be for at least 75 megawatts of total nameplate
2 capacity. The price of the renewable energy credit
3 for this block of capacity shall be 4% less than
4 the price of the last open block in this category.
5 Projects on a waitlist shall be awarded contracts
6 first in the order in which they appear on the
7 waitlist. Notwithstanding anything to the
8 contrary, for those renewable energy credits that
9 qualify and are procured under this subitem (1) of
10 this item (iv), the renewable energy credit
11 delivery contract value shall be paid in full,
12 based on the estimated generation during the first
13 15 years of operation, by the contracting
14 utilities at the time that the facility producing
15 the renewable energy credits is interconnected at
16 the distribution system level of the utility and
17 verified as energized and in compliance by the
18 Program Administrator. The electric utility shall
19 receive and retire all renewable energy credits
20 generated by the project for the first 15 years of
21 operation. Renewable energy credits generated by
22 the project thereafter shall not be transferred
23 under the renewable energy credit delivery
24 contract with the counterparty electric utility.

25 (2) The Agency shall open the first block of
26 annual capacity for the category described in item

1 (ii) of subparagraph (K) of this paragraph (1).
2 The first block of annual capacity for item (ii)
3 shall be for at least 75 megawatts of total
4 nameplate capacity.

5 (A) The price of the renewable energy
6 credit for any project on a waitlist for this
7 category before the opening of this block
8 shall be 4% less than the price of the last
9 open block in this category. Projects on the
10 waitlist shall be awarded contracts first in
11 the order in which they appear on the
12 waitlist. Any projects that are less than or
13 equal to 25 kilowatts in size on the waitlist
14 for this capacity shall be moved to the
15 waitlist for paragraph (1) of this item (iv).
16 Notwithstanding anything to the contrary,
17 projects that were on the waitlist prior to
18 opening of this block shall not be required to
19 be in compliance with the requirements of
20 subparagraph (Q) of this paragraph (1) of this
21 subsection (c). Notwithstanding anything to
22 the contrary, for those renewable energy
23 credits procured from projects that were on
24 the waitlist for this category before the
25 opening of this block 20% of the renewable
26 energy credit delivery contract value, based

1 on the estimated generation during the first
2 15 years of operation, shall be paid by the
3 contracting utilities at the time that the
4 facility producing the renewable energy
5 credits is interconnected at the distribution
6 system level of the utility and verified as
7 energized by the Program Administrator. The
8 remaining portion shall be paid ratably over
9 the subsequent 4-year period. The electric
10 utility shall receive and retire all renewable
11 energy credits generated by the project during
12 the first 15 years of operation. Renewable
13 energy credits generated by the project
14 thereafter shall not be transferred under the
15 renewable energy credit delivery contract with
16 the counterparty electric utility.

17 (B) The price of renewable energy credits
18 for any project not on the waitlist for this
19 category before the opening of the block shall
20 be determined and published by the Agency.
21 Projects not on a waitlist as of the opening
22 of this block shall be subject to the
23 requirements of subparagraph (Q) of this
24 paragraph (1), as applicable. Projects not on
25 a waitlist as of the opening of this block
26 shall be subject to the contract provisions

1 outlined in item (iii) of subparagraph (L) of
2 this paragraph (1). The Agency shall strive to
3 publish updated prices and an updated
4 renewable energy credit delivery contract as
5 quickly as possible.

6 (3) For opening the first 2 blocks of annual
7 capacity for projects participating in item (iii)
8 of subparagraph (K) of paragraph (1) of subsection
9 (c), projects shall be selected exclusively from
10 those projects on the ordinal waitlists of
11 community renewable generation projects
12 established by the Agency based on the status of
13 those ordinal waitlists as of December 31, 2020,
14 and only those projects previously determined to
15 be eligible for the Agency's April 2019 community
16 solar project selection process.

17 The first 2 blocks of annual capacity for item
18 (iii) shall be for 250 megawatts of total
19 nameplate capacity, with both blocks opening
20 simultaneously under the schedule outlined in the
21 paragraphs below. Projects shall be selected as
22 follows:

23 (A) The geographic balance of selected
24 projects shall follow the Group classification
25 found in the Agency's Revised Long-Term
26 Renewable Resources Procurement Plan, with 70%

1 of capacity allocated to projects on the Group
2 B waitlist and 30% of capacity allocated to
3 projects on the Group A waitlist.

4 (B) Contract awards for waitlisted
5 projects shall be allocated proportionate to
6 the total nameplate capacity amount across
7 both ordinal waitlists associated with that
8 applicant firm or its affiliates, subject to
9 the following conditions.

10 (i) Each applicant firm having a
11 waitlisted project eligible for selection
12 shall receive no less than 500 kilowatts
13 in awarded capacity across all groups, and
14 no approved vendor may receive more than
15 20% of each Group's waitlist allocation.

16 (ii) Each applicant firm, upon
17 receiving an award of program capacity
18 proportionate to its waitlisted capacity,
19 may then determine which waitlisted
20 projects it chooses to be selected for a
21 contract award up to that capacity amount.

22 (iii) Assuming all other program
23 requirements are met, applicant firms may
24 adjust the nameplate capacity of applicant
25 projects without losing waitlist
26 eligibility, so long as no project is

1 greater than 2,000 kilowatts in size.

2 (iv) Assuming all other program
3 requirements are met, applicant firms may
4 adjust the expected production associated
5 with applicant projects, subject to
6 verification by the Program Administrator.

7 (C) After a review of affiliate
8 information and the current ordinal waitlists,
9 the Agency shall announce the nameplate
10 capacity award amounts associated with
11 applicant firms no later than 90 days after
12 the effective date of this amendatory Act of
13 the 102nd General Assembly.

14 (D) Applicant firms shall submit their
15 portfolio of projects used to satisfy those
16 contract awards no less than 90 days after the
17 Agency's announcement. The total nameplate
18 capacity of all projects used to satisfy that
19 portfolio shall be no greater than the
20 Agency's nameplate capacity award amount
21 associated with that applicant firm. An
22 applicant firm may decline, in whole or in
23 part, its nameplate capacity award without
24 penalty, with such unmet capacity rolled over
25 to the next block opening for project
26 selection under item (iii) of subparagraph (K)

1 of this subsection (c). Any projects not
2 included in an applicant firm's portfolio may
3 reapply without prejudice upon the next block
4 reopening for project selection under item
5 (iii) of subparagraph (K) of this subsection
6 (c).

7 (E) The renewable energy credit delivery
8 contract shall be subject to the contract and
9 payment terms outlined in item (iv) of
10 subparagraph (L) of this subsection (c).
11 Contract instruments used for this
12 subparagraph shall contain the following
13 terms:

14 (i) Renewable energy credit prices
15 shall be fixed, without further adjustment
16 under any other provision of this Act or
17 for any other reason, at 10% lower than
18 prices applicable to the last open block
19 for this category, inclusive of any adders
20 available for achieving a minimum of 50%
21 of subscribers to the project's nameplate
22 capacity being residential or small
23 commercial customers with subscriptions of
24 below 25 kilowatts in size;

25 (ii) A requirement that a minimum of
26 50% of subscribers to the project's

1 nameplate capacity be residential or small
2 commercial customers with subscriptions of
3 below 25 kilowatts in size;

4 (iii) Permission for the ability of a
5 contract holder to substitute projects
6 with other waitlisted projects without
7 penalty should a project receive a
8 non-binding estimate of costs to construct
9 the interconnection facilities and any
10 required distribution upgrades associated
11 with that project of greater than 30 cents
12 per watt AC of that project's nameplate
13 capacity. In developing the applicable
14 contract instrument, the Agency may
15 consider whether other circumstances
16 outside of the control of the applicant
17 firm should also warrant project
18 substitution rights.

19 The Agency shall publish a finalized
20 updated renewable energy credit delivery
21 contract developed consistent with these terms
22 and conditions no less than 30 days before
23 applicant firms must submit their portfolio of
24 projects pursuant to item (D).

25 (F) To be eligible for an award, the
26 applicant firm shall certify that not less

1 than prevailing wage, as determined pursuant
2 to the Illinois Prevailing Wage Act, was or
3 will be paid to employees who are engaged in
4 construction activities associated with a
5 selected project.

6 (4) The Agency shall open the first block of
7 annual capacity for the category described in item
8 (iv) of subparagraph (K) of this paragraph (1).
9 The first block of annual capacity for item (iv)
10 shall be for at least 50 megawatts of total
11 nameplate capacity. Renewable energy credit prices
12 shall be fixed, without further adjustment under
13 any other provision of this Act or for any other
14 reason, at the price in the last open block in the
15 category described in item (ii) of subparagraph
16 (K) of this paragraph (1). Pricing for future
17 blocks of annual capacity for this category may be
18 adjusted in the Agency's second revision to its
19 Long-Term Renewable Resources Procurement Plan.
20 Projects in this category shall be subject to the
21 contract terms outlined in item (iv) of
22 subparagraph (L) of this paragraph (1).

23 (5) The Agency shall open the equivalent of 2
24 years of annual capacity for the category
25 described in item (v) of subparagraph (K) of this
26 paragraph (1). The first block of annual capacity

1 for item (v) shall be for at least 10 megawatts of
2 total nameplate capacity. Notwithstanding the
3 provisions of item (v) of subparagraph (K) of this
4 paragraph (1), for the purpose of this initial
5 block, the agency shall accept new project
6 applications intended to increase the diversity of
7 areas hosting community solar projects, the
8 business models of projects, and the size of
9 projects, as described by the Agency in its
10 long-term renewable resources procurement plan
11 that is approved as of the effective date of this
12 amendatory Act of the 102nd General Assembly.
13 Projects in this category shall be subject to the
14 contract terms outlined in item (iii) of
15 subsection (L) of this paragraph (1).

16 (6) The Agency shall open the first blocks of
17 annual capacity for the category described in item
18 (vi) of subparagraph (K) of this paragraph (1),
19 with allocations of capacity within the block
20 generally matching the historical share of block
21 capacity allocated between the category described
22 in items (i) and (ii) of subparagraph (K) of this
23 paragraph (1). The first two blocks of annual
24 capacity for item (vi) shall be for at least 75
25 megawatts of total nameplate capacity. The price
26 of renewable energy credits for the blocks of

1 capacity shall be 4% less than the price of the
2 last open blocks in the categories described in
3 items (i) and (ii) of subparagraph (K) of this
4 paragraph (1). Pricing for future blocks of annual
5 capacity for this category may be adjusted in the
6 Agency's second revision to its Long-Term
7 Renewable Resources Procurement Plan. Projects in
8 this category shall be subject to the applicable
9 contract terms outlined in items (ii) and (iii) of
10 subparagraph (L) of this paragraph (1). ~~If, at any~~
11 ~~time after the time set for delivery of renewable~~
12 ~~energy credits pursuant to the initial~~
13 ~~procurements in items (i) and (ii) of this~~
14 ~~subparagraph (G), the cumulative amount of~~
15 ~~renewable energy credits projected to be delivered~~
16 ~~from all new wind projects in a given delivery~~
17 ~~year exceeds the cumulative amount of renewable~~
18 ~~energy credits projected to be delivered from all~~
19 ~~new photovoltaic projects in that delivery year by~~
20 ~~200,000 or more renewable energy credits, then the~~
21 ~~Agency shall within 60 days adjust the procurement~~
22 ~~programs in the long term renewable resources~~
23 ~~procurement plan to ensure that the projected~~
24 ~~cumulative amount of renewable energy credits to~~
25 ~~be delivered from all new wind projects does not~~
26 ~~exceed the projected cumulative amount of~~

~~renewable energy credits to be delivered from all new photovoltaic projects by 200,000 or more renewable energy credits, provided that nothing in this Section shall preclude the projected cumulative amount of renewable energy credits to be delivered from all new photovoltaic projects from exceeding the projected cumulative amount of renewable energy credits to be delivered from all new wind projects in each delivery year and provided further that nothing in this item (iv) shall require the curtailment of an executed contract. The Agency shall update, on a quarterly basis, its projection of the renewable energy credits to be delivered from all projects in each delivery year. Notwithstanding anything to the contrary, the Agency may adjust the timing of procurement events conducted under this subparagraph (G). The long term renewable resources procurement plan shall set forth the process by which the adjustments may be made.~~

(v) Upon the effective date of this amendatory Act of the 102nd General Assembly, for all competitive procurements and any procurements of renewable energy credit from new utility-scale wind and new utility-scale photovoltaic projects, the Agency shall procure indexed renewable energy credits and direct

1 respondents to offer a strike price.

2 (1) The purchase price of the indexed
3 renewable energy credit payment shall be
4 calculated for each settlement period. That
5 payment, for any settlement period, shall be equal
6 to the difference resulting from subtracting the
7 strike price from the index price for that
8 settlement period. If this difference results in a
9 negative number, the indexed REC counterparty
10 shall owe the seller the absolute value multiplied
11 by the quantity of energy produced in the relevant
12 settlement period. If this difference results in a
13 positive number, the seller shall owe the indexed
14 REC counterparty this amount multiplied by the
15 quantity of energy produced in the relevant
16 settlement period.

17 (2) Parties shall cash settle every month,
18 summing up all settlements (both positive and
19 negative, if applicable) for the prior month.

20 (3) To ensure funding in the annual budget
21 established under subparagraph (E) for indexed
22 renewable energy credit procurements for each year
23 of the term of such contracts, which must have a
24 minimum tenure of 20 calendar years, the
25 procurement administrator, Agency, Commission
26 staff, and procurement monitor shall quantify the

1 annual cost of the contract by utilizing an
2 industry-standard, third-party forward price curve
3 for energy at the appropriate hub or load zone,
4 including the estimated magnitude and timing of
5 the price effects related to federal carbon
6 controls. Each forward price curve shall contain a
7 specific value of the forecasted market price of
8 electricity for each annual delivery year of the
9 contract. For procurement planning purposes, the
10 impact on the annual budget for the cost of
11 indexed renewable energy credits for each delivery
12 year shall be determined as the expected annual
13 contract expenditure for that year, equaling the
14 difference between (i) the sum across all relevant
15 contracts of the applicable strike price
16 multiplied by contract quantity and (ii) the sum
17 across all relevant contracts of the forward price
18 curve for the applicable load zone for that year
19 multiplied by contract quantity. The contracting
20 utility shall not assume an obligation in excess
21 of the estimated annual cost of the contracts for
22 indexed renewable energy credits. Forward curves
23 shall be revised on an annual basis as updated
24 forward price curves are released and filed with
25 the Commission in the proceeding approving the
26 Agency's most recent long-term renewable resources

1 procurement plan. If the expected contract spend
2 is higher or lower than the total quantity of
3 contracts multiplied by the forward price curve
4 value for that year, the forward price curve shall
5 be updated by the procurement administrator, in
6 consultation with the Agency, Commission staff,
7 and procurement monitors, using then-currently
8 available price forecast data and additional
9 budget dollars shall be obligated or reobligated
10 as appropriate.

11 (4) To ensure that indexed renewable energy
12 credit prices remain predictable and affordable,
13 the Agency may consider the institution of a price
14 collar on REC prices paid under indexed renewable
15 energy credit procurements establishing floor and
16 ceiling REC prices applicable to indexed REC
17 contract prices. Any price collars applicable to
18 indexed REC procurements shall be proposed by the
19 Agency through its long-term renewable resources
20 procurement plan.

21 (vi) ~~(v)~~ All procurements under this subparagraph
22 (G) shall comply with the geographic requirements in
23 subparagraph (I) of this paragraph (1) and shall
24 follow the procurement processes and procedures
25 described in this Section and Section 16-111.5 of the
26 Public Utilities Act to the extent practicable, and

1 these processes and procedures may be expedited to
2 accommodate the schedule established by this
3 subparagraph (G).

4 (H) The procurement of renewable energy resources for
5 a given delivery year shall be reduced as described in
6 this subparagraph (H) if an alternative retail electric
7 supplier meets the requirements described in this
8 subparagraph (H).

9 (i) Within 45 days after June 1, 2017 (the
10 effective date of Public Act 99-906), an alternative
11 retail electric supplier or its successor shall submit
12 an informational filing to the Illinois Commerce
13 Commission certifying that, as of December 31, 2015,
14 the alternative retail electric supplier owned one or
15 more electric generating facilities that generates
16 renewable energy resources as defined in Section 1-10
17 of this Act, provided that such facilities are not
18 powered by wind or photovoltaics, and the facilities
19 generate one renewable energy credit for each
20 megawatthour of energy produced from the facility.

21 The informational filing shall identify each
22 facility that was eligible to satisfy the alternative
23 retail electric supplier's obligations under Section
24 16-115D of the Public Utilities Act as described in
25 this item (i).

26 (ii) For a given delivery year, the alternative

1 retail electric supplier may elect to supply its
2 retail customers with renewable energy credits from
3 the facility or facilities described in item (i) of
4 this subparagraph (H) that continue to be owned by the
5 alternative retail electric supplier.

6 (iii) The alternative retail electric supplier
7 shall notify the Agency and the applicable utility, no
8 later than February 28 of the year preceding the
9 applicable delivery year or 15 days after June 1, 2017
10 (the effective date of Public Act 99-906), whichever
11 is later, of its election under item (ii) of this
12 subparagraph (H) to supply renewable energy credits to
13 retail customers of the utility. Such election shall
14 identify the amount of renewable energy credits to be
15 supplied by the alternative retail electric supplier
16 to the utility's retail customers and the source of
17 the renewable energy credits identified in the
18 informational filing as described in item (i) of this
19 subparagraph (H), subject to the following
20 limitations:

21 For the delivery year beginning June 1, 2018,
22 the maximum amount of renewable energy credits to
23 be supplied by an alternative retail electric
24 supplier under this subparagraph (H) shall be 68%
25 multiplied by 25% multiplied by 14.5% multiplied
26 by the amount of metered electricity

1 (megawatt-hours) delivered by the alternative
2 retail electric supplier to Illinois retail
3 customers during the delivery year ending May 31,
4 2016.

5 For delivery years beginning June 1, 2019 and
6 each year thereafter, the maximum amount of
7 renewable energy credits to be supplied by an
8 alternative retail electric supplier under this
9 subparagraph (H) shall be 68% multiplied by 50%
10 multiplied by 16% multiplied by the amount of
11 metered electricity (megawatt-hours) delivered by
12 the alternative retail electric supplier to
13 Illinois retail customers during the delivery year
14 ending May 31, 2016, provided that the 16% value
15 shall increase by 1.5% each delivery year
16 thereafter to 25% by the delivery year beginning
17 June 1, 2025, and thereafter the 25% value shall
18 apply to each delivery year.

19 For each delivery year, the total amount of
20 renewable energy credits supplied by all alternative
21 retail electric suppliers under this subparagraph (H)
22 shall not exceed 9% of the Illinois target renewable
23 energy credit quantity. The Illinois target renewable
24 energy credit quantity for the delivery year beginning
25 June 1, 2018 is 14.5% multiplied by the total amount of
26 metered electricity (megawatt-hours) delivered in the

1 delivery year immediately preceding that delivery
2 year, provided that the 14.5% shall increase by 1.5%
3 each delivery year thereafter to 25% by the delivery
4 year beginning June 1, 2025, and thereafter the 25%
5 value shall apply to each delivery year.

6 If the requirements set forth in items (i) through
7 (iii) of this subparagraph (H) are met, the charges
8 that would otherwise be applicable to the retail
9 customers of the alternative retail electric supplier
10 under paragraph (6) of this subsection (c) for the
11 applicable delivery year shall be reduced by the ratio
12 of the quantity of renewable energy credits supplied
13 by the alternative retail electric supplier compared
14 to that supplier's target renewable energy credit
15 quantity. The supplier's target renewable energy
16 credit quantity for the delivery year beginning June
17 1, 2018 is 14.5% multiplied by the total amount of
18 metered electricity (megawatt-hours) delivered by the
19 alternative retail supplier in that delivery year,
20 provided that the 14.5% shall increase by 1.5% each
21 delivery year thereafter to 25% by the delivery year
22 beginning June 1, 2025, and thereafter the 25% value
23 shall apply to each delivery year.

24 On or before April 1 of each year, the Agency shall
25 annually publish a report on its website that
26 identifies the aggregate amount of renewable energy

1 credits supplied by alternative retail electric
2 suppliers under this subparagraph (H).

3 (I) The Agency shall design its long-term renewable
4 energy procurement plan to maximize the State's interest
5 in the health, safety, and welfare of its residents,
6 including but not limited to minimizing sulfur dioxide,
7 nitrogen oxide, particulate matter and other pollution
8 that adversely affects public health in this State,
9 increasing fuel and resource diversity in this State,
10 enhancing the reliability and resiliency of the
11 electricity distribution system in this State, meeting
12 goals to limit carbon dioxide emissions under federal or
13 State law, and contributing to a cleaner and healthier
14 environment for the citizens of this State. In order to
15 further these legislative purposes, renewable energy
16 credits shall be eligible to be counted toward the
17 renewable energy requirements of this subsection (c) if
18 they are generated from facilities located in this State.
19 The Agency may qualify renewable energy credits from
20 facilities located in states adjacent to Illinois or
21 renewable energy credits associated with the electricity
22 generated by a utility-scale wind energy facility or
23 utility-scale photovoltaic facility and transmitted by a
24 qualifying direct current project described in subsection
25 (b-5) of Section 8-406 of the Public Utilities Act to a
26 delivery point on the electric transmission grid located

1 in this State or a state adjacent to Illinois, if the
2 generator demonstrates and the Agency determines that the
3 operation of such facility or facilities will help promote
4 the State's interest in the health, safety, and welfare of
5 its residents based on the public interest criteria
6 described above. For the purposes of this Section,
7 renewable resources that are delivered via a high voltage
8 direct current converter station located in Illinois shall
9 be deemed generated in Illinois at the time and location
10 the energy is converted to alternating current by the high
11 voltage direct current converter station if the high
12 voltage direct current transmission line: (i) after the
13 effective date of this amendatory Act of the 102nd General
14 Assembly, was constructed with a project labor agreement;
15 (ii) is capable of transmitting electricity at 525kv;
16 (iii) has an Illinois converter station located and
17 interconnected in the region of the PJM Interconnection,
18 LLC; (iv) does not operate as a public utility; and (v) if
19 the high voltage direct current transmission line was
20 energized after June 1, 2023. To ensure that the public
21 interest criteria are applied to the procurement and given
22 full effect, the Agency's long-term procurement plan shall
23 describe in detail how each public interest factor shall
24 be considered and weighted for facilities located in
25 states adjacent to Illinois.

26 (J) In order to promote the competitive development of

1 renewable energy resources in furtherance of the State's
2 interest in the health, safety, and welfare of its
3 residents, renewable energy credits shall not be eligible
4 to be counted toward the renewable energy requirements of
5 this subsection (c) if they are sourced from a generating
6 unit whose costs were being recovered through rates
7 regulated by this State or any other state or states on or
8 after January 1, 2017. Each contract executed to purchase
9 renewable energy credits under this subsection (c) shall
10 provide for the contract's termination if the costs of the
11 generating unit supplying the renewable energy credits
12 subsequently begin to be recovered through rates regulated
13 by this State or any other state or states; and each
14 contract shall further provide that, in that event, the
15 supplier of the credits must return 110% of all payments
16 received under the contract. Amounts returned under the
17 requirements of this subparagraph (J) shall be retained by
18 the utility and all of these amounts shall be used for the
19 procurement of additional renewable energy credits from
20 new wind or new photovoltaic resources as defined in this
21 subsection (c). The long-term plan shall provide that
22 these renewable energy credits shall be procured in the
23 next procurement event.

24 Notwithstanding the limitations of this subparagraph
25 (J), renewable energy credits sourced from generating
26 units that are constructed, purchased, owned, or leased by

1 an electric utility as part of an approved project,
2 program, or pilot under Section 1-56 of this Act shall be
3 eligible to be counted toward the renewable energy
4 requirements of this subsection (c), regardless of how the
5 costs of these units are recovered. As long as a
6 generating unit or an identifiable portion of a generating
7 unit has not had and does not have its costs recovered
8 through rates regulated by this State or any other state,
9 HVDC renewable energy credits associated with that
10 generating unit or identifiable portion thereof shall be
11 eligible to be counted toward the renewable energy
12 requirements of this subsection (c).

13 (K) The long-term renewable resources procurement plan
14 developed by the Agency in accordance with subparagraph
15 (A) of this paragraph (1) shall include an Adjustable
16 Block program for the procurement of renewable energy
17 credits from new photovoltaic projects that are
18 distributed renewable energy generation devices or new
19 photovoltaic community renewable generation projects. The
20 Adjustable Block program shall be generally designed to
21 provide for the steady, predictable, and sustainable
22 growth of new solar photovoltaic development in Illinois.
23 To this end, the Adjustable Block program shall provide a
24 transparent annual schedule of prices and quantities to
25 enable the photovoltaic market to scale up and for
26 renewable energy credit prices to adjust at a predictable

1 rate over time. The prices set by the Adjustable Block
2 program can be reflected as a set value or as the product
3 of a formula.

4 The Adjustable Block program shall include for each
5 category of eligible projects for each delivery year: a
6 single block of nameplate capacity, a price for renewable
7 energy credits within that block, and the terms and
8 conditions for securing a spot on a waitlist once the
9 block is ~~a schedule of standard block purchase prices to~~
10 ~~be offered; a series of steps, with associated nameplate~~
11 ~~capacity and purchase prices that adjust from step to~~
12 ~~step; and automatic opening of the next step as soon as the~~
13 ~~nameplate capacity and available purchase prices for an~~
14 ~~open step~~ are fully committed or reserved. Except as
15 outlined below, the waitlist of projects in a given year
16 will carry over to apply to the subsequent year when
17 another block is opened. Only projects energized on or
18 after June 1, 2017 shall be eligible for the Adjustable
19 Block program. For each category for each delivery year
20 ~~block group~~ the Agency shall determine ~~the number of~~
21 ~~blocks,~~ the amount of generation capacity in each block,
22 and the purchase price for each block, provided that the
23 purchase price provided and the total amount of generation
24 in all blocks for all categories ~~block groups~~ shall be
25 sufficient to meet the goals in this subsection (c). The
26 Agency shall strive to issue a single block sized to

1 provide for stability and market growth. The Agency shall
2 establish program eligibility requirements that ensure
3 that projects that enter the program are sufficiently
4 mature to indicate a demonstrable path to completion. The
5 Agency may periodically review its prior decisions
6 establishing ~~the number of blocks,~~ the amount of
7 generation capacity in each block, and the purchase price
8 for each block, and may propose, on an expedited basis,
9 changes to these previously set values, including but not
10 limited to redistributing these amounts and the available
11 funds as necessary and appropriate, subject to Commission
12 approval as part of the periodic plan revision process
13 described in Section 16-111.5 of the Public Utilities Act.
14 The Agency may define different block sizes, purchase
15 prices, or other distinct terms and conditions for
16 projects located in different utility service territories
17 if the Agency deems it necessary to meet the goals in this
18 subsection (c).

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

- 24 (i) At least 20% ~~25%~~ from distributed renewable
25 energy generation devices with a nameplate capacity of
26 no more than 25 ~~10~~ kilowatts.

1 (ii) At least 20% ~~25%~~ from distributed renewable
2 energy generation devices with a nameplate capacity of
3 more than 25 ~~10~~ kilowatts and no more than 5,000 ~~2,000~~
4 kilowatts. The Agency may create sub-categories within
5 this category to account for the differences between
6 projects for small commercial customers, large
7 commercial customers, and public or non-profit
8 customers.

9 (iii) At least 30% ~~25%~~ from photovoltaic community
10 renewable generation projects. Capacity for this
11 category for the first 2 delivery years after the
12 effective date of this amendatory Act of the 102nd
13 General Assembly shall be allocated to waitlist
14 projects as provided in paragraph (3) of item (iv) of
15 subparagraph (G). Starting in the third delivery year
16 after the effective date of this amendatory Act of the
17 102nd General Assembly or earlier if the Agency
18 determines there is additional capacity needed for to
19 meet previous delivery year requirements, the
20 following shall apply:

21 (1) the Agency shall select projects on a
22 first-come, first-serve basis, however the Agency
23 may suggest additional methods to prioritize
24 projects that are submitted at the same time;

25 (2) projects shall have subscriptions of 25 kW
26 or less for at least 50% of the facility's

1 nameplate capacity and the Agency shall price the
2 renewable energy credits with that as a factor;

3 (3) projects shall not be colocated with one
4 or more other community renewable generation
5 projects, as defined in the Agency's first revised
6 long-term renewable resources procurement plan
7 approved by the Commission on February 18, 2020,
8 such that the aggregate nameplate capacity exceeds
9 5,000 kilowatts; and

10 (4) projects greater than 2 MW may not apply
11 until after the approval of the Agency's revised
12 Long-Term Renewable Resources Procurement Plan
13 after the effective date of this amendatory Act of
14 the 102nd General Assembly.

15 (iv) At least 15% from distributed renewable
16 generation devices or photovoltaic community renewable
17 generation projects installed at public schools. The
18 Agency may create subcategories within this category
19 to account for the differences between project size or
20 location. Projects located within environmental
21 justice communities or within Organizational Units
22 that fall within Tier 1 or Tier 2 shall be given
23 priority. Each of the Agency's periodic updates to its
24 long-term renewable resources procurement plan to
25 incorporate the procurement described in this
26 subparagraph (iv) shall also include the proposed

1 quantities or blocks, pricing, and contract terms
2 applicable to the procurement as indicated herein. In
3 each such update and procurement, the Agency shall set
4 the renewable energy credit price and establish
5 payment terms for the renewable energy credits
6 procured pursuant to this subparagraph (iv) that make
7 it feasible and affordable for public schools to
8 install photovoltaic distributed renewable energy
9 devices on their premises, including, but not limited
10 to, those public schools subject to the prioritization
11 provisions of this subparagraph. For the purposes of
12 this item (iv):

13 "Environmental Justice Community" shall have the
14 same meaning set forth in the Agency's long-term
15 renewable resources procurement plan;

16 "Organization Unit", "Tier 1" and "Tier 2" shall
17 have the meanings set for in Section 18-8.15 of the
18 School Code;

19 "Public schools" shall have the meaning set forth
20 in Section 1-3 of the School Code.

21 (v) At least 5% from community-driven community
22 solar projects intended to provide more direct and
23 tangible connection and benefits to the communities
24 which they serve or in which they operate and,
25 additionally, to increase the variety of community
26 solar locations, models, and options in Illinois. As

1 part of its long-term renewable resources procurement
2 plan, the Agency shall develop selection criteria for
3 projects participating in this category. Nothing in
4 this Section shall preclude the Agency from creating a
5 selection process that maximizes community ownership
6 and community benefits in selecting projects to
7 receive renewable energy credits. Selection criteria
8 shall include:

9 (1) community ownership or community
10 wealth-building;

11 (2) additional direct and indirect community
12 benefit, beyond project participation as a
13 subscriber, including, but not limited to,
14 economic, environmental, social, cultural, and
15 physical benefits;

16 (3) meaningful involvement in project
17 organization and development by community members
18 or nonprofit organizations or public entities
19 located in or serving the community;

20 (4) engagement in project operations and
21 management by nonprofit organizations, public
22 entities, or community members; and

23 (5) whether a project is developed in response
24 to a site-specific RFP developed by community
25 members or a nonprofit organization or public
26 entity located in or serving the community.

1 Selection criteria may also prioritize projects
2 that:

3 (1) are developed in collaboration with or to
4 provide complementary opportunities for the Clean
5 Jobs Workforce Network Program, the Illinois
6 Climate Works Preapprenticeship Program, the
7 Returning Residents Clean Jobs Training Program,
8 the Clean Energy Contractor Incubator Program, or
9 the Clean Energy Primes Contractor Accelerator
10 Program;

11 (2) increase the diversity of locations of
12 community solar projects in Illinois, including by
13 locating in urban areas and population centers;

14 (3) are located in Equity Investment Eligible
15 Communities;

16 (4) are not greenfield projects;

17 (5) serve only local subscribers;

18 (6) have a nameplate capacity that does not
19 exceed 500 kW;

20 (7) are developed by an equity eligible
21 contractor; or

22 (8) otherwise meaningfully advance the goals
23 of providing more direct and tangible connection
24 and benefits to the communities which they serve
25 or in which they operate and increasing the
26 variety of community solar locations, models, and

1 options in Illinois.

2 For the purposes of this item (v):

3 "Community" means a social unit in which people
4 come together regularly to effect change; a social
5 unit in which participants are marked by a cooperative
6 spirit, a common purpose, or shared interests or
7 characteristics; or a space understood by its
8 residents to be delineated through geographic
9 boundaries or landmarks.

10 "Community benefit" means a range of services and
11 activities that provide affirmative, economic,
12 environmental, social, cultural, or physical value to
13 a community; or a mechanism that enables economic
14 development, high-quality employment, and education
15 opportunities for local workers and residents, or
16 formal monitoring and oversight structures such that
17 community members may ensure that those services and
18 activities respond to local knowledge and needs.

19 "Community ownership" means an arrangement in
20 which an electric generating facility is, or over time
21 will be, in significant part, owned collectively by
22 members of the community to which an electric
23 generating facility provides benefits; members of that
24 community participate in decisions regarding the
25 governance, operation, maintenance, and upgrades of
26 and to that facility; and members of that community

1 benefit from regular use of that facility.

2 Terms and guidance within these criteria that are
3 not defined in this item (v) shall be defined by the
4 Agency, with stakeholder input, during the development
5 of the Agency's long-term renewable resources
6 procurement plan. The Agency shall develop regular
7 opportunities for projects to submit applications for
8 projects under this category, and develop selection
9 criteria that gives preference to projects that better
10 meet individual criteria as well as projects that
11 address a higher number of criteria.

12 (vi) At least 10% from distributed renewable
13 energy generation devices, which includes distributed
14 renewable energy devices with a nameplate capacity
15 under 5,000 kilowatts or photovoltaic community
16 renewable generation projects, from applicants that
17 are equity eligible contractors. The Agency may create
18 subcategories within this category to account for the
19 differences between project size and type. The Agency
20 shall propose to increase the percentage in this item
21 (vi) over time to 40% based on factors, including, but
22 not limited to, the number of equity eligible
23 contractors and capacity used in this item (vi) in
24 previous delivery years.

25 The Agency shall propose a payment structure for
26 contracts executed pursuant to this paragraph under

1 which, upon a demonstration of qualification or need,
2 applicant firms are advanced capital disbursed after
3 contract execution but before the contracted project's
4 energization. The amount or percentage of capital
5 advanced prior to project energization shall be
6 sufficient to both cover any increase in development
7 costs resulting from prevailing wage requirements or
8 project-labor agreements, and designed to overcome
9 barriers in access to capital faced by equity eligible
10 contractors. The amount or percentage of advanced
11 capital may vary by subcategory within this category
12 and by an applicant's demonstration of need, with such
13 levels to be established through the Long-Term
14 Renewable Resources Procurement Plan authorized under
15 subparagraph (A) of paragraph (1) of subsection (c) of
16 this Section.

17 Contracts developed featuring capital advanced
18 prior to a project's energization shall feature
19 provisions to ensure both the successful development
20 of applicant projects and the delivery of the
21 renewable energy credits for the full term of the
22 contract, including ongoing collateral requirements
23 and other provisions deemed necessary by the Agency,
24 and may include energization timelines longer than for
25 comparable project types. The percentage or amount of
26 capital advanced prior to project energization shall

1 not operate to increase the overall contract value,
2 however contracts executed under this subparagraph may
3 feature renewable energy credit prices higher than
4 those offered to similar projects participating in
5 other categories. Capital advanced prior to
6 energization shall serve to reduce the ratable
7 payments made after energization under items (ii) and
8 (iii) of subparagraph (L) or payments made for each
9 renewable energy credit delivery under item (iv) of
10 subparagraph (L).

11 (vii) ~~(iv)~~ The remaining capacity 25% shall be
12 allocated as specified by the Agency in order to
13 respond to market demand ~~the long-term renewable~~
14 ~~resources procurement plan.~~ The Agency shall allocate
15 any discretionary capacity prior to the beginning of
16 each delivery year.

17 To the extent there is uncontracted capacity from any
18 block in any of categories (i) through (vi) at the end of a
19 delivery year, the Agency shall redistribute that capacity
20 to one or more other categories giving priority to
21 categories with projects on a waitlist. The redistributed
22 capacity shall be added to the annual capacity in the
23 subsequent delivery year, and the price for renewable
24 energy credits shall be the price for the new delivery
25 year. Redistributed capacity shall not be considered
26 redistributed when determining whether the goals in this

1 subsection (K) have been met.

2 Notwithstanding anything to the contrary, as the
3 Agency increases the capacity in item (vi) to 40% over
4 time, the Agency may reduce the capacity of items (i)
5 through (v) proportionate to the capacity of the
6 categories of projects in item (vi), to achieve a balance
7 of project types.

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

14 (L) Notwithstanding provisions for advancing capital
15 prior to project energization found in item (vi) of
16 subparagraph (K), the ~~The~~ procurement of photovoltaic
17 renewable energy credits under items (i) through (vi) ~~(iv)~~
18 of subparagraph (K) of this paragraph (1) shall otherwise
19 be subject to the following contract and payment terms:

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

22 (ii) For those renewable energy credits that
23 qualify and are procured under item (i) of
24 subparagraph (K) of this paragraph (1), and any
25 similar category projects that are procured under item
26 (vi) of subparagraph (K) of this paragraph (1) that

1 qualify and are procured under item (vi), the contract
2 length shall be 15 years. The renewable energy credit
3 delivery contract value ~~purchase price~~ shall be paid
4 in full, based on the estimated generation during the
5 first 15 years of operation, by the contracting
6 utilities at the time that the facility producing the
7 renewable energy credits is interconnected at the
8 distribution system level of the utility and verified
9 as energized and compliant by the Program
10 Administrator ~~energized~~. The electric utility shall
11 receive and retire all renewable energy credits
12 generated by the project for the first 15 years of
13 operation. Renewable energy credits generated by the
14 project thereafter shall not be transferred under the
15 renewable energy credit delivery contract with the
16 counterparty electric utility.

17 (iii) For those renewable energy credits that
18 qualify and are procured under item (ii) and (v) ~~(iii)~~
19 of subparagraph (K) of this paragraph (1) and any like
20 projects similar category that qualify and are
21 procured under item (vi), the contract length shall be
22 15 years. 15% ~~any additional categories of distributed~~
23 ~~generation included in the long-term renewable~~
24 ~~resources procurement plan and approved by the~~
25 ~~Commission, 20 percent~~ of the renewable energy credit
26 delivery contract value, based on the estimated

1 generation during the first 15 years of operation,
2 ~~purchase price~~ shall be paid by the contracting
3 utilities at the time that the facility producing the
4 renewable energy credits is interconnected at the
5 distribution system level of the utility and verified
6 as energized and compliant by the Program
7 Administrator. The remaining portion shall be paid
8 ratably over the subsequent 6-year ~~4-year~~ period. The
9 electric utility shall receive and retire all
10 renewable energy credits generated by the project for
11 the first 15 years of operation. Renewable energy
12 credits generated by the project thereafter shall not
13 be transferred under the renewable energy credit
14 delivery contract with the counterparty electric
15 utility.

16 (iv) For those renewable energy credits that
17 qualify and are procured under items (iii) and (iv) of
18 subparagraph (K) of this paragraph (1), and any like
19 projects that qualify and are procured under item
20 (vi), the renewable energy credit delivery contract
21 length shall be 20 years and shall be paid over the
22 delivery term, not to exceed during each delivery year
23 the contract price multiplied by the estimated annual
24 renewable energy credit generation amount. If
25 generation of renewable energy credits during a
26 delivery year exceeds the estimated annual generation

1 amount, the excess renewable energy credits shall be
2 carried forward to future delivery years and shall not
3 expire during the delivery term. If generation of
4 renewable energy credits during a delivery year,
5 including carried forward excess renewable energy
6 credits, if any, is less than the estimated annual
7 generation amount, payments during such delivery year
8 will not exceed the quantity generated plus the
9 quantity carried forward multiplied by the contract
10 price. The electric utility shall receive all
11 renewable energy credits generated by the project
12 during the first 20 years of operation and retire all
13 renewable energy credits paid for under this item (iv)
14 and return at the end of the delivery term all
15 renewable energy credits that were not paid for.
16 Renewable energy credits generated by the project
17 thereafter shall not be transferred under the
18 renewable energy credit delivery contract with the
19 counterparty electric utility. Notwithstanding the
20 preceding, for those projects participating under item
21 (iii) of subparagraph (K), the contract price for a
22 delivery year shall be based on subscription levels as
23 measured on the higher of the first business day of the
24 delivery year or the first business day 6 months after
25 the first business day of the delivery year.
26 Subscription of 90% of nameplate capacity or greater

1 shall be deemed to be fully subscribed for the
2 purposes of this item (iv). For projects receiving a
3 20-year delivery contract, REC prices shall be
4 adjusted downward for consistency with the incentive
5 levels previously determined to be necessary to
6 support projects under 15-year delivery contracts,
7 taking into consideration any additional new
8 requirements placed on the projects, including, but
9 not limited to, labor standards.

10 (v) ~~(iv)~~ Each contract shall include provisions to
11 ensure the delivery of the estimated quantity of
12 renewable energy credits and ongoing collateral
13 requirements and other provisions deemed appropriate
14 by the Agency ~~for the full term of the contract.~~

15 (vi) ~~(v)~~ The utility shall be the counterparty to
16 the contracts executed under this subparagraph (L)
17 that are approved by the Commission under the process
18 described in Section 16-111.5 of the Public Utilities
19 Act. No contract shall be executed for an amount that
20 is less than one renewable energy credit per year.

21 (vii) ~~(vi)~~ If, at any time, approved applications
22 for the Adjustable Block program exceed funds
23 collected by the electric utility or would cause the
24 Agency to exceed the limitation described in
25 subparagraph (E) of this paragraph (1) on the amount
26 of renewable energy resources that may be procured,

1 then the Agency may ~~shall~~ consider future uncommitted
2 funds to be reserved for these contracts on a
3 first-come, first-served basis, ~~with the delivery of~~
4 ~~renewable energy credits required beginning at the~~
5 ~~time that the reserved funds become available.~~

6 (viii) ~~(vii)~~ Nothing in this Section shall require
7 the utility to advance any payment or pay any amounts
8 that exceed the actual amount of revenues anticipated
9 to be collected by the utility under paragraph (6) of
10 this subsection (c) and subsection (k) of Section
11 16-108 of the Public Utilities Act inclusive of
12 eligible funds collected in prior years and
13 alternative compliance payments for use by the
14 utility, and contracts executed under this Section
15 shall expressly incorporate this limitation.

16 (ix) Notwithstanding other requirements of this
17 subparagraph (L), no modification shall be required to
18 Adjustable Block program contracts if they were
19 already executed prior to the establishment, approval,
20 and implementation of new contract forms as a result
21 of this amendatory Act of the 102nd General Assembly.

22 (x) Contracts may be assignable, but only to
23 entities first deemed by the Agency to have met
24 program terms and requirements applicable to direct
25 program participation. In developing contracts for the
26 delivery of renewable energy credits, the Agency shall

1 be permitted to establish fees applicable to each
2 contract assignment.

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

18 The Program Administrator may charge application fees
19 to participating firms to cover the cost of program
20 administration. Any application fee amounts shall
21 initially be determined through the long-term renewable
22 resources procurement plan, and modifications to any
23 application fee that deviate more than 25% from the
24 Commission's approved value must be approved by the
25 Commission as a long-term plan revision under Section
26 16-111.5 of the Public Utilities Act. The Agency shall

1 consider stakeholder feedback when making adjustments to
2 application fees and shall notify stakeholders in advance
3 of any planned changes.

4 In addition to covering the costs of program
5 administration, the Agency, in conjunction with its
6 Program Administrator, may also use the proceeds of such
7 fees charged to participating firms to support public
8 education and ongoing regional and national coordination
9 with nonprofit organizations, public bodies, and others
10 engaged in the implementation of renewable energy
11 incentive programs or similar initiatives. This work may
12 include developing papers and reports, hosting regional
13 and national conferences, and other work deemed necessary
14 by the Agency to position the State of Illinois as a
15 national leader in renewable energy incentive program
16 development and administration.

17 The Agency and its consultant or consultants shall
18 monitor block activity, share program activity with
19 stakeholders and conduct quarterly ~~regularly scheduled~~
20 meetings to discuss program activity and market
21 conditions. If necessary, the Agency may make prospective
22 administrative adjustments to the Adjustable Block program
23 design, such as ~~redistributing available funds or~~ making
24 adjustments to purchase prices as necessary to achieve the
25 goals of this subsection (c). Program modifications to any
26 block price, capacity block, or other program element that

1 do not deviate from the Commission's approved value by
2 more than 10% ~~25%~~ shall take effect immediately and are
3 not subject to Commission review and approval. Program
4 modifications to any block price, ~~capacity block, or other~~
5 ~~program element~~ that deviate more than 10% ~~25%~~ from the
6 Commission's approved value must be approved by the
7 Commission as a long-term plan amendment under Section
8 16-111.5 of the Public Utilities Act. The Agency shall
9 consider stakeholder feedback when making adjustments to
10 the Adjustable Block design and shall notify stakeholders
11 in advance of any planned changes.

12 The Agency and its program administrators for both the
13 Adjustable Block program and the Illinois Solar for All
14 Program, consistent with the requirements of this
15 subsection (c) and subsection (b) of Section 1-56 of this
16 Act, shall propose the Adjustable Block program terms,
17 conditions, and requirements, including the prices to be
18 paid for renewable energy credits, where applicable, and
19 requirements applicable to participating entities and
20 project applications, through the development, review, and
21 approval of the Agency's long-term renewable resources
22 procurement plan described in this subsection (c) and
23 paragraph (5) of subsection (b) of Section 16-111.5 of the
24 Public Utilities Act. Terms, conditions, and requirements
25 for program participation shall include the following:

26 (i) The Agency shall establish a registration

1 process for entities seeking to qualify for
2 program-administered incentive funding and establish
3 baseline qualifications for vendor approval. The
4 Agency must maintain a list of approved entities on
5 each program's website, and may revoke a vendor's
6 ability to receive program-administered incentive
7 funding status upon a determination that the vendor
8 failed to comply with contract terms, the law, or
9 other program requirements.

10 (ii) The Agency shall establish program
11 requirements and minimum contract terms to ensure
12 projects are properly installed and produce their
13 expected amounts of energy. Program requirements may
14 include on-site inspections and photo documentation of
15 projects under construction. The Agency may require
16 repairs, alterations, or additions to remedy any
17 material deficiencies discovered. Vendors who have a
18 disproportionately high number of deficient systems
19 may lose their eligibility to continue to receive
20 State-administered incentive funding through Agency
21 programs and procurements.

22 (iii) To discourage deceptive marketing or other
23 bad faith business practices, the Agency may require
24 direct program participants, including agents
25 operating on their behalf, to provide standardized
26 disclosures to a customer prior to that customer's

1 execution of a contract for the development of a
2 distributed generation system or a subscription to a
3 community solar project.

4 (iv) The Agency shall establish one or multiple
5 Consumer Complaints Centers to accept complaints
6 regarding businesses that participate in, or otherwise
7 benefit from, State-administered incentive funding
8 through Agency-administered programs. The Agency shall
9 maintain a public database of complaints with any
10 confidential or particularly sensitive information
11 redacted from public entries.

12 (v) Through a filing in the proceeding for the
13 approval of its long-term renewable energy resources
14 procurement plan, the Agency shall provide an annual
15 written report to the Illinois Commerce Commission
16 documenting the frequency and nature of complaints and
17 any enforcement actions taken in response to those
18 complaints.

19 (vi) The Agency shall schedule regular meetings
20 with representatives of the Office of the Attorney
21 General, the Illinois Commerce Commission, consumer
22 protection groups, and other interested stakeholders
23 to share relevant information about consumer
24 protection, project compliance, and complaints
25 received.

26 (vii) To the extent that complaints received

1 implicate the jurisdiction of the Office of the
2 Attorney General, the Illinois Commerce Commission, or
3 local, State, or federal law enforcement, the Agency
4 shall also refer complaints to those entities as
5 appropriate.

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 photovoltaic community renewable generation projects with
11 a goal to expand ~~renewable energy generating facility~~
12 access to a broader group of energy consumers, to ensure
13 robust participation opportunities for residential and
14 small commercial customers and those who cannot install
15 renewable energy on their own properties. Subject to
16 reasonable limitations, any ~~Any~~ plan approved by the
17 Commission shall allow subscriptions to community
18 renewable generation projects to be portable and
19 transferable. For purposes of this subparagraph (N),
20 "portable" means that subscriptions may be retained by the
21 subscriber even if the subscriber relocates or changes its
22 address within the same utility service territory; and
23 "transferable" means that a subscriber may assign or sell
24 subscriptions to another person within the same utility
25 service territory.

26 Through the development of its long-term renewable

1 resources procurement plan, the Agency may consider
2 whether community renewable generation projects utilizing
3 technologies other than photovoltaics should be supported
4 through State-administered incentive funding, and may
5 issue requests for information to gauge market demand.

6 Electric utilities shall provide a monetary credit to
7 a subscriber's subsequent bill for service for the
8 proportional output of a community renewable generation
9 project attributable to that subscriber as specified in
10 Section 16-107.5 of the Public Utilities Act.

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

22 The owners of and any subscribers to a community
23 renewable generation project shall not be considered
24 public utilities or alternative retail electricity
25 suppliers under the Public Utilities Act solely as a
26 result of their interest in or subscription to a community

1 renewable generation project and shall not be required to
2 become an alternative retail electric supplier by
3 participating in a community renewable generation project
4 with a public utility.

5 (O) For the delivery year beginning June 1, 2018, the
6 long-term renewable resources procurement plan required by
7 this subsection (c) shall provide for the Agency to
8 procure contracts to continue offering the Illinois Solar
9 for All Program described in subsection (b) of Section
10 1-56 of this Act, and the contracts approved by the
11 Commission shall be executed by the utilities that are
12 subject to this subsection (c). The long-term renewable
13 resources procurement plan shall allocate up to
14 \$50,000,000 ~~5% of the funds available under the plan for~~
15 ~~the applicable delivery year, or \$10,000,000 per delivery~~
16 ~~year, whichever is greater,~~ to fund the programs, and the
17 plan shall determine the amount of funding to be
18 apportioned to the programs identified in subsection (b)
19 of Section 1-56 of this Act; provided that for the
20 delivery years beginning June 1, 2021, June 1, 2022, and
21 June 1, 2023, the long-term renewable resources
22 procurement plan may average the annual budgets over a
23 3-year period to account for program ramp-up. For ~~for~~ the
24 delivery years beginning ~~June 1, 2017,~~ June 1, 2021, ~~and~~
25 June 1, 2024 ~~2025,~~ June 1, 2027, and June 1, 2030 and
26 additional ~~the long term renewable resources procurement~~

1 ~~plan shall allocate 10% of the funds available under the~~
2 ~~plan for the applicable delivery year, or \$20,000,000 per~~
3 ~~delivery year, whichever is greater, and \$10,000,000 of~~
4 ~~such funds in such year shall be provided to the~~
5 Department of Commerce and Economic Opportunity to
6 implement the workforce development programs and reporting
7 as outlined in ~~used by an electric utility that serves~~
8 ~~more than 3,000,000 retail customers in the State to~~
9 ~~implement a Commission approved plan under~~ Section
10 16-108.12 of the Public Utilities Act. In making the
11 determinations required under this subparagraph (O), the
12 Commission shall consider the experience and performance
13 under the programs and any evaluation reports. The
14 Commission shall also provide for an independent
15 evaluation of those programs on a periodic basis that are
16 funded under this subparagraph (O).

17 (P) All programs and procurements under this
18 subsection (c) shall be designed to encourage
19 participating projects to use a diverse and equitable
20 workforce and a diverse set of contractors, including
21 minority-owned businesses, disadvantaged businesses,
22 trade unions, graduates of any workforce training programs
23 administered under this Act, and small businesses.

24 The Agency shall develop a method to optimize
25 procurement of renewable energy credits from proposed
26 utility-scale projects that are located in communities

1 eligible to receive Energy Transition Community Grants
2 pursuant to Section 10-20 of the Energy Community
3 Reinvestment Act. If this requirement conflicts with other
4 provisions of law or the Agency determines that full
5 compliance with the requirements of this subparagraph (P)
6 would be unreasonably costly or administratively
7 impractical, the Agency is to propose alternative
8 approaches to achieve development of renewable energy
9 resources in communities eligible to receive Energy
10 Transition Community Grants pursuant to Section 10-20 of
11 the Energy Community Reinvestment Act or seek an exemption
12 from this requirement from the Commission.

13 (Q) Each facility listed in subitems (i) through
14 (viii) of item (1) of this subparagraph (Q) for which a
15 renewable energy credit delivery contract is signed after
16 the effective date of this amendatory Act of the 102nd
17 General Assembly is subject to the following requirements
18 through the Agency's long-term renewable resources
19 procurement plan:

20 (1) Each facility shall be subject to the
21 prevailing wage requirements included in the
22 Prevailing Wage Act. The Agency shall require
23 verification that all construction performed on the
24 facility by the renewable energy credit delivery
25 contract holder, its contractors, or its
26 subcontractors relating to construction of the

1 facility is performed by construction employees
2 receiving an amount for that work equal to or greater
3 than the general prevailing rate, as that term is
4 defined in Section 3 of the Prevailing Wage Act. For
5 purposes of this item (1), "house of worship" means
6 property that is both (1) used exclusively by a
7 religious society or body of persons as a place for
8 religious exercise or religious worship and (2)
9 recognized as exempt from taxation pursuant to Section
10 15-40 of the Property Tax Code. This item (1) shall
11 apply to any the following:

12 (i) all new utility-scale wind projects;

13 (ii) all new utility-scale photovoltaic
14 projects;

15 (iii) all new brownfield photovoltaic
16 projects;

17 (iv) all new photovoltaic community renewable
18 energy facilities that qualify for item (iii) of
19 subparagraph (K) of this paragraph (1);

20 (v) all new community driven community
21 photovoltaic projects that qualify for item (v) of
22 subparagraph (K) of this paragraph (1);

23 (vi) all new photovoltaic distributed
24 renewable energy generation devices on schools
25 that qualify for item (iv) of subparagraph (K) of
26 this paragraph (1);

1 (vii) all new photovoltaic distributed
2 renewable energy generation devices that (1)
3 qualify for item (i) of subparagraph (K) of this
4 paragraph (1); (2) are not projects that serve
5 single-family or multi-family residential
6 buildings; and (3) are not houses of worship where
7 the aggregate capacity including collocated
8 projects would not exceed 100 kilowatts;

9 (viii) all new photovoltaic distributed
10 renewable energy generation devices that (1)
11 qualify for item (ii) of subparagraph (K) of this
12 paragraph (1); (2) are not projects that serve
13 single-family or multi-family residential
14 buildings; and (3) are not houses of worship where
15 the aggregate capacity including collocated
16 projects would not exceed 100 kilowatts.

17 (2) Renewable energy credits procured from new
18 utility-scale wind projects, new utility-scale solar
19 projects, and new brownfield solar projects pursuant
20 to Agency procurement events occurring after the
21 effective date of this amendatory Act of the 102nd
22 General Assembly must be from facilities built by
23 general contractors that must enter into a project
24 labor agreement, as defined by this Act, prior to
25 construction. The project labor agreement shall be
26 filed with the Director in accordance with procedures

1 established by the Agency through its long-term
2 renewable resources procurement plan. Any information
3 submitted to the Agency in this item (2) shall be
4 considered commercially sensitive information. At a
5 minimum, the project labor agreement must provide the
6 names, addresses, and occupations of the owner of the
7 plant and the individuals representing the labor
8 organization employees participating in the project
9 labor agreement consistent with the Project Labor
10 Agreements Act. The agreement must also specify the
11 terms and conditions as defined by this Act.

12 (3) It is the intent of this Section to ensure that
13 economic development occurs across Illinois
14 communities, that emerging businesses may grow, and
15 that there is improved access to the clean energy
16 economy by persons who have greater economic burdens
17 to success. The Agency shall take into consideration
18 the unique cost of compliance of this subparagraph (Q)
19 that might be borne by equity eligible contractors,
20 shall include such costs when determining the price of
21 renewable energy credits in the Adjustable Block
22 program, and shall take such costs into consideration
23 in a nondiscriminatory manner when comparing bids for
24 competitive procurements. The Agency shall consider
25 costs associated with compliance whether in the
26 development, financing, or construction of projects.

1 The Agency shall periodically review the assumptions
2 in these costs and may adjust prices, in compliance
3 with subparagraph (M) of this paragraph (1).

4 (R) In its long-term renewable resources procurement
5 plan, the Agency shall establish a self-direct renewable
6 portfolio standard compliance program for eligible
7 self-direct customers that purchase renewable energy
8 credits from utility-scale wind and solar projects through
9 long-term agreements for purchase of renewable energy
10 credits as described in this Section. Such long-term
11 agreements may include the purchase of energy or other
12 products on a physical or financial basis and may involve
13 an alternative retail electric supplier as defined in
14 Section 16-102 of the Public Utilities Act. This program
15 shall take effect in the delivery year commencing June 1,
16 2023.

17 (1) For the purposes of this subparagraph:

18 "Eligible self-direct customer" means any retail
19 customers of an electric utility that serves 3,000,000
20 or more retail customers in the State and whose total
21 highest 30-minute demand was more than 10,000
22 kilowatts, or any retail customers of an electric
23 utility that serves less than 3,000,000 retail
24 customers but more than 500,000 retail customers in
25 the State and whose total highest 15-minute demand was
26 more than 10,000 kilowatts.

1 "Retail customer" has the meaning set forth in
2 Section 16-102 of the Public Utilities Act and
3 multiple retail customer accounts under the same
4 corporate parent may aggregate their account demands
5 to meet the 10,000 kilowatt threshold. The criteria
6 for determining whether this subparagraph is
7 applicable to a retail customer shall be based on the
8 12 consecutive billing periods prior to the start of
9 the year in which the application is filed.

10 (2) For renewable energy credits to count toward
11 the self-direct renewable portfolio standard
12 compliance program, they must:

13 (i) qualify as renewable energy credits as
14 defined in Section 1-10 of this Act;

15 (ii) be sourced from one or more renewable
16 energy generating facilities that comply with the
17 geographic requirements as set forth in
18 subparagraph (I) of paragraph (1) of subsection
19 (c) as interpreted through the Agency's long-term
20 renewable resources procurement plan, or, where
21 applicable, the geographic requirements that
22 governed utility-scale renewable energy credits at
23 the time the eligible self-direct customer entered
24 into the applicable renewable energy credit
25 purchase agreement;

26 (iii) be procured through long-term contracts

1 with term lengths of at least 10 years either
2 directly with the renewable energy generating
3 facility or through a bundled power purchase
4 agreement, a virtual power purchase agreement, an
5 agreement between the renewable generating
6 facility, an alternative retail electric supplier,
7 and the customer, or such other structure as is
8 permissible under this subparagraph (R);

9 (iv) be equivalent in volume to at least 40%
10 of the eligible self-direct customer's usage,
11 determined annually by the eligible self-direct
12 customer's usage during the previous delivery
13 year, measured to the nearest megawatt-hour;

14 (v) be retired by or on behalf of the large
15 energy customer;

16 (vi) be sourced from new utility-scale wind
17 projects or new utility-scale solar projects; and

18 (vii) if the contracts for renewable energy
19 credits are entered into after the effective date
20 of this amendatory Act of the 102nd General
21 Assembly, the new utility-scale wind projects or
22 new utility-scale solar projects must comply with
23 the requirements established in subparagraphs (P)
24 and (Q) of paragraph (1) of this subsection (c)
25 and subsection (c-10).

26 (3) The self-direct renewable portfolio standard

1 compliance program shall be designed to allow eligible
2 self-direct customers to procure new renewable energy
3 credits from new utility-scale wind projects or new
4 utility-scale photovoltaic projects. The Agency shall
5 annually determine the amount of utility-scale
6 renewable energy credits it will include each year
7 from the self-direct renewable portfolio standard
8 compliance program, subject to receiving qualifying
9 applications. In making this determination, the Agency
10 shall evaluate publicly available analyses and studies
11 of the potential market size for utility-scale
12 renewable energy long-term purchase agreements by
13 commercial and industrial energy customers and make
14 that report publicly available. If demand for
15 participation in the self-direct renewable portfolio
16 standard compliance program exceeds availability, the
17 Agency shall ensure participation is evenly split
18 between commercial and industrial users to the extent
19 there is sufficient demand from both customer classes.
20 Each renewable energy credit procured pursuant to this
21 subparagraph (R) by a self-direct customer shall
22 reduce the total volume of renewable energy credits
23 the Agency is otherwise required to procure from new
24 utility-scale projects pursuant to subparagraph (C) of
25 paragraph (1) of this subsection (c) on behalf of
26 contracting utilities where the eligible self-direct

1 customer is located. The self-direct customer shall
2 file an annual compliance report with the Agency
3 pursuant to terms established by the Agency through
4 its long-term renewable resources procurement plan to
5 be eligible for participation in this program.
6 Customers must provide the Agency with their most
7 recent electricity billing statements or other
8 information deemed necessary by the Agency to
9 demonstrate they are an eligible self-direct customer.

10 (4) The Commission shall approve a reduction in
11 the volumetric charges collected pursuant to Section
12 16-108 of the Public Utilities Act for approved
13 eligible self-direct customers equivalent to the
14 anticipated cost of renewable energy credit deliveries
15 under contracts for new utility-scale wind and new
16 utility-scale solar entered for each delivery year
17 after the large energy customer begins retiring
18 eligible new utility scale renewable energy credits
19 for self-compliance. The self-direct credit amount
20 shall be determined annually and is equal to the
21 estimated portion of the cost authorized by
22 subparagraph (E) of paragraph (1) of this subsection
23 (c) that supported the annual procurement of
24 utility-scale renewable energy credits in the prior
25 delivery year using a methodology described in the
26 long-term renewable resources procurement plan,

1 expressed on a per kilowatthour basis, and does not
2 include (i) costs associated with any contracts
3 entered into before the delivery year in which the
4 customer files the initial compliance report to be
5 eligible for participation in the self-direct program,
6 and (ii) costs associated with procuring renewable
7 energy credits through existing and future contracts
8 through the Adjustable Block Program, subsection (c-5)
9 of this Section 1-75, and the Solar for All Program.
10 The Agency shall assist the Commission in determining
11 the current and future costs. The Agency must
12 determine the self-direct credit amount for new and
13 existing eligible self-direct customers and submit
14 this to the Commission in an annual compliance filing.
15 The Commission must approve the self-direct credit
16 amount by June 1, 2023 and June 1 of each delivery year
17 thereafter.

18 (5) Customers described in this subparagraph (R)
19 shall apply, on a form developed by the Agency, to the
20 Agency to be designated as a self-direct eligible
21 customer. Once the Agency determines that a
22 self-direct customer is eligible for participation in
23 the program, the self-direct customer will remain
24 eligible until the end of the term of the contract.
25 Thereafter, application may be made not less than 12
26 months before the filing date of the long-term

1 renewable resources procurement plan described in this
2 Act. At a minimum, such application shall contain the
3 following:

4 (i) the customer's certification that, at the
5 time of the customer's application, the customer
6 qualifies to be a self-direct eligible customer,
7 including documents demonstrating that
8 qualification;

9 (ii) the customer's certification that the
10 customer has entered into or will enter into by
11 the beginning of the applicable procurement year,
12 one or more bilateral contracts for new wind
13 projects or new photovoltaic projects, including
14 supporting documentation;

15 (iii) certification that the contract or
16 contracts for new renewable energy resources are
17 long-term contracts with term lengths of at least
18 10 years, including supporting documentation;

19 (iv) certification of the quantities of
20 renewable energy credits that the customer will
21 purchase each year under such contract or
22 contracts, including supporting documentation;

23 (v) proof that the contract is sufficient to
24 produce renewable energy credits to be equivalent
25 in volume to at least 40% of the large energy
26 customer's usage from the previous delivery year,

1 measured to the nearest megawatt-hour; and

2 (vi) certification that the customer intends
3 to maintain the contract for the duration of the
4 length of the contract.

5 (6) If a customer receives the self-direct credit
6 but fails to properly procure and retire renewable
7 energy credits as required under this subparagraph
8 (R), the Commission, on petition from the Agency and
9 after notice and hearing, may direct such customer's
10 utility to recover the cost of the wrongfully received
11 self-direct credits plus interest through an adder to
12 charges assessed pursuant to Section 16-108 of the
13 Public Utilities Act. Self-direct customers who
14 knowingly fail to properly procure and retire
15 renewable energy credits and do not notify the Agency
16 are ineligible for continued participation in the
17 self-direct renewable portfolio standard compliance
18 program.

19 (2) (Blank).

20 (3) (Blank).

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

23 (5) Beginning with the 2010 delivery year and ending
24 June 1, 2017, an electric utility subject to this
25 subsection (c) shall apply the lesser of the maximum
26 alternative compliance payment rate or the most recent

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

22 (6) The electric utility shall be entitled to recover
23 all of its costs associated with the procurement of
24 renewable energy credits under plans approved under this
25 Section and Section 16-111.5 of the Public Utilities Act.
26 These costs shall include associated reasonable expenses

1 for implementing the procurement programs, including, but
2 not limited to, the costs of administering and evaluating
3 the Adjustable Block program, through an automatic
4 adjustment clause tariff in accordance with subsection (k)
5 of Section 16-108 of the Public Utilities Act.

6 (7) Renewable energy credits procured from new
7 photovoltaic projects or new distributed renewable energy
8 generation devices under this Section after June 1, 2017
9 (the effective date of Public Act 99-906) must be procured
10 from devices installed by a qualified person in compliance
11 with the requirements of Section 16-128A of the Public
12 Utilities Act and any rules or regulations adopted
13 thereunder.

14 In meeting the renewable energy requirements of this
15 subsection (c), to the extent feasible and consistent with
16 State and federal law, the renewable energy credit
17 procurements, Adjustable Block solar program, and
18 community renewable generation program shall provide
19 employment opportunities for all segments of the
20 population and workforce, including minority-owned and
21 female-owned business enterprises, and shall not,
22 consistent with State and federal law, discriminate based
23 on race or socioeconomic status.

24 (c-5) Procurement of renewable energy credits from new
25 renewable energy facilities installed at or adjacent to the
26 sites of electric generating facilities that burn or burned

1 coal as their primary fuel source.

2 (1) In addition to the procurement of renewable energy
3 credits pursuant to long-term renewable resources
4 procurement plans in accordance with subsection (c) of
5 this Section and Section 16-111.5 of the Public Utilities
6 Act, the Agency shall conduct procurement events in
7 accordance with this subsection (c-5) for the procurement
8 by electric utilities that served more than 300,000 retail
9 customers in this State as of January 1, 2019 of renewable
10 energy credits from new renewable energy facilities to be
11 installed at or adjacent to the sites of electric
12 generating facilities that, as of January 1, 2016, burned
13 coal as their primary fuel source and meet the other
14 criteria specified in this subsection (c-5). For purposes
15 of this subsection (c-5), "new renewable energy facility"
16 means a new utility-scale solar project as defined in this
17 Section 1-75. The renewable energy credits procured
18 pursuant to this subsection (c-5) may be included or
19 counted for purposes of compliance with the amounts of
20 renewable energy credits required to be procured pursuant
21 to subsection (c) of this Section to the extent that there
22 are otherwise shortfalls in compliance with such
23 requirements. The procurement of renewable energy credits
24 by electric utilities pursuant to this subsection (c-5)
25 shall be funded solely by revenues collected from the Coal
26 to Solar and Energy Storage Initiative Charge provided for

1 in this subsection (c-5) and subsection (i-5) of Section
2 16-108 of the Public Utilities Act, shall not be funded by
3 revenues collected through any of the other funding
4 mechanisms provided for in subsection (c) of this Section,
5 and shall not be subject to the limitation imposed by
6 subsection (c) on charges to retail customers for costs to
7 procure renewable energy resources pursuant to subsection
8 (c), and shall not be subject to any other requirements or
9 limitations of subsection (c).

10 (2) The Agency shall conduct 2 procurement events to
11 select owners of electric generating facilities meeting
12 the eligibility criteria specified in this subsection
13 (c-5) to enter into long-term contracts to sell renewable
14 energy credits to electric utilities serving more than
15 300,000 retail customers in this State as of January 1,
16 2019. The first procurement event shall be conducted no
17 later than March 31, 2022, unless the Agency elects to
18 delay it, until no later than May 1, 2022, due to its
19 overall volume of work, and shall be to select owners of
20 electric generating facilities located in this State and
21 south of federal Interstate Highway 80 that meet the
22 eligibility criteria specified in this subsection (c-5).
23 The second procurement event shall be conducted no sooner
24 than September 30, 2022 and no later than October 31, 2022
25 and shall be to select owners of electric generating
26 facilities located anywhere in this State that meet the

1 eligibility criteria specified in this subsection (c-5).
2 The Agency shall establish and announce a time period,
3 which shall begin no later than 30 days prior to the
4 scheduled date for the procurement event, during which
5 applicants may submit applications to be selected as
6 suppliers of renewable energy credits pursuant to this
7 subsection (c-5). The eligibility criteria for selection
8 as a supplier of renewable energy credits pursuant to this
9 subsection (c-5) shall be as follows:

10 (A) The applicant owns an electric generating
11 facility located in this State that: (i) as of January
12 1, 2016, burned coal as its primary fuel to generate
13 electricity; and (ii) has, or had prior to retirement,
14 an electric generating capacity of at least 150
15 megawatts. The electric generating facility can be
16 either: (i) retired as of the date of the procurement
17 event; or (ii) still operating as of the date of the
18 procurement event.

19 (B) The applicant is not (i) an electric
20 cooperative as defined in Section 3-119 of the Public
21 Utilities Act, or (ii) an entity described in
22 subsection (b)(1) of Section 3-105 of the Public
23 Utilities Act, or an association or consortium of or
24 an entity owned by entities described in (i) or (ii);
25 and the coal-fueled electric generating facility was
26 at one time owned, in whole or in part, by a public

1 utility as defined in Section 3-105 of the Public
2 Utilities Act.

3 (C) If participating in the first procurement
4 event, the applicant proposes and commits to construct
5 and operate, at the site, and if necessary for
6 sufficient space on property adjacent to the existing
7 property, at which the electric generating facility
8 identified in paragraph (A) is located: (i) a new
9 renewable energy facility of at least 20 megawatts but
10 no more than 100 megawatts of electric generating
11 capacity, and (ii) an energy storage facility having a
12 storage capacity equal to at least 2 megawatts and at
13 most 10 megawatts. If participating in the second
14 procurement event, the applicant proposes and commits
15 to construct and operate, at the site, and if
16 necessary for sufficient space on property adjacent to
17 the existing property, at which the electric
18 generating facility identified in paragraph (A) is
19 located: (i) a new renewable energy facility of at
20 least 5 megawatts but no more than 20 megawatts of
21 electric generating capacity, and (ii) an energy
22 storage facility having a storage capacity equal to at
23 least 0.5 megawatts and at most one megawatt.

24 (D) The applicant agrees that the new renewable
25 energy facility and the energy storage facility will
26 be constructed or installed by a qualified entity or

1 entities in compliance with the requirements of
2 subsection (g) of Section 16-128A of the Public
3 Utilities Act and any rules adopted thereunder.

4 (E) The applicant agrees that personnel operating
5 the new renewable energy facility and the energy
6 storage facility will have the requisite skills,
7 knowledge, training, experience, and competence, which
8 may be demonstrated by completion or current
9 participation and ultimate completion by employees of
10 an accredited or otherwise recognized apprenticeship
11 program for the employee's particular craft, trade, or
12 skill, including through training and education
13 courses and opportunities offered by the owner to
14 employees of the coal-fueled electric generating
15 facility or by previous employment experience
16 performing the employee's particular work skill or
17 function.

18 (F) The applicant commits that not less than the
19 prevailing wage, as determined pursuant to the
20 Prevailing Wage Act, will be paid to the applicant's
21 employees engaged in construction activities
22 associated with the new renewable energy facility and
23 the new energy storage facility and to the employees
24 of applicant's contractors engaged in construction
25 activities associated with the new renewable energy
26 facility and the new energy storage facility, and

1 that, on or before the commercial operation date of
2 the new renewable energy facility, the applicant shall
3 file a report with the Agency certifying that the
4 requirements of this subparagraph (F) have been met.

5 (G) The applicant commits that if selected, it
6 will negotiate a project labor agreement for the
7 construction of the new renewable energy facility and
8 associated energy storage facility that includes
9 provisions requiring the parties to the agreement to
10 work together to establish diversity threshold
11 requirements and to ensure best efforts to meet
12 diversity targets, improve diversity at the applicable
13 job site, create diverse apprenticeship opportunities,
14 and create opportunities to employ former coal-fired
15 power plant workers.

16 (H) The applicant commits to enter into a contract
17 or contracts for the applicable duration to provide
18 specified numbers of renewable energy credits each
19 year from the new renewable energy facility to
20 electric utilities that served more than 300,000
21 retail customers in this State as of January 1, 2019,
22 at a price of \$30 per renewable energy credit. The
23 price per renewable energy credit shall be fixed at
24 \$30 for the applicable duration and the renewable
25 energy credits shall not be indexed renewable energy
26 credits as provided for in item (v) of subparagraph

1 (G) of paragraph (1) of subsection (c) of Section 1-75
2 of this Act. The applicable duration of each contract
3 shall be 20 years, unless the applicant is physically
4 interconnected to the PJM Interconnection, LLC
5 transmission grid and had a generating capacity of at
6 least 1,200 megawatts as of January 1, 2021, in which
7 case the applicable duration of the contract shall be
8 15 years.

9 (I) The applicant's application is certified by an
10 officer of the applicant and by an officer of the
11 applicant's ultimate parent company, if any.

12 (3) An applicant may submit applications to contract
13 to supply renewable energy credits from more than one new
14 renewable energy facility to be constructed at or adjacent
15 to one or more qualifying electric generating facilities
16 owned by the applicant. The Agency may select new
17 renewable energy facilities to be located at or adjacent
18 to the sites of more than one qualifying electric
19 generation facility owned by an applicant to contract with
20 electric utilities to supply renewable energy credits from
21 such facilities.

22 (4) The Agency shall assess fees to each applicant to
23 recover the Agency's costs incurred in receiving and
24 evaluating applications, conducting the procurement event,
25 developing contracts for sale, delivery and purchase of
26 renewable energy credits, and monitoring the

1 administration of such contracts, as provided for in this
2 subsection (c-5), including fees paid to a procurement
3 administrator retained by the Agency for one or more of
4 these purposes.

5 (5) The Agency shall select the applicants and the new
6 renewable energy facilities to contract with electric
7 utilities to supply renewable energy credits in accordance
8 with this subsection (c-5). In the first procurement
9 event, the Agency shall select applicants and new
10 renewable energy facilities to supply renewable energy
11 credits, at a price of \$30 per renewable energy credit,
12 aggregating to no less than 400,000 renewable energy
13 credits per year for the applicable duration, assuming
14 sufficient qualifying applications to supply, in the
15 aggregate, at least that amount of renewable energy
16 credits per year; and not more than 580,000 renewable
17 energy credits per year for the applicable duration. In
18 the second procurement event, the Agency shall select
19 applicants and new renewable energy facilities to supply
20 renewable energy credits, at a price of \$30 per renewable
21 energy credit, aggregating to no more than 625,000
22 renewable energy credits per year less the amount of
23 renewable energy credits each year contracted for as a
24 result of the first procurement event, for the applicable
25 durations. The number of renewable energy credits to be
26 procured as specified in this paragraph (5) shall not be

1 reduced based on renewable energy credits procured in the
2 self-direct renewable energy credit compliance program
3 established pursuant to subparagraph (R) of paragraph (1)
4 of subsection (c) of Section 1-75.

5 (6) The obligation to purchase renewable energy
6 credits from the applicants and their new renewable energy
7 facilities selected by the Agency shall be allocated to
8 the electric utilities based on their respective
9 percentages of kilowatthours delivered to delivery
10 services customers to the aggregate kilowatthour
11 deliveries by the electric utilities to delivery services
12 customers for the year ended December 31, 2021. In order
13 to achieve these allocation percentages between or among
14 the electric utilities, the Agency shall require each
15 applicant that is selected in the procurement event to
16 enter into a contract with each electric utility for the
17 sale and purchase of renewable energy credits from each
18 new renewable energy facility to be constructed and
19 operated by the applicant, with the sale and purchase
20 obligations under the contracts to aggregate to the total
21 number of renewable energy credits per year to be supplied
22 by the applicant from the new renewable energy facility.

23 (7) The Agency shall submit its proposed selection of
24 applicants, new renewable energy facilities to be
25 constructed, and renewable energy credit amounts for each
26 procurement event to the Commission for approval. The

1 Commission shall, within 2 business days after receipt of
2 the Agency's proposed selections, approve the proposed
3 selections if it determines that the applicants and the
4 new renewable energy facilities to be constructed meet the
5 selection criteria set forth in this subsection (c-5) and
6 that the Agency seeks approval for contracts of applicable
7 durations aggregating to no more than the maximum amount
8 of renewable energy credits per year authorized by this
9 subsection (c-5) for the procurement event, at a price of
10 \$30 per renewable energy credit.

11 (8) The Agency, in conjunction with its procurement
12 administrator if one is retained, the electric utilities,
13 and potential applicants for contracts to produce and
14 supply renewable energy credits pursuant to this
15 subsection (c-5), shall develop a standard form contract
16 for the sale, delivery and purchase of renewable energy
17 credits pursuant to this subsection (c-5). Each contract
18 resulting from the first procurement event shall allow for
19 a commercial operation date for the new renewable energy
20 facility of either June 1, 2023 or June 1, 2024, with such
21 dates subject to adjustment as provided in this paragraph.
22 Each contract resulting from the second procurement event
23 shall provide for a commercial operation date on June 1
24 next occurring up to 48 months after execution of the
25 contract. Each contract shall provide that the owner shall
26 receive payments for renewable energy credits for the

1 applicable durations beginning with the commercial
2 operation date of the new renewable energy facility. The
3 form contract shall provide for adjustments to the
4 commercial operation and payment start dates as needed due
5 to any delays in completing the procurement and
6 contracting processes, in finalizing interconnection
7 agreements and installing interconnection facilities, and
8 in obtaining other necessary governmental permits and
9 approvals. The form contract shall be, to the maximum
10 extent possible, consistent with standard electric
11 industry contracts for sale, delivery, and purchase of
12 renewable energy credits while taking into account the
13 specific requirements of this subsection (c-5). The form
14 contract shall provide for over-delivery and
15 under-delivery of renewable energy credits within
16 reasonable ranges during each 12-month period and penalty,
17 default, and enforcement provisions for failure of the
18 selling party to deliver renewable energy credits as
19 specified in the contract and to comply with the
20 requirements of this subsection (c-5). The standard form
21 contract shall specify that all renewable energy credits
22 delivered to the electric utility pursuant to the contract
23 shall be retired. The Agency shall make the proposed
24 contracts available for a reasonable period for comment by
25 potential applicants, and shall publish the final form
26 contract at least 30 days before the date of the first

1 procurement event.

2 (9) Coal to Solar and Energy Storage Initiative
3 Charge.

4 (A) By no later than July 1, 2022, each electric
5 utility that served more than 300,000 retail customers
6 in this State as of January 1, 2019 shall file a tariff
7 with the Commission for the billing and collection of
8 a Coal to Solar and Energy Storage Initiative Charge
9 in accordance with subsection (i-5) of Section 16-108
10 of the Public Utilities Act, with such tariff to be
11 effective, following review and approval or
12 modification by the Commission, beginning January 1,
13 2023. The tariff shall provide for the calculation and
14 setting of the electric utility's Coal to Solar and
15 Energy Storage Initiative Charge to collect revenues
16 estimated to be sufficient, in the aggregate, (i) to
17 enable the electric utility to pay for the renewable
18 energy credits it has contracted to purchase in the
19 delivery year beginning June 1, 2023 and each delivery
20 year thereafter from new renewable energy facilities
21 located at the sites of qualifying electric generating
22 facilities, and (ii) to fund the grant payments to be
23 made in each delivery year by the Department of
24 Commerce and Economic Opportunity, or any successor
25 department or agency, which shall be referred to in
26 this subsection (c-5) as the Department, pursuant to

1 paragraph (10) of this subsection (c-5). The electric
2 utility's tariff shall provide for the billing and
3 collection of the Coal to Solar and Energy Storage
4 Initiative Charge on each kilowatthour of electricity
5 delivered to its delivery services customers within
6 its service territory and shall provide for an annual
7 reconciliation of revenues collected with actual
8 costs, in accordance with subsection (i-5) of Section
9 16-108 of the Public Utilities Act.

10 (B) Each electric utility shall remit on a monthly
11 basis to the State Treasurer, for deposit in the Coal
12 to Solar and Energy Storage Initiative Fund provided
13 for in this subsection (c-5), the electric utility's
14 collections of the Coal to Solar and Energy Storage
15 Initiative Charge in the amount estimated to be needed
16 by the Department for grant payments pursuant to grant
17 contracts entered into by the Department pursuant to
18 paragraph (10) of this subsection (c-5).

19 (10) Coal to Solar and Energy Storage Initiative Fund.

20 (A) The Coal to Solar and Energy Storage
21 Initiative Fund is established as a special fund in
22 the State treasury. The Coal to Solar and Energy
23 Storage Initiative Fund is authorized to receive, by
24 statutory deposit, that portion specified in item (B)
25 of paragraph (9) of this subsection (c-5) of moneys
26 collected by electric utilities through imposition of

1 the Coal to Solar and Energy Storage Initiative Charge
2 required by this subsection (c-5). The Coal to Solar
3 and Energy Storage Initiative Fund shall be
4 administered by the Department to provide grants to
5 support the installation and operation of energy
6 storage facilities at the sites of qualifying electric
7 generating facilities meeting the criteria specified
8 in this paragraph (10).

9 (B) The Coal to Solar and Energy Storage
10 Initiative Fund shall not be subject to sweeps,
11 administrative charges, or chargebacks, including, but
12 not limited to, those authorized under Section 8h of
13 the State Finance Act, that would in any way result in
14 the transfer of those funds from the Coal to Solar and
15 Energy Storage Initiative Fund to any other fund of
16 this State or in having any such funds utilized for any
17 purpose other than the express purposes set forth in
18 this paragraph (10).

19 (C) The Department shall utilize up to
20 \$280,500,000 in the Coal to Solar and Energy Storage
21 Initiative Fund for grants, assuming sufficient
22 qualifying applicants, to support installation of
23 energy storage facilities at the sites of up to 3
24 qualifying electric generating facilities located in
25 the Midcontinent Independent System Operator, Inc.,
26 region in Illinois and the sites of up to 2 qualifying

1 electric generating facilities located in the PJM
2 Interconnection, LLC region in Illinois that meet the
3 criteria set forth in this subparagraph (C). The
4 criteria for receipt of a grant pursuant to this
5 subparagraph (C) are as follows:

6 (1) the electric generating facility at the
7 site has, or had prior to retirement, an electric
8 generating capacity of at least 150 megawatts;

9 (2) the electric generating facility burns (or
10 burned prior to retirement) coal as its primary
11 source of fuel;

12 (3) if the electric generating facility is
13 retired, it was retired subsequent to January 1,
14 2016;

15 (4) the owner of the electric generating
16 facility has not been selected by the Agency
17 pursuant to this subsection (c-5) of this Section
18 to enter into a contract to sell renewable energy
19 credits to one or more electric utilities from a
20 new renewable energy facility located or to be
21 located at or adjacent to the site at which the
22 electric generating facility is located;

23 (5) the electric generating facility located
24 at the site was at one time owned, in whole or in
25 part, by a public utility as defined in Section
26 3-105 of the Public Utilities Act;

1 (6) the electric generating facility at the
2 site is not owned by (i) an electric cooperative
3 as defined in Section 3-119 of the Public
4 Utilities Act, or (ii) an entity described in
5 subsection (b)(1) of Section 3-105 of the Public
6 Utilities Act, or an association or consortium of
7 or an entity owned by entities described in items
8 (i) or (ii);

9 (7) the proposed energy storage facility at
10 the site will have energy storage capacity of at
11 least 37 megawatts;

12 (8) the owner commits to place the energy
13 storage facility into commercial operation on
14 either June 1, 2023, June 1, 2024, or June 1, 2025,
15 with such date subject to adjustment as needed due
16 to any delays in completing the grant contracting
17 process, in finalizing interconnection agreements
18 and in installing interconnection facilities, and
19 in obtaining necessary governmental permits and
20 approvals;

21 (9) the owner agrees that the new energy
22 storage facility will be constructed or installed
23 by a qualified entity or entities consistent with
24 the requirements of subsection (g) of Section
25 16-128A of the Public Utilities Act and any rules
26 adopted under that Section;

1 (10) the owner agrees that personnel operating
2 the energy storage facility will have the
3 requisite skills, knowledge, training, experience,
4 and competence, which may be demonstrated by
5 completion or current participation and ultimate
6 completion by employees of an accredited or
7 otherwise recognized apprenticeship program for
8 the employee's particular craft, trade, or skill,
9 including through training and education courses
10 and opportunities offered by the owner to
11 employees of the coal-fueled electric generating
12 facility or by previous employment experience
13 performing the employee's particular work skill or
14 function;

15 (11) the owner commits that not less than the
16 prevailing wage, as determined pursuant to the
17 Prevailing Wage Act, will be paid to the owner's
18 employees engaged in construction activities
19 associated with the new energy storage facility
20 and to the employees of the owner's contractors
21 engaged in construction activities associated with
22 the new energy storage facility, and that, on or
23 before the commercial operation date of the new
24 energy storage facility, the owner shall file a
25 report with the Department certifying that the
26 requirements of this subparagraph (11) have been

1 met; and

2 (12) the owner commits that if selected to
3 receive a grant, it will negotiate a project labor
4 agreement for the construction of the new energy
5 storage facility that includes provisions
6 requiring the parties to the agreement to work
7 together to establish diversity threshold
8 requirements and to ensure best efforts to meet
9 diversity targets, improve diversity at the
10 applicable job site, create diverse apprenticeship
11 opportunities, and create opportunities to employ
12 former coal-fired power plant workers.

13 The Department shall accept applications for this
14 grant program until March 31, 2022 and shall announce
15 the award of grants no later than June 1, 2022. The
16 Department shall make the grant payments to a
17 recipient in equal annual amounts for 10 years
18 following the date the energy storage facility is
19 placed into commercial operation. The annual grant
20 payments to a qualifying energy storage facility shall
21 be \$110,000 per megawatt of energy storage capacity,
22 with total annual grant payments pursuant to this
23 subparagraph (C) for qualifying energy storage
24 facilities not to exceed \$28,050,000 in any year.

25 (D) Grants of funding for energy storage
26 facilities pursuant to subparagraph (C) of this

1 paragraph (10), from the Coal to Solar and Energy
2 Storage Initiative Fund, shall be memorialized in
3 grant contracts between the Department and the
4 recipient. The grant contracts shall specify the date
5 or dates in each year on which the annual grant
6 payments shall be paid.

7 (E) All disbursements from the Coal to Solar and
8 Energy Storage Initiative Fund shall be made only upon
9 warrants of the Comptroller drawn upon the Treasurer
10 as custodian of the Fund upon vouchers signed by the
11 Director of the Department or by the person or persons
12 designated by the Director of the Department for that
13 purpose. The Comptroller is authorized to draw the
14 warrants upon vouchers so signed. The Treasurer shall
15 accept all written warrants so signed and shall be
16 released from liability for all payments made on those
17 warrants.

18 (11) Diversity, equity, and inclusion plans.

19 (A) Each applicant selected in a procurement event
20 to contract to supply renewable energy credits in
21 accordance with this subsection (c-5) and each owner
22 selected by the Department to receive a grant or
23 grants to support the construction and operation of a
24 new energy storage facility or facilities in
25 accordance with this subsection (c-5) shall, within 60
26 days following the Commission's approval of the

1 applicant to contract to supply renewable energy
2 credits or within 60 days following execution of a
3 grant contract with the Department, as applicable,
4 submit to the Commission a diversity, equity, and
5 inclusion plan setting forth the applicant's or
6 owner's numeric goals for the diversity composition of
7 its supplier entities for the new renewable energy
8 facility or new energy storage facility, as
9 applicable, which shall be referred to for purposes of
10 this paragraph (11) as the project, and the
11 applicant's or owner's action plan and schedule for
12 achieving those goals.

13 (B) For purposes of this paragraph (11), diversity
14 composition shall be based on the percentage, which
15 shall be a minimum of 25%, of eligible expenditures
16 for contract awards for materials and services (which
17 shall be defined in the plan) to business enterprises
18 owned by minority persons, women, or persons with
19 disabilities as defined in Section 2 of the Business
20 Enterprise for Minorities, Women, and Persons with
21 Disabilities Act, to LGBTQ business enterprises, to
22 veteran-owned business enterprises, and to business
23 enterprises located in environmental justice
24 communities. The diversity composition goals of the
25 plan may include eligible expenditures in areas for
26 vendor or supplier opportunities in addition to

1 development and construction of the project, and may
2 exclude from eligible expenditures materials and
3 services with limited market availability, limited
4 production and availability from suppliers in the
5 United States, such as solar panels and storage
6 batteries, and material and services that are subject
7 to critical energy infrastructure or cybersecurity
8 requirements or restrictions. The plan may provide
9 that the diversity composition goals may be met
10 through Tier 1 Direct or Tier 2 subcontracting
11 expenditures or a combination thereof for the project.

12 (C) The plan shall provide for, but not be limited
13 to: (i) internal initiatives, including multi-tier
14 initiatives, by the applicant or owner, or by its
15 engineering, procurement and construction contractor
16 if one is used for the project, which for purposes of
17 this paragraph (11) shall be referred to as the EPC
18 contractor, to enable diverse businesses to be
19 considered fairly for selection to provide materials
20 and services; (ii) requirements for the applicant or
21 owner or its EPC contractor to proactively solicit and
22 utilize diverse businesses to provide materials and
23 services; and (iii) requirements for the applicant or
24 owner or its EPC contractor to hire a diverse
25 workforce for the project. The plan shall include a
26 description of the applicant's or owner's diversity

1 recruiting efforts both for the project and for other
2 areas of the applicant's or owner's business
3 operations. The plan shall provide for the imposition
4 of financial penalties on the applicant's or owner's
5 EPC contractor for failure to exercise best efforts to
6 comply with and execute the EPC contractor's diversity
7 obligations under the plan. The plan may provide for
8 the applicant or owner to set aside a portion of the
9 work on the project to serve as an incubation program
10 for qualified businesses, as specified in the plan,
11 owned by minority persons, women, persons with
12 disabilities, LGBTQ persons, and veterans, and
13 businesses located in environmental justice
14 communities, seeking to enter the renewable energy
15 industry.

16 (D) The applicant or owner may submit a revised or
17 updated plan to the Commission from time to time as
18 circumstances warrant. The applicant or owner shall
19 file annual reports with the Commission detailing the
20 applicant's or owner's progress in implementing its
21 plan and achieving its goals and any modifications the
22 applicant or owner has made to its plan to better
23 achieve its diversity, equity and inclusion goals. The
24 applicant or owner shall file a final report on the
25 fifth June 1 following the commercial operation date
26 of the new renewable energy resource or new energy

1 storage facility, but the applicant or owner shall
2 thereafter continue to be subject to applicable
3 reporting requirements of Section 5-117 of the Public
4 Utilities Act.

5 (c-10) Equity accountability system. It is the purpose of
6 this subsection (c-10) to create an equity accountability
7 system, which includes the minimum equity standards for all
8 renewable energy procurements, the equity category of the
9 Adjustable Block Program, and the equity prioritization for
10 noncompetitive procurements, that is successful in advancing
11 priority access to the clean energy economy for businesses and
12 workers from communities that have been excluded from economic
13 opportunities in the energy sector, have been subject to
14 disproportionate levels of pollution, and have
15 disproportionately experienced negative public health
16 outcomes. Further, it is the purpose of this subsection to
17 ensure that this equity accountability system is successful in
18 advancing equity across Illinois by providing access to the
19 clean energy economy for businesses and workers from
20 communities that have been historically excluded from economic
21 opportunities in the energy sector, have been subject to
22 disproportionate levels of pollution, and have
23 disproportionately experienced negative public health
24 outcomes.

25 (1) Minimum equity standards. The Agency shall create
26 programs with the purpose of increasing access to and

1 development of equity eligible contractors, who are prime
2 contractors and subcontractors, across all of the programs
3 it manages. All applications for renewable energy credit
4 procurements shall comply with specific minimum equity
5 commitments. Starting in the delivery year immediately
6 following the next long-term renewable resources
7 procurement plan, at least 10% of the project workforce
8 for each entity participating in a procurement program
9 outlined in this subsection (c-10) must be done by equity
10 eligible persons or equity eligible contractors. The
11 Agency shall increase the minimum percentage each delivery
12 year thereafter by increments that ensure a statewide
13 average of 30% of the project workforce for each entity
14 participating in a procurement program is done by equity
15 eligible persons or equity eligible contractors by 2030.
16 The Agency shall propose a schedule of percentage
17 increases to the minimum equity standards in its draft
18 revised renewable energy resources procurement plan
19 submitted to the Commission for approval pursuant to
20 paragraph (5) of subsection (b) of Section 16-111.5 of the
21 Public Utilities Act. In determining these annual
22 increases, the Agency shall have the discretion to
23 establish different minimum equity standards for different
24 types of procurements and different regions of the State
25 if the Agency finds that doing so will further the
26 purposes of this subsection (c-10). The proposed schedule

1 of annual increases shall be revisited and updated on an
2 annual basis. Revisions shall be developed with
3 stakeholder input, including from equity eligible persons,
4 equity eligible contractors, clean energy industry
5 representatives, and community-based organizations that
6 work with such persons and contractors.

7 (A) At the start of each delivery year, the Agency
8 shall require a compliance plan from each entity
9 participating in a procurement program of subsection
10 (c) of this Section that demonstrates how they will
11 achieve compliance with the minimum equity standard
12 percentage for work completed in that delivery year.
13 If an entity applies for its approved vendor or
14 designee status between delivery years, the Agency
15 shall require a compliance plan at the time of
16 application.

17 (B) Halfway through each delivery year, the Agency
18 shall require each entity participating in a
19 procurement program to confirm that it will achieve
20 compliance in that delivery year, when applicable. The
21 Agency may offer corrective action plans to entities
22 that are not on track to achieve compliance.

23 (C) At the end of each delivery year, each entity
24 participating and completing work in that delivery
25 year in a procurement program of subsection (c) shall
26 submit a report to the Agency that demonstrates how it

1 achieved compliance with the minimum equity standards
2 percentage for that delivery year.

3 (D) The Agency shall prohibit participation in
4 procurement programs by an approved vendor or
5 designee, as applicable, or entities with which an
6 approved vendor or designee, as applicable, shares a
7 common parent company if an approved vendor or
8 designee, as applicable, failed to meet the minimum
9 equity standards for the prior delivery year. Waivers
10 approved for lack of equity eligible persons or equity
11 eligible contractors in a geographic area of a project
12 shall not count against the approved vendor or
13 designee. The Agency shall offer a corrective action
14 plan for any such entities to assist them in obtaining
15 compliance and shall allow continued access to
16 procurement programs upon an approved vendor or
17 designee demonstrating compliance.

18 (E) The Agency shall pursue efficiencies achieved
19 by combining with other approved vendor or designee
20 reporting.

21 (2) Equity accountability system within the Adjustable
22 Block program. The equity category described in item (vi)
23 of subparagraph (K) of subsection (c) is only available to
24 applicants that are equity eligible contractors.

25 (3) Equity accountability system within competitive
26 procurements. Through its long-term renewable resources

1 procurement plan, the Agency shall develop requirements
2 for ensuring that competitive procurement processes,
3 including utility-scale solar, utility-scale wind, and
4 brownfield site photovoltaic projects, advance the equity
5 goals of this subsection (c-10). Subject to Commission
6 approval, the Agency shall develop bid application
7 requirements and a bid evaluation methodology for ensuring
8 that utilization of equity eligible contractors, whether
9 as bidders or as participants on project development, is
10 optimized, including requiring that winning or successful
11 applicants for utility-scale projects are or will partner
12 with equity eligible contractors and giving preference to
13 bids through which a higher portion of contract value
14 flows to equity eligible contractors. To the extent
15 practicable, entities participating in competitive
16 procurements shall also be required to meet all the equity
17 accountability requirements for approved vendors and their
18 designees under this subsection (c-10). In developing
19 these requirements, the Agency shall also consider whether
20 equity goals can be further advanced through additional
21 measures.

22 (4) In the first revision to the long-term renewable
23 energy resources procurement plan and each revision
24 thereafter, the Agency shall include the following:

25 (A) The current status and number of equity
26 eligible contractors listed in the Energy Workforce

1 Equity Database designed in subsection (c-25),
2 including the number of equity eligible contractors
3 with current certifications as issued by the Agency.

4 (B) A mechanism for measuring, tracking, and
5 reporting project workforce at the approved vendor or
6 designee level, as applicable, which shall include a
7 measurement methodology and records to be made
8 available for audit by the Agency or the Program
9 Administrator.

10 (C) A program for approved vendors, designees,
11 eligible persons, and equity eligible contractors to
12 receive trainings, guidance, and other support from
13 the Agency or its designee regarding the equity
14 category outlined in item (vi) of subparagraph (K) of
15 paragraph (1) of subsection (c) and in meeting the
16 minimum equity standards of this subsection (c-10).

17 (D) A process for certifying equity eligible
18 contractors and equity eligible persons. The
19 certification process shall coordinate with the Energy
20 Workforce Equity Database set forth in subsection
21 (c-25).

22 (E) An application for waiver of the minimum
23 equity standards of this subsection, which the Agency
24 shall have the discretion to grant in rare
25 circumstances. The Agency may grant such a waiver
26 where the applicant provides evidence of significant

1 efforts toward meeting the minimum equity commitment,
2 including: use of the Energy Workforce Equity
3 Database; efforts to hire or contract with entities
4 that hire eligible persons; and efforts to establish
5 contracting relationships with eligible contractors.
6 The Agency shall support applicants in understanding
7 the Energy Workforce Equity Database and other
8 resources for pursuing compliance of the minimum
9 equity standards. Waivers shall be project-specific,
10 unless the Agency deems it necessary to grant a waiver
11 across a portfolio of projects, and in effect for no
12 longer than one year. Any waiver extension or
13 subsequent waiver request from an applicant shall be
14 subject to the requirements of this Section and shall
15 specify efforts made to reach compliance. When
16 considering whether to grant a waiver, and to what
17 extent, the Agency shall consider the degree to which
18 similarly situated applicants have been able to meet
19 these minimum equity commitments. For repeated waiver
20 requests for specific lack of eligible persons or
21 eligible contractors available, the Agency shall make
22 recommendations to target recruitment to add such
23 eligible persons or eligible contractors to the
24 database.

25 (5) The Agency shall collect information about work on
26 projects or portfolios of projects subject to these

1 minimum equity standards to ensure compliance with this
2 subsection (c-10). Reporting in furtherance of this
3 requirement may be combined with other annual reporting
4 requirements. Such reporting shall include proof of
5 certification of each equity eligible contractor or equity
6 eligible person during the applicable time period.

7 (6) The Agency shall keep confidential all information
8 and communication that provides private or personal
9 information.

10 (7) Modifications to the equity accountability system.
11 As part of the update of the long-term renewable resources
12 procurement plan to be initiated in 2023, or sooner if the
13 Agency deems necessary, the Agency shall determine the
14 extent to which the equity accountability system described
15 in this subsection (c-10) has advanced the goals of this
16 amendatory Act of the 102nd General Assembly, including
17 through the inclusion of equity eligible persons and
18 equity eligible contractors in renewable energy credit
19 projects. If the Agency finds that the equity
20 accountability system has failed to meet those goals to
21 its fullest potential, the Agency may revise the following
22 criteria for future Agency procurements: (A) the
23 percentage of project workforce, or other appropriate
24 workforce measure, certified as equity eligible persons or
25 equity eligible contractors; (B) definitions for equity
26 investment eligible persons and equity investment eligible

1 community; and (C) such other modifications necessary to
2 advance the goals of this amendatory Act of the 102nd
3 General Assembly effectively. Such revised criteria may
4 also establish distinct equity accountability systems for
5 different types of procurements or different regions of
6 the State if the Agency finds that doing so will further
7 the purposes of such programs. Revisions shall be
8 developed with stakeholder input, including from equity
9 eligible persons, equity eligible contractors, and
10 community-based organizations that work with such persons
11 and contractors.

12 (c-15) Racial discrimination elimination powers and
13 process.

14 (1) Purpose. It is the purpose of this subsection to
15 empower the Agency and other State actors to remedy racial
16 discrimination in Illinois' clean energy economy as
17 effectively and expediently as possible, including through
18 the use of race-conscious remedies, such as race-conscious
19 contracting and hiring goals, as consistent with State and
20 federal law.

21 (2) Racial disparity and discrimination review
22 process.

23 (A) Within one year after awarding contracts using
24 the equity actions processes established in this
25 Section, the Agency shall publish a report evaluating
26 the effectiveness of the equity actions point criteria

1 of this Section in increasing participation of equity
2 eligible persons and equity eligible contractors. The
3 report shall disaggregate participating workers and
4 contractors by race and ethnicity. The report shall be
5 forwarded to the Governor, the General Assembly, and
6 the Illinois Commerce Commission and be made available
7 to the public.

8 (B) As soon as is practicable thereafter, the
9 Agency, in consultation with the Department of
10 Commerce and Economic Opportunity, Department of
11 Labor, and other agencies that may be relevant, shall
12 commission and publish a disparity and availability
13 study that measures the presence and impact of
14 discrimination on minority businesses and workers in
15 Illinois' clean energy economy. The Agency may hire
16 consultants and experts to conduct the disparity and
17 availability study, with the retention of those
18 consultants and experts exempt from the requirements
19 of Section 20-10 of the Illinois Procurement Code. The
20 Illinois Power Agency shall forward a copy of its
21 findings and recommendations to the Governor, the
22 General Assembly, and the Illinois Commerce
23 Commission. If the disparity and availability study
24 establishes a strong basis in evidence that there is
25 discrimination in Illinois' clean energy economy, the
26 Agency, Department of Commerce and Economic

1 Opportunity, Department of Labor, Department of
2 Corrections, and other appropriate agencies shall take
3 appropriate remedial actions, including race-conscious
4 remedial actions as consistent with State and federal
5 law, to effectively remedy this discrimination. Such
6 remedies may include modification of the equity
7 accountability system as described in subsection
8 (c-10).

9 (c-20) Program data collection.

10 (1) Purpose. Data collection, data analysis, and
11 reporting are critical to ensure that the benefits of the
12 clean energy economy provided to Illinois residents and
13 businesses are equitably distributed across the State. The
14 Agency shall collect data from program applicants in order
15 to track and improve equitable distribution of benefits
16 across Illinois communities for all procurements the
17 Agency conducts. The Agency shall use this data to, among
18 other things, measure any potential impact of racial
19 discrimination on the distribution of benefits and provide
20 information necessary to correct any discrimination
21 through methods consistent with State and federal law.

22 (2) Agency collection of program data. The Agency
23 shall collect demographic and geographic data for each
24 entity awarded contracts under any Agency-administered
25 program.

26 (3) Required information to be collected. The Agency

1 shall collect the following information from applicants
2 and program participants where applicable:

3 (A) demographic information, including racial or
4 ethnic identity for real persons employed, contracted,
5 or subcontracted through the program and owners of
6 businesses or entities that apply to receive renewable
7 energy credits from the Agency;

8 (B) geographic location of the residency of real
9 persons employed, contracted, or subcontracted through
10 the program and geographic location of the
11 headquarters of the business or entity that applies to
12 receive renewable energy credits from the Agency; and

13 (C) any other information the Agency determines is
14 necessary for the purpose of achieving the purpose of
15 this subsection.

16 (4) Publication of collected information. The Agency
17 shall publish, at least annually, information on the
18 demographics of program participants on an aggregate
19 basis.

20 (5) Nothing in this subsection shall be interpreted to
21 limit the authority of the Agency, or other agency or
22 department of the State, to require or collect demographic
23 information from applicants of other State programs.

24 (c-25) Energy Workforce Equity Database.

25 (1) The Agency, in consultation with the Department of
26 Commerce and Economic Opportunity, shall create an Energy

1 Workforce Equity Database, and may contract with a third
2 party to do so ("database program administrator"). If the
3 Department decides to contract with a third party, that
4 third party shall be exempt from the requirements of
5 Section 20-10 of the Illinois Procurement Code. The Energy
6 Workforce Equity Database shall be a searchable database
7 of suppliers, vendors, and subcontractors for clean energy
8 industries that is:

9 (A) publicly accessible;

10 (B) easy for people to find and use;

11 (C) organized by company specialty or field;

12 (D) region-specific; and

13 (E) populated with information including, but not
14 limited to, contacts for suppliers, vendors, or
15 subcontractors who are minority and women-owned
16 business enterprise certified or who participate or
17 have participated in any of the programs described in
18 this Act.

19 (2) The Agency shall create an easily accessible,
20 public facing online tool using the database information
21 that includes, at a minimum, the following:

22 (A) a map of environmental justice and equity
23 investment eligible communities;

24 (B) job postings and recruiting opportunities;

25 (C) a means by which recruiting clean energy
26 companies can find and interact with current or former

1 participants of clean energy workforce training
2 programs;

3 (D) information on workforce training service
4 providers and training opportunities available to
5 prospective workers;

6 (E) renewable energy company diversity reporting;

7 (F) a list of equity eligible contractors with
8 their contact information, types of work performed,
9 and locations worked in;

10 (G) reporting on outcomes of the programs
11 described in the workforce programs of the Energy
12 Transition Act, including information such as, but not
13 limited to, retention rate, graduation rate, and
14 placement rates of trainees; and

15 (H) information about the Jobs and Environmental
16 Justice Grant Program, the Clean Energy Jobs and
17 Justice Fund, and other sources of capital.

18 (3) The Agency shall ensure the database is regularly
19 updated to ensure information is current and shall
20 coordinate with the Department of Commerce and Economic
21 Opportunity to ensure that it includes information on
22 individuals and entities that are or have participated in
23 the Clean Jobs Workforce Network Program, Clean Energy
24 Contractor Incubator Program, Returning Residents Clean
25 Jobs Training Program, or Clean Energy Primes Contractor
26 Accelerator Program.

1 (c-30) Enforcement of minimum equity standards. All
2 entities seeking renewable energy credits must submit an
3 annual report to demonstrate compliance with each of the
4 equity commitments required under subsection (c-10). If the
5 Agency concludes the entity has not met or maintained its
6 minimum equity standards required under the applicable
7 subparagraphs under subsection (c-10), the Agency shall deny
8 the entity's ability to participate in procurement programs in
9 subsection (c), including by withholding approved vendor or
10 designee status. The Agency may require the entity to enter
11 into a corrective action plan. An entity that is not
12 recertified for failing to meet required equity actions in
13 subparagraph (c-10) may reapply once they have a corrective
14 action plan and achieve compliance with the minimum equity
15 standards.

16 (d) Clean coal portfolio standard.

17 (1) The procurement plans shall include electricity
18 generated using clean coal. Each utility shall enter into
19 one or more sourcing agreements with the initial clean
20 coal facility, as provided in paragraph (3) of this
21 subsection (d), covering electricity generated by the
22 initial clean coal facility representing at least 5% of
23 each utility's total supply to serve the load of eligible
24 retail customers in 2015 and each year thereafter, as
25 described in paragraph (3) of this subsection (d), subject
26 to the limits specified in paragraph (2) of this

1 subsection (d). It is the goal of the State that by January
2 1, 2025, 25% of the electricity used in the State shall be
3 generated by cost-effective clean coal facilities. For
4 purposes of this subsection (d), "cost-effective" means
5 that the expenditures pursuant to such sourcing agreements
6 do not cause the limit stated in paragraph (2) of this
7 subsection (d) to be exceeded and do not exceed cost-based
8 benchmarks, which shall be developed to assess all
9 expenditures pursuant to such sourcing agreements covering
10 electricity generated by clean coal facilities, other than
11 the initial clean coal facility, by the procurement
12 administrator, in consultation with the Commission staff,
13 Agency staff, and the procurement monitor and shall be
14 subject to Commission review and approval.

15 A utility party to a sourcing agreement shall
16 immediately retire any emission credits that it receives
17 in connection with the electricity covered by such
18 agreement.

19 Utilities shall maintain adequate records documenting
20 the purchases under the sourcing agreement to comply with
21 this subsection (d) and shall file an accounting with the
22 load forecast that must be filed with the Agency by July 15
23 of each year, in accordance with subsection (d) of Section
24 16-111.5 of the Public Utilities Act.

25 A utility shall be deemed to have complied with the
26 clean coal portfolio standard specified in this subsection

1 (d) if the utility enters into a sourcing agreement as
2 required by this subsection (d).

3 (2) For purposes of this subsection (d), the required
4 execution of sourcing agreements with the initial clean
5 coal facility for a particular year shall be measured as a
6 percentage of the actual amount of electricity
7 (megawatt-hours) supplied by the electric utility to
8 eligible retail customers in the planning year ending
9 immediately prior to the agreement's execution. For
10 purposes of this subsection (d), the amount paid per
11 kilowatthour means the total amount paid for electric
12 service expressed on a per kilowatthour basis. For
13 purposes of this subsection (d), the total amount paid for
14 electric service includes without limitation amounts paid
15 for supply, transmission, distribution, surcharges and
16 add-on taxes.

17 Notwithstanding the requirements of this subsection
18 (d), the total amount paid under sourcing agreements with
19 clean coal facilities pursuant to the procurement plan for
20 any given year shall be reduced by an amount necessary to
21 limit the annual estimated average net increase due to the
22 costs of these resources included in the amounts paid by
23 eligible retail customers in connection with electric
24 service to:

25 (A) in 2010, no more than 0.5% of the amount paid
26 per kilowatthour by those customers during the year

1 ending May 31, 2009;

2 (B) in 2011, the greater of an additional 0.5% of
3 the amount paid per kilowatthour by those customers
4 during the year ending May 31, 2010 or 1% of the amount
5 paid per kilowatthour by those customers during the
6 year ending May 31, 2009;

7 (C) in 2012, the greater of an additional 0.5% of
8 the amount paid per kilowatthour by those customers
9 during the year ending May 31, 2011 or 1.5% of the
10 amount paid per kilowatthour by those customers during
11 the year ending May 31, 2009;

12 (D) in 2013, the greater of an additional 0.5% of
13 the amount paid per kilowatthour by those customers
14 during the year ending May 31, 2012 or 2% of the amount
15 paid per kilowatthour by those customers during the
16 year ending May 31, 2009; and

17 (E) thereafter, the total amount paid under
18 sourcing agreements with clean coal facilities
19 pursuant to the procurement plan for any single year
20 shall be reduced by an amount necessary to limit the
21 estimated average net increase due to the cost of
22 these resources included in the amounts paid by
23 eligible retail customers in connection with electric
24 service to no more than the greater of (i) 2.015% of
25 the amount paid per kilowatthour by those customers
26 during the year ending May 31, 2009 or (ii) the

1 incremental amount per kilowatthour paid for these
2 resources in 2013. These requirements may be altered
3 only as provided by statute.

4 No later than June 30, 2015, the Commission shall
5 review the limitation on the total amount paid under
6 sourcing agreements, if any, with clean coal facilities
7 pursuant to this subsection (d) and report to the General
8 Assembly its findings as to whether that limitation unduly
9 constrains the amount of electricity generated by
10 cost-effective clean coal facilities that is covered by
11 sourcing agreements.

12 (3) Initial clean coal facility. In order to promote
13 development of clean coal facilities in Illinois, each
14 electric utility subject to this Section shall execute a
15 sourcing agreement to source electricity from a proposed
16 clean coal facility in Illinois (the "initial clean coal
17 facility") that will have a nameplate capacity of at least
18 500 MW when commercial operation commences, that has a
19 final Clean Air Act permit on June 1, 2009 (the effective
20 date of Public Act 95-1027), and that will meet the
21 definition of clean coal facility in Section 1-10 of this
22 Act when commercial operation commences. The sourcing
23 agreements with this initial clean coal facility shall be
24 subject to both approval of the initial clean coal
25 facility by the General Assembly and satisfaction of the
26 requirements of paragraph (4) of this subsection (d) and

1 shall be executed within 90 days after any such approval
2 by the General Assembly. The Agency and the Commission
3 shall have authority to inspect all books and records
4 associated with the initial clean coal facility during the
5 term of such a sourcing agreement. A utility's sourcing
6 agreement for electricity produced by the initial clean
7 coal facility shall include:

8 (A) a formula contractual price (the "contract
9 price") approved pursuant to paragraph (4) of this
10 subsection (d), which shall:

11 (i) be determined using a cost of service
12 methodology employing either a level or deferred
13 capital recovery component, based on a capital
14 structure consisting of 45% equity and 55% debt,
15 and a return on equity as may be approved by the
16 Federal Energy Regulatory Commission, which in any
17 case may not exceed the lower of 11.5% or the rate
18 of return approved by the General Assembly
19 pursuant to paragraph (4) of this subsection (d);
20 and

21 (ii) provide that all miscellaneous net
22 revenue, including but not limited to net revenue
23 from the sale of emission allowances, if any,
24 substitute natural gas, if any, grants or other
25 support provided by the State of Illinois or the
26 United States Government, firm transmission

1 rights, if any, by-products produced by the
2 facility, energy or capacity derived from the
3 facility and not covered by a sourcing agreement
4 pursuant to paragraph (3) of this subsection (d)
5 or item (5) of subsection (d) of Section 16-115 of
6 the Public Utilities Act, whether generated from
7 the synthesis gas derived from coal, from SNG, or
8 from natural gas, shall be credited against the
9 revenue requirement for this initial clean coal
10 facility;

11 (B) power purchase provisions, which shall:

12 (i) provide that the utility party to such
13 sourcing agreement shall pay the contract price
14 for electricity delivered under such sourcing
15 agreement;

16 (ii) require delivery of electricity to the
17 regional transmission organization market of the
18 utility that is party to such sourcing agreement;

19 (iii) require the utility party to such
20 sourcing agreement to buy from the initial clean
21 coal facility in each hour an amount of energy
22 equal to all clean coal energy made available from
23 the initial clean coal facility during such hour
24 times a fraction, the numerator of which is such
25 utility's retail market sales of electricity
26 (expressed in kilowatthours sold) in the State

1 during the prior calendar month and the
2 denominator of which is the total retail market
3 sales of electricity (expressed in kilowatthours
4 sold) in the State by utilities during such prior
5 month and the sales of electricity (expressed in
6 kilowatthours sold) in the State by alternative
7 retail electric suppliers during such prior month
8 that are subject to the requirements of this
9 subsection (d) and paragraph (5) of subsection (d)
10 of Section 16-115 of the Public Utilities Act,
11 provided that the amount purchased by the utility
12 in any year will be limited by paragraph (2) of
13 this subsection (d); and

14 (iv) be considered pre-existing contracts in
15 such utility's procurement plans for eligible
16 retail customers;

17 (C) contract for differences provisions, which
18 shall:

19 (i) require the utility party to such sourcing
20 agreement to contract with the initial clean coal
21 facility in each hour with respect to an amount of
22 energy equal to all clean coal energy made
23 available from the initial clean coal facility
24 during such hour times a fraction, the numerator
25 of which is such utility's retail market sales of
26 electricity (expressed in kilowatthours sold) in

1 the utility's service territory in the State
2 during the prior calendar month and the
3 denominator of which is the total retail market
4 sales of electricity (expressed in kilowatthours
5 sold) in the State by utilities during such prior
6 month and the sales of electricity (expressed in
7 kilowatthours sold) in the State by alternative
8 retail electric suppliers during such prior month
9 that are subject to the requirements of this
10 subsection (d) and paragraph (5) of subsection (d)
11 of Section 16-115 of the Public Utilities Act,
12 provided that the amount paid by the utility in
13 any year will be limited by paragraph (2) of this
14 subsection (d);

15 (ii) provide that the utility's payment
16 obligation in respect of the quantity of
17 electricity determined pursuant to the preceding
18 clause (i) shall be limited to an amount equal to
19 (1) the difference between the contract price
20 determined pursuant to subparagraph (A) of
21 paragraph (3) of this subsection (d) and the
22 day-ahead price for electricity delivered to the
23 regional transmission organization market of the
24 utility that is party to such sourcing agreement
25 (or any successor delivery point at which such
26 utility's supply obligations are financially

1 settled on an hourly basis) (the "reference
2 price") on the day preceding the day on which the
3 electricity is delivered to the initial clean coal
4 facility busbar, multiplied by (2) the quantity of
5 electricity determined pursuant to the preceding
6 clause (i); and

7 (iii) not require the utility to take physical
8 delivery of the electricity produced by the
9 facility;

10 (D) general provisions, which shall:

11 (i) specify a term of no more than 30 years,
12 commencing on the commercial operation date of the
13 facility;

14 (ii) provide that utilities shall maintain
15 adequate records documenting purchases under the
16 sourcing agreements entered into to comply with
17 this subsection (d) and shall file an accounting
18 with the load forecast that must be filed with the
19 Agency by July 15 of each year, in accordance with
20 subsection (d) of Section 16-111.5 of the Public
21 Utilities Act;

22 (iii) provide that all costs associated with
23 the initial clean coal facility will be
24 periodically reported to the Federal Energy
25 Regulatory Commission and to purchasers in
26 accordance with applicable laws governing

1 cost-based wholesale power contracts;

2 (iv) permit the Illinois Power Agency to
3 assume ownership of the initial clean coal
4 facility, without monetary consideration and
5 otherwise on reasonable terms acceptable to the
6 Agency, if the Agency so requests no less than 3
7 years prior to the end of the stated contract
8 term;

9 (v) require the owner of the initial clean
10 coal facility to provide documentation to the
11 Commission each year, starting in the facility's
12 first year of commercial operation, accurately
13 reporting the quantity of carbon emissions from
14 the facility that have been captured and
15 sequestered and report any quantities of carbon
16 released from the site or sites at which carbon
17 emissions were sequestered in prior years, based
18 on continuous monitoring of such sites. If, in any
19 year after the first year of commercial operation,
20 the owner of the facility fails to demonstrate
21 that the initial clean coal facility captured and
22 sequestered at least 50% of the total carbon
23 emissions that the facility would otherwise emit
24 or that sequestration of emissions from prior
25 years has failed, resulting in the release of
26 carbon dioxide into the atmosphere, the owner of

1 the facility must offset excess emissions. Any
2 such carbon offsets must be permanent, additional,
3 verifiable, real, located within the State of
4 Illinois, and legally and practicably enforceable.
5 The cost of such offsets for the facility that are
6 not recoverable shall not exceed \$15 million in
7 any given year. No costs of any such purchases of
8 carbon offsets may be recovered from a utility or
9 its customers. All carbon offsets purchased for
10 this purpose and any carbon emission credits
11 associated with sequestration of carbon from the
12 facility must be permanently retired. The initial
13 clean coal facility shall not forfeit its
14 designation as a clean coal facility if the
15 facility fails to fully comply with the applicable
16 carbon sequestration requirements in any given
17 year, provided the requisite offsets are
18 purchased. However, the Attorney General, on
19 behalf of the People of the State of Illinois, may
20 specifically enforce the facility's sequestration
21 requirement and the other terms of this contract
22 provision. Compliance with the sequestration
23 requirements and offset purchase requirements
24 specified in paragraph (3) of this subsection (d)
25 shall be reviewed annually by an independent
26 expert retained by the owner of the initial clean

1 coal facility, with the advance written approval
2 of the Attorney General. The Commission may, in
3 the course of the review specified in item (vii),
4 reduce the allowable return on equity for the
5 facility if the facility willfully fails to comply
6 with the carbon capture and sequestration
7 requirements set forth in this item (v);

8 (vi) include limits on, and accordingly
9 provide for modification of, the amount the
10 utility is required to source under the sourcing
11 agreement consistent with paragraph (2) of this
12 subsection (d);

13 (vii) require Commission review: (1) to
14 determine the justness, reasonableness, and
15 prudence of the inputs to the formula referenced
16 in subparagraphs (A)(i) through (A)(iii) of
17 paragraph (3) of this subsection (d), prior to an
18 adjustment in those inputs including, without
19 limitation, the capital structure and return on
20 equity, fuel costs, and other operations and
21 maintenance costs and (2) to approve the costs to
22 be passed through to customers under the sourcing
23 agreement by which the utility satisfies its
24 statutory obligations. Commission review shall
25 occur no less than every 3 years, regardless of
26 whether any adjustments have been proposed, and

1 shall be completed within 9 months;

2 (viii) limit the utility's obligation to such
3 amount as the utility is allowed to recover
4 through tariffs filed with the Commission,
5 provided that neither the clean coal facility nor
6 the utility waives any right to assert federal
7 pre-emption or any other argument in response to a
8 purported disallowance of recovery costs;

9 (ix) limit the utility's or alternative retail
10 electric supplier's obligation to incur any
11 liability until such time as the facility is in
12 commercial operation and generating power and
13 energy and such power and energy is being
14 delivered to the facility busbar;

15 (x) provide that the owner or owners of the
16 initial clean coal facility, which is the
17 counterparty to such sourcing agreement, shall
18 have the right from time to time to elect whether
19 the obligations of the utility party thereto shall
20 be governed by the power purchase provisions or
21 the contract for differences provisions;

22 (xi) append documentation showing that the
23 formula rate and contract, insofar as they relate
24 to the power purchase provisions, have been
25 approved by the Federal Energy Regulatory
26 Commission pursuant to Section 205 of the Federal

1 Power Act;

2 (xii) provide that any changes to the terms of
3 the contract, insofar as such changes relate to
4 the power purchase provisions, are subject to
5 review under the public interest standard applied
6 by the Federal Energy Regulatory Commission
7 pursuant to Sections 205 and 206 of the Federal
8 Power Act; and

9 (xiii) conform with customary lender
10 requirements in power purchase agreements used as
11 the basis for financing non-utility generators.

12 (4) Effective date of sourcing agreements with the
13 initial clean coal facility. Any proposed sourcing
14 agreement with the initial clean coal facility shall not
15 become effective unless the following reports are prepared
16 and submitted and authorizations and approvals obtained:

17 (i) Facility cost report. The owner of the initial
18 clean coal facility shall submit to the Commission,
19 the Agency, and the General Assembly a front-end
20 engineering and design study, a facility cost report,
21 method of financing (including but not limited to
22 structure and associated costs), and an operating and
23 maintenance cost quote for the facility (collectively
24 "facility cost report"), which shall be prepared in
25 accordance with the requirements of this paragraph (4)
26 of subsection (d) of this Section, and shall provide

1 the Commission and the Agency access to the work
2 papers, relied upon documents, and any other backup
3 documentation related to the facility cost report.

4 (ii) Commission report. Within 6 months following
5 receipt of the facility cost report, the Commission,
6 in consultation with the Agency, shall submit a report
7 to the General Assembly setting forth its analysis of
8 the facility cost report. Such report shall include,
9 but not be limited to, a comparison of the costs
10 associated with electricity generated by the initial
11 clean coal facility to the costs associated with
12 electricity generated by other types of generation
13 facilities, an analysis of the rate impacts on
14 residential and small business customers over the life
15 of the sourcing agreements, and an analysis of the
16 likelihood that the initial clean coal facility will
17 commence commercial operation by and be delivering
18 power to the facility's busbar by 2016. To assist in
19 the preparation of its report, the Commission, in
20 consultation with the Agency, may hire one or more
21 experts or consultants, the costs of which shall be
22 paid for by the owner of the initial clean coal
23 facility. The Commission and Agency may begin the
24 process of selecting such experts or consultants prior
25 to receipt of the facility cost report.

26 (iii) General Assembly approval. The proposed

1 sourcing agreements shall not take effect unless,
2 based on the facility cost report and the Commission's
3 report, the General Assembly enacts authorizing
4 legislation approving (A) the projected price, stated
5 in cents per kilowatthour, to be charged for
6 electricity generated by the initial clean coal
7 facility, (B) the projected impact on residential and
8 small business customers' bills over the life of the
9 sourcing agreements, and (C) the maximum allowable
10 return on equity for the project; and

11 (iv) Commission review. If the General Assembly
12 enacts authorizing legislation pursuant to
13 subparagraph (iii) approving a sourcing agreement, the
14 Commission shall, within 90 days of such enactment,
15 complete a review of such sourcing agreement. During
16 such time period, the Commission shall implement any
17 directive of the General Assembly, resolve any
18 disputes between the parties to the sourcing agreement
19 concerning the terms of such agreement, approve the
20 form of such agreement, and issue an order finding
21 that the sourcing agreement is prudent and reasonable.
22 The facility cost report shall be prepared as follows:

23 (A) The facility cost report shall be prepared by
24 duly licensed engineering and construction firms
25 detailing the estimated capital costs payable to one
26 or more contractors or suppliers for the engineering,

1 procurement and construction of the components
2 comprising the initial clean coal facility and the
3 estimated costs of operation and maintenance of the
4 facility. The facility cost report shall include:

5 (i) an estimate of the capital cost of the
6 core plant based on one or more front end
7 engineering and design studies for the
8 gasification island and related facilities. The
9 core plant shall include all civil, structural,
10 mechanical, electrical, control, and safety
11 systems.

12 (ii) an estimate of the capital cost of the
13 balance of the plant, including any capital costs
14 associated with sequestration of carbon dioxide
15 emissions and all interconnects and interfaces
16 required to operate the facility, such as
17 transmission of electricity, construction or
18 backfeed power supply, pipelines to transport
19 substitute natural gas or carbon dioxide, potable
20 water supply, natural gas supply, water supply,
21 water discharge, landfill, access roads, and coal
22 delivery.

23 The quoted construction costs shall be expressed
24 in nominal dollars as of the date that the quote is
25 prepared and shall include capitalized financing costs
26 during construction, taxes, insurance, and other

1 owner's costs, and an assumed escalation in materials
2 and labor beyond the date as of which the construction
3 cost quote is expressed.

4 (B) The front end engineering and design study for
5 the gasification island and the cost study for the
6 balance of plant shall include sufficient design work
7 to permit quantification of major categories of
8 materials, commodities and labor hours, and receipt of
9 quotes from vendors of major equipment required to
10 construct and operate the clean coal facility.

11 (C) The facility cost report shall also include an
12 operating and maintenance cost quote that will provide
13 the estimated cost of delivered fuel, personnel,
14 maintenance contracts, chemicals, catalysts,
15 consumables, spares, and other fixed and variable
16 operations and maintenance costs. The delivered fuel
17 cost estimate will be provided by a recognized third
18 party expert or experts in the fuel and transportation
19 industries. The balance of the operating and
20 maintenance cost quote, excluding delivered fuel
21 costs, will be developed based on the inputs provided
22 by duly licensed engineering and construction firms
23 performing the construction cost quote, potential
24 vendors under long-term service agreements and plant
25 operating agreements, or recognized third party plant
26 operator or operators.

1 The operating and maintenance cost quote
2 (including the cost of the front end engineering and
3 design study) shall be expressed in nominal dollars as
4 of the date that the quote is prepared and shall
5 include taxes, insurance, and other owner's costs, and
6 an assumed escalation in materials and labor beyond
7 the date as of which the operating and maintenance
8 cost quote is expressed.

9 (D) The facility cost report shall also include an
10 analysis of the initial clean coal facility's ability
11 to deliver power and energy into the applicable
12 regional transmission organization markets and an
13 analysis of the expected capacity factor for the
14 initial clean coal facility.

15 (E) Amounts paid to third parties unrelated to the
16 owner or owners of the initial clean coal facility to
17 prepare the core plant construction cost quote,
18 including the front end engineering and design study,
19 and the operating and maintenance cost quote will be
20 reimbursed through Coal Development Bonds.

21 (5) Re-powering and retrofitting coal-fired power
22 plants previously owned by Illinois utilities to qualify
23 as clean coal facilities. During the 2009 procurement
24 planning process and thereafter, the Agency and the
25 Commission shall consider sourcing agreements covering
26 electricity generated by power plants that were previously

1 owned by Illinois utilities and that have been or will be
2 converted into clean coal facilities, as defined by
3 Section 1-10 of this Act. Pursuant to such procurement
4 planning process, the owners of such facilities may
5 propose to the Agency sourcing agreements with utilities
6 and alternative retail electric suppliers required to
7 comply with subsection (d) of this Section and item (5) of
8 subsection (d) of Section 16-115 of the Public Utilities
9 Act, covering electricity generated by such facilities. In
10 the case of sourcing agreements that are power purchase
11 agreements, the contract price for electricity sales shall
12 be established on a cost of service basis. In the case of
13 sourcing agreements that are contracts for differences,
14 the contract price from which the reference price is
15 subtracted shall be established on a cost of service
16 basis. The Agency and the Commission may approve any such
17 utility sourcing agreements that do not exceed cost-based
18 benchmarks developed by the procurement administrator, in
19 consultation with the Commission staff, Agency staff and
20 the procurement monitor, subject to Commission review and
21 approval. The Commission shall have authority to inspect
22 all books and records associated with these clean coal
23 facilities during the term of any such contract.

24 (6) Costs incurred under this subsection (d) or
25 pursuant to a contract entered into under this subsection
26 (d) shall be deemed prudently incurred and reasonable in

1 amount and the electric utility shall be entitled to full
2 cost recovery pursuant to the tariffs filed with the
3 Commission.

4 (d-5) Zero emission standard.

5 (1) Beginning with the delivery year commencing on
6 June 1, 2017, the Agency shall, for electric utilities
7 that serve at least 100,000 retail customers in this
8 State, procure contracts with zero emission facilities
9 that are reasonably capable of generating cost-effective
10 zero emission credits in an amount approximately equal to
11 16% of the actual amount of electricity delivered by each
12 electric utility to retail customers in the State during
13 calendar year 2014. For an electric utility serving fewer
14 than 100,000 retail customers in this State that
15 requested, under Section 16-111.5 of the Public Utilities
16 Act, that the Agency procure power and energy for all or a
17 portion of the utility's Illinois load for the delivery
18 year commencing June 1, 2016, the Agency shall procure
19 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%
22 of the portion of power and energy to be procured by the
23 Agency for the utility. The duration of the contracts
24 procured under this subsection (d-5) shall be for a term
25 of 10 years ending May 31, 2027. The quantity of zero
26 emission credits to be procured under the contracts shall

1 be all of the zero emission credits generated by the zero
2 emission facility in each delivery year; however, if the
3 zero emission facility is owned by more than one entity,
4 then the quantity of zero emission credits to be procured
5 under the contracts shall be the amount of zero emission
6 credits that are generated from the portion of the zero
7 emission facility that is owned by the winning supplier.

8 The 16% value identified in this paragraph (1) is the
9 average of the percentage targets in subparagraph (B) of
10 paragraph (1) of subsection (c) of this Section for the 5
11 delivery years beginning June 1, 2017.

12 The procurement process shall be subject to the
13 following provisions:

14 (A) Those zero emission facilities that intend to
15 participate in the procurement shall submit to the
16 Agency the following eligibility information for each
17 zero emission facility on or before the date
18 established by the Agency:

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

21 (ii) the amount of power generated annually
22 for each of the years 2005 through 2015, and the
23 projected zero emission credits to be generated
24 over the remaining useful life of the zero
25 emission facility, which shall be used to
26 determine the capability of each facility;

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

17 (iv) a commitment to continue operating, for
18 the duration of the contract or contracts executed
19 under the procurement held under this subsection
20 (d-5), the zero emission facility that produces
21 the zero emission credits to be procured in the
22 procurement.

23 The information described in item (iii) of this
24 subparagraph (A) may be submitted on a confidential
25 basis and shall be treated and maintained by the
26 Agency, the procurement administrator, and the

1 Commission as confidential and proprietary and exempt
2 from disclosure under subparagraphs (a) and (g) of
3 paragraph (1) of Section 7 of the Freedom of
4 Information Act. The Office of Attorney General shall
5 have access to, and maintain the confidentiality of,
6 such information pursuant to Section 6.5 of the
7 Attorney General Act.

8 (B) The price for each zero emission credit
9 procured under this subsection (d-5) for each delivery
10 year shall be in an amount that equals the Social Cost
11 of Carbon, expressed on a price per megawatthour
12 basis. However, to ensure that the procurement remains
13 affordable to retail customers in this State if
14 electricity prices increase, the price in an
15 applicable delivery year shall be reduced below the
16 Social Cost of Carbon by the amount ("Price
17 Adjustment") by which the market price index for the
18 applicable delivery year exceeds the baseline market
19 price index for the consecutive 12-month period ending
20 May 31, 2016. If the Price Adjustment is greater than
21 or equal to the Social Cost of Carbon in an applicable
22 delivery year, then no payments shall be due in that
23 delivery year. The components of this calculation are
24 defined as follows:

25 (i) Social Cost of Carbon: The Social Cost of
26 Carbon is \$16.50 per megawatthour, which is based

1 on the U.S. Interagency Working Group on Social
2 Cost of Carbon's price in the August 2016
3 Technical Update using a 3% discount rate,
4 adjusted for inflation for each year of the
5 program. Beginning with the delivery year
6 commencing June 1, 2023, the price per
7 megawatthour shall increase by \$1 per
8 megawatthour, and continue to increase by an
9 additional \$1 per megawatthour each delivery year
10 thereafter.

11 (ii) Baseline market price index: The baseline
12 market price index for the consecutive 12-month
13 period ending May 31, 2016 is \$31.40 per
14 megawatthour, which is based on the sum of (aa)
15 the average day-ahead energy price across all
16 hours of such 12-month period at the PJM
17 Interconnection LLC Northern Illinois Hub, (bb)
18 50% multiplied by the Base Residual Auction, or
19 its successor, capacity price for the rest of the
20 RTO zone group determined by PJM Interconnection
21 LLC, divided by 24 hours per day, and (cc) 50%
22 multiplied by the Planning Resource Auction, or
23 its successor, capacity price for Zone 4
24 determined by the Midcontinent Independent System
25 Operator, Inc., divided by 24 hours per day.

26 (iii) Market price index: The market price

1 index for a delivery year shall be the sum of
2 projected energy prices and projected capacity
3 prices determined as follows:

4 (aa) Projected energy prices: the
5 projected energy prices for the applicable
6 delivery year shall be calculated once for the
7 year using the forward market price for the
8 PJM Interconnection, LLC Northern Illinois
9 Hub. The forward market price shall be
10 calculated as follows: the energy forward
11 prices for each month of the applicable
12 delivery year averaged for each trade date
13 during the calendar year immediately preceding
14 that delivery year to produce a single energy
15 forward price for the delivery year. The
16 forward market price calculation shall use
17 data published by the Intercontinental
18 Exchange, or its successor.

19 (bb) Projected capacity prices:

20 (I) For the delivery years commencing
21 June 1, 2017, June 1, 2018, and June 1,
22 2019, the projected capacity price shall
23 be equal to the sum of (1) 50% multiplied
24 by the Base Residual Auction, or its
25 successor, price for the rest of the RTO
26 zone group as determined by PJM

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

12 (II) For the delivery year commencing
13 June 1, 2020, and each year thereafter,
14 the projected capacity price shall be
15 equal to the sum of (1) 50% multiplied by
16 the Base Residual Auction, or its
17 successor, price for the ComEd zone as
18 determined by PJM Interconnection LLC,
19 divided by 24 hours per day, and (2) 50%
20 multiplied by the resource auction price
21 determined in the resource auction
22 administered by the Midcontinent
23 Independent System Operator, Inc., in
24 which the largest percentage of load
25 cleared for Local Resource Zone 4, divided
26 by 24 hours per day, and where such price

1 is determined by the Midcontinent
2 Independent System Operator, Inc.

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

4 "Rest of the RTO" and "ComEd Zone" shall have
5 the meaning ascribed to them by PJM
6 Interconnection, LLC.

7 "RTO" means regional transmission
8 organization.

9 (C) No later than 45 days after June 1, 2017 (the
10 effective date of Public Act 99-906), the Agency shall
11 publish its proposed zero emission standard
12 procurement plan. The plan shall be consistent with
13 the provisions of this paragraph (1) and shall provide
14 that winning bids shall be selected based on public
15 interest criteria that include, but are not limited
16 to, minimizing carbon dioxide emissions that result
17 from electricity consumed in Illinois and minimizing
18 sulfur dioxide, nitrogen oxide, and particulate matter
19 emissions that adversely affect the citizens of this
20 State. In particular, the selection of winning bids
21 shall take into account the incremental environmental
22 benefits resulting from the procurement, such as any
23 existing environmental benefits that are preserved by
24 the procurements held under Public Act 99-906 and
25 would cease to exist if the procurements were not
26 held, including the preservation of zero emission

1 facilities. The plan shall also describe in detail how
2 each public interest factor shall be considered and
3 weighted in the bid selection process to ensure that
4 the public interest criteria are applied to the
5 procurement and given full effect.

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

14 Upon publishing of the zero emission standard
15 procurement plan, copies of the plan shall be posted
16 and made publicly available on the Agency's website.
17 All interested parties shall have 10 days following
18 the date of posting to provide comment to the Agency on
19 the plan. All comments shall be posted to the Agency's
20 website. Following the end of the comment period, but
21 no more than 60 days later than June 1, 2017 (the
22 effective date of Public Act 99-906), the Agency shall
23 revise the plan as necessary based on the comments
24 received and file its zero emission standard
25 procurement plan with the Commission.

26 If the Commission determines that the plan will

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

10 (C-5) As part of the Commission's review and
11 acceptance or rejection of the procurement results,
12 the Commission shall, in its public notice of
13 successful bidders:

14 (i) identify how the winning bids satisfy the
15 public interest criteria described in subparagraph
16 (C) of this paragraph (1) of minimizing carbon
17 dioxide emissions that result from electricity
18 consumed in Illinois and minimizing sulfur
19 dioxide, nitrogen oxide, and particulate matter
20 emissions that adversely affect the citizens of
21 this State;

22 (ii) specifically address how the selection of
23 winning bids takes into account the incremental
24 environmental benefits resulting from the
25 procurement, including any existing environmental
26 benefits that are preserved by the procurements

1 held under Public Act 99-906 and would have ceased
2 to exist if the procurements had not been held,
3 such as the preservation of zero emission
4 facilities;

5 (iii) quantify the environmental benefit of
6 preserving the resources identified in item (ii)
7 of this subparagraph (C-5), including the
8 following:

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

19 (bb) the costs of replacement with other
20 zero carbon dioxide resources, including wind
21 and photovoltaic, based upon the simple
22 average of the following:

23 (I) the price, or if there is more
24 than one price, the average of the prices,
25 paid for renewable energy credits from new
26 utility-scale wind projects in the

1 procurement events specified in item (i)
2 of subparagraph (G) of paragraph (1) of
3 subsection (c) of this Section; and

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

16 Each utility shall enter into binding contractual
17 arrangements with the winning suppliers.

18 The procurement described in this subsection
19 (d-5), including, but not limited to, the execution of
20 all contracts procured, shall be completed no later
21 than May 10, 2017. Based on the effective date of
22 Public Act 99-906, the Agency and Commission may, as
23 appropriate, modify the various dates and timelines
24 under this subparagraph and subparagraphs (C) and (D)
25 of this paragraph (1). The procurement and plan
26 approval processes required by this subsection (d-5)

1 shall be conducted in conjunction with the procurement
2 and plan approval processes required by subsection (c)
3 of this Section and Section 16-111.5 of the Public
4 Utilities Act, to the extent practicable.
5 Notwithstanding whether a procurement event is
6 conducted under Section 16-111.5 of the Public
7 Utilities Act, the Agency shall immediately initiate a
8 procurement process on June 1, 2017 (the effective
9 date of Public Act 99-906).

10 (D) Following the procurement event described in
11 this paragraph (1) and consistent with subparagraph
12 (B) of this paragraph (1), the Agency shall calculate
13 the payments to be made under each contract for the
14 next delivery year based on the market price index for
15 that delivery year. The Agency shall publish the
16 payment calculations no later than May 25, 2017 and
17 every May 25 thereafter.

18 (E) Notwithstanding the requirements of this
19 subsection (d-5), the contracts executed under this
20 subsection (d-5) shall provide that the zero emission
21 facility may, as applicable, suspend or terminate
22 performance under the contracts in the following
23 instances:

24 (i) A zero emission facility shall be excused
25 from its performance under the contract for any
26 cause beyond the control of the resource,

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

20 (ii) A zero emission facility shall be
21 permitted to terminate the contract if legislation
22 is enacted into law by the General Assembly that
23 imposes or authorizes a new tax, special
24 assessment, or fee on the generation of
25 electricity, the ownership or leasehold of a
26 generating unit, or the privilege or occupation of

1 such generation, ownership, or leasehold of
2 generation units by a zero emission facility.
3 However, the provisions of this item (ii) do not
4 apply to any generally applicable tax, special
5 assessment or fee, or requirements imposed by
6 federal law.

7 (iii) A zero emission facility shall be
8 permitted to terminate the contract in the event
9 that the resource requires capital expenditures in
10 excess of \$40,000,000 that were neither known nor
11 reasonably foreseeable at the time it executed the
12 contract and that a prudent owner or operator of
13 such resource would not undertake.

14 (iv) A zero emission facility shall be
15 permitted to terminate the contract in the event
16 the Nuclear Regulatory Commission terminates the
17 resource's license.

18 (F) If the zero emission facility elects to
19 terminate a contract under subparagraph (E) of this
20 paragraph (1), then the Commission shall reopen the
21 docket in which the Commission approved the zero
22 emission standard procurement plan under subparagraph
23 (C) of this paragraph (1) and, after notice and
24 hearing, enter an order acknowledging the contract
25 termination election if such termination is consistent
26 with the provisions of this subsection (d-5).

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

8 Notwithstanding the requirements of this subsection
9 (d-5), the contracts executed under this subsection (d-5)
10 shall provide that the total of zero emission credits
11 procured under a procurement plan shall be subject to the
12 limitations of this paragraph (2). For each delivery year,
13 the contractual volume receiving payments in such year
14 shall be reduced for all retail customers based on the
15 amount necessary to limit the net increase that delivery
16 year to the costs of those credits included in the amounts
17 paid by eligible retail customers in connection with
18 electric service to no more than 1.65% of the amount paid
19 per kilowatthour by eligible retail customers during the
20 year ending May 31, 2009. The result of this computation
21 shall apply to and reduce the procurement for all retail
22 customers, and all those customers shall pay the same
23 single, uniform cents per kilowatthour charge under
24 subsection (k) of Section 16-108 of the Public Utilities
25 Act. To arrive at a maximum dollar amount of zero emission
26 credits to be paid for the particular delivery year, the

1 resulting per kilowatthour amount shall be applied to the
2 actual amount of kilowatthours of electricity delivered by
3 the electric utility in the delivery year immediately
4 prior to the procurement, to all retail customers in its
5 service territory. Unpaid contractual volume for any
6 delivery year shall be paid in any subsequent delivery
7 year in which such payments can be made without exceeding
8 the amount specified in this paragraph (2). The
9 calculations required by this paragraph (2) shall be made
10 only once for each procurement plan year. Once the
11 determination as to the amount of zero emission credits to
12 be paid is made based on the calculations set forth in this
13 paragraph (2), no subsequent rate impact determinations
14 shall be made and no adjustments to those contract amounts
15 shall be allowed. All costs incurred under those contracts
16 and in implementing this subsection (d-5) shall be
17 recovered by the electric utility as provided in this
18 Section.

19 No later than June 30, 2019, the Commission shall
20 review the limitation on the amount of zero emission
21 credits procured under this subsection (d-5) and report to
22 the General Assembly its findings as to whether that
23 limitation unduly constrains the procurement of
24 cost-effective zero emission credits.

25 (3) Six years after the execution of a contract under
26 this subsection (d-5), the Agency shall determine whether

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

23 For purposes of this Section, the Average ZEC Payment
24 shall be calculated by multiplying the quantity of zero
25 emission credits delivered under the contract times the
26 average contract price. The average contract price shall

1 be determined by subtracting the amount calculated under
2 subparagraph (B) of this paragraph (3) from the amount
3 calculated under subparagraph (A) of this paragraph (3),
4 as follows:

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

8 (B) The average of the market price indices, as
9 defined in subparagraph (B) of paragraph (1) of this
10 subsection (d-5), during the term of the contract,
11 minus the baseline market price index, as defined in
12 subparagraph (B) of paragraph (1) of this subsection
13 (d-5).

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

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

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

22 (6) Electric utilities shall be entitled to recover
23 all of the costs associated with the procurement of zero
24 emission credits through an automatic adjustment clause
25 tariff in accordance with subsection (k) and (m) of
26 Section 16-108 of the Public Utilities Act, and the

1 contracts executed under this subsection (d-5) shall
2 provide that the utilities' payment obligations under such
3 contracts shall be reduced if an adjustment is required
4 under subsection (m) of Section 16-108 of the Public
5 Utilities Act.

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

8 (d-10) Nuclear Plant Assistance; carbon mitigation
9 credits.

10 (1) The General Assembly finds:

11 (A) The health, welfare, and prosperity of all
12 Illinois citizens require that the State of Illinois act
13 to avoid and not increase carbon emissions from electric
14 generation sources while continuing to ensure affordable,
15 stable, and reliable electricity to all citizens.

16 (B) Absent immediate action by the State to preserve
17 existing carbon-free energy resources, those resources may
18 retire, and the electric generation needs of Illinois'
19 retail customers may be met instead by facilities that
20 emit significant amounts of carbon pollution and other
21 harmful air pollutants at a high social and economic cost
22 until Illinois is able to develop other forms of clean
23 energy.

24 (C) The General Assembly finds that nuclear power
25 generation is necessary for the State's transition to 100%
26 clean energy, and ensuring continued operation of nuclear

1 plants advances environmental and public health interests
2 through providing carbon-free electricity while reducing
3 the air pollution profile of the Illinois energy
4 generation fleet.

5 (D) The clean energy attributes of nuclear generation
6 facilities support the State in its efforts to achieve
7 100% clean energy.

8 (E) The State currently invests in various forms of
9 clean energy, including, but not limited to, renewable
10 energy, energy efficiency, and low-emission vehicles,
11 among others.

12 (F) The Environmental Protection Agency commissioned
13 an independent audit which provided a detailed assessment
14 of the financial condition of the Illinois nuclear fleet
15 to evaluate its financial viability and whether the
16 environmental benefits of such resources were at risk. The
17 report identified the risk of losing the environmental
18 benefits of several specific nuclear units. The report
19 also identified that the LaSalle County Generating Station
20 will continue to operate through 2026 and therefore is not
21 eligible to participate in the carbon mitigation credit
22 program.

23 (G) Nuclear plants provide carbon-free energy, which
24 helps to avoid many health-related negative impacts for
25 Illinois residents.

26 (H) The procurement of carbon mitigation credits

1 representing the environmental benefits of carbon-free
2 generation will further the State's efforts at achieving
3 100% clean energy and decarbonizing the electricity sector
4 in a safe, reliable, and affordable manner. Further, the
5 procurement of carbon emission credits will enhance the
6 health and welfare of Illinois residents through decreased
7 reliance on more highly polluting generation.

8 (I) The General Assembly therefore finds it necessary
9 to establish carbon mitigation credits to ensure decreased
10 reliance on more carbon-intensive energy resources, for
11 transitioning to a fully decarbonized electricity sector,
12 and to help ensure health and welfare of the State's
13 residents.

14 (2) As used in this subsection:

15 "Baseline costs" means costs used to establish a customer
16 protection cap that have been evaluated through an independent
17 audit of a carbon-free energy resource conducted by the
18 Environmental Protection Agency that evaluated projected
19 annual costs for operation and maintenance expenses; fully
20 allocated overhead costs, which shall be allocated using the
21 methodology developed by the Institute for Nuclear Power
22 Operations; fuel expenditures; nonfuel capital expenditures;
23 spent fuel expenditures; a return on working capital; the cost
24 of operational and market risks that could be avoided by
25 ceasing operation; and any other costs necessary for continued
26 operations, provided that "necessary" means, for purposes of

1 this definition, that the costs could reasonably be avoided
2 only by ceasing operations of the carbon-free energy resource.

3 "Carbon mitigation credit" means a tradable credit that
4 represents the carbon emission reduction attributes of one
5 megawatt-hour of energy produced from a carbon-free energy
6 resource.

7 "Carbon-free energy resource" means a generation facility
8 that: (1) is fueled by nuclear power; and (2) is
9 interconnected to PJM Interconnection, LLC.

10 (3) Procurement.

11 (A) Beginning with the delivery year commencing on
12 June 1, 2022, the Agency shall, for electric utilities
13 servng at least 3,000,000 retail customers in the State,
14 seek to procure contracts for no more than approximately
15 54,500,000 cost-effective carbon mitigation credits from
16 carbon-free energy resources because such credits are
17 necessary to support current levels of carbon-free energy
18 generation and ensure the State meets its carbon dioxide
19 emissions reduction goals. The Agency shall not make a
20 partial award of a contract for carbon mitigation credits
21 covering a fractional amount of a carbon-free energy
22 resource's projected output.

23 (B) Each carbon-free energy resource that intends to
24 participate in a procurement shall be required to submit
25 to the Agency the following information for the resource
26 on or before the date established by the Agency:

1 (i) the in-service date and remaining useful life
2 of the carbon-free energy resource;

3 (ii) the amount of power generated annually for
4 each of the past 10 years, which shall be used to
5 determine the capability of each facility;

6 (iii) a commitment to be reflected in any contract
7 entered into pursuant to this subsection (d-10) to
8 continue operating the carbon-free energy resource at
9 a capacity factor of at least 88% annually on average
10 for the duration of the contract or contracts executed
11 under the procurement held under this subsection
12 (d-10), except in an instance described in
13 subparagraph (E) of paragraph (1) of subsection (d-5)
14 of this Section or made impracticable as a result of
15 compliance with law or regulation;

16 (iv) financial need and the risk of loss of the
17 environmental benefits of such resource, which shall
18 include the following information:

19 (I) the carbon-free energy resource's cost
20 projections, expressed on a per megawatt-hour
21 basis, over the next 5 delivery years, which shall
22 include the following: operation and maintenance
23 expenses; fully allocated overhead costs, which
24 shall be allocated using the methodology developed
25 by the Institute for Nuclear Power Operations;
26 fuel expenditures; nonfuel capital expenditures;

1 spent fuel expenditures; a return on working
2 capital; the cost of operational and market risks
3 that could be avoided by ceasing operation; and
4 any other costs necessary for continued
5 operations, provided that "necessary" means, for
6 purposes of this subitem (I), that the costs could
7 reasonably be avoided only by ceasing operations
8 of the carbon-free energy resource; and

9 (II) the carbon-free energy resource's revenue
10 projections, including energy, capacity, ancillary
11 services, any other direct State support, known or
12 anticipated federal attribute credits, known or
13 anticipated tax credits, and any other direct
14 federal support.

15 The information described in this subparagraph (B) may
16 be submitted on a confidential basis and shall be treated
17 and maintained by the Agency, the procurement
18 administrator, and the Commission as confidential and
19 proprietary and exempt from disclosure under subparagraphs
20 (a) and (g) of paragraph (1) of Section 7 of the Freedom of
21 Information Act. The Office of the Attorney General shall
22 have access to, and maintain the confidentiality of, such
23 information pursuant to Section 6.5 of the Attorney
24 General Act.

25 (C) The Agency shall solicit bids for the contracts
26 described in this subsection (d-10) from carbon-free

1 energy resources that have satisfied the requirements of
2 subparagraph (B) of this paragraph (3). The contracts
3 procured pursuant to a procurement event shall reflect,
4 and be subject to, the following terms, requirements, and
5 limitations:

6 (i) Contracts are for delivery of carbon
7 mitigation credits, and are not energy or capacity
8 sales contracts requiring physical delivery. Pursuant
9 to item (iii), contract payments shall fully deduct
10 the value of any monetized federal production tax
11 credits, credits issued pursuant to a federal clean
12 energy standard, and other federal credits if
13 applicable.

14 (ii) Contracts for carbon mitigation credits shall
15 commence with the delivery year beginning on June 1,
16 2022 and shall be for a term of 5 delivery years
17 concluding on May 31, 2027.

18 (iii) The price per carbon mitigation credit to be
19 paid under a contract for a given delivery year shall
20 be equal to an accepted bid price less the sum of:

21 (I) one of the following energy price indices,
22 selected by the bidder at the time of the bid for
23 the term of the contract:

24 (aa) the weighted-average hourly day-ahead
25 price for the applicable delivery year at the
26 busbar of all resources procured pursuant to

1 this subsection (d-10), weighted by actual
2 production from the resources; or

3 (bb) the projected energy price for the
4 PJM Interconnection, LLC Northern Illinois Hub
5 for the applicable delivery year determined
6 according to subitem (aa) of item (iii) of
7 subparagraph (B) of paragraph (1) of
8 subsection (d-5).

9 (II) the Base Residual Auction Capacity Price
10 for the ComEd zone as determined by PJM
11 Interconnection, LLC, divided by 24 hours per day,
12 for the applicable delivery year for the first 3
13 delivery years, and then any subsequent delivery
14 years unless the PJM Interconnection, LLC applies
15 the Minimum Offer Price Rule to participating
16 carbon-free energy resources because they supply
17 carbon mitigation credits pursuant to this Section
18 at which time, upon notice by the carbon-free
19 energy resource to the Commission and subject to
20 the Commission's confirmation, the value under
21 this subitem shall be zero, as further described
22 in the carbon mitigation credit procurement plan;
23 and

24 (III) any value of monetized federal tax
25 credits, direct payments, or similar subsidy
26 provided to the carbon-free energy resource from

1 any unit of government that is not already
2 reflected in energy prices.

3 If the price-per-megawatt-hour calculation
4 performed under item (iii) of this subparagraph (C)
5 for a given delivery year results in a net positive
6 value, then the electric utility counterparty to the
7 contract shall multiply such net value by the
8 applicable contract quantity and remit the amount to
9 the supplier.

10 To protect retail customers from retail rate
11 impacts that may arise upon the initiation of carbon
12 policy changes, if the price-per-megawatt-hour
13 calculation performed under item (iii) of this
14 subparagraph (C) for a given delivery year results in
15 a net negative value, then the supplier counterparty
16 to the contract shall multiply such net value by the
17 applicable contract quantity and remit such amount to
18 the electric utility counterparty. The electric
19 utility shall reflect such amounts remitted by
20 suppliers as a credit on its retail customer bills as
21 soon as practicable.

22 (iv) to ensure that retail customers in Northern
23 Illinois do not pay more for carbon mitigation credits
24 than the value such credits provide, and
25 notwithstanding the provisions of this subsection
26 (d-10), the Agency shall not accept bids for contracts

1 that exceed a customer protection cap equal to the
2 baseline costs of carbon-free energy resources.

3 The baseline costs for the applicable year shall
4 be the following:

5 (I) For the delivery year beginning June 1,
6 2022, the baseline costs shall be an amount equal
7 to \$30.30 per megawatt-hour.

8 (II) For the delivery year beginning June 1,
9 2023, the baseline costs shall be an amount equal
10 to \$32.50 per megawatt-hour.

11 (III) For the delivery year beginning June 1,
12 2024, the baseline costs shall be an amount equal
13 to \$33.43 per megawatt-hour.

14 (IV) For the delivery year beginning June 1,
15 2025, the baseline costs shall be an amount equal
16 to \$33.50 per megawatt-hour.

17 (V) For the delivery year beginning June 1,
18 2026, the baseline costs shall be an amount equal
19 to \$34.50 per megawatt-hour.

20 An Environmental Protection Agency consultant
21 forecast, included in a report issued April 14, 2021,
22 projects that a carbon-free energy resource has the
23 opportunity to earn on average approximately \$30.28
24 per megawatt-hour, for the sale of energy and capacity
25 during the time period between 2022 and 2027.
26 Therefore, the sale of carbon mitigation credits

1 provides the opportunity to receive an additional
2 amount per megawatt-hour in addition to the projected
3 prices for energy and capacity.

4 Although actual energy and capacity prices may
5 vary from year-to-year, the General Assembly finds
6 that this customer protection cap will help ensure
7 that the cost of carbon mitigation credits will be
8 less than its value, based upon the social cost of
9 carbon identified in the Technical Support Document
10 issued in February 2021 by the U.S. Interagency
11 Working Group on Social Cost of Greenhouse Gases and
12 the PJM Interconnection, LLC carbon dioxide marginal
13 emission rate for 2020, and that a carbon-free energy
14 resource receiving payment for carbon mitigation
15 credits receives no more than necessary to keep those
16 units in operation.

17 (D) No later than 7 days after the effective date of
18 this amendatory Act of the 102nd General Assembly, the
19 Agency shall publish its proposed carbon mitigation credit
20 procurement plan. The Plan shall provide that winning bids
21 shall be selected by taking into consideration which
22 resources best match public interest criteria that
23 include, but are not limited to, minimizing carbon dioxide
24 emissions that result from electricity consumed in
25 Illinois and minimizing sulfur dioxide, nitrogen oxide,
26 and particulate matter emissions that adversely affect the

1 citizens of this State. The selection of winning bids
2 shall also take into account the incremental environmental
3 benefits resulting from the procurement or procurements,
4 such as any existing environmental benefits that are
5 preserved by a procurement held under this subsection
6 (d-10) and would cease to exist if the procurement were
7 not held, including the preservation of carbon-free energy
8 resources. For those bidders having the same public
9 interest criteria score, the relative ranking of such
10 bidders shall be determined by price. The Plan shall
11 describe in detail how each public interest factor shall
12 be considered and weighted in the bid selection process to
13 ensure that the public interest criteria are applied to
14 the procurement. The Plan shall, to the extent practical
15 and permissible by federal law, ensure that successful
16 bidders make commercially reasonable efforts to apply for
17 federal tax credits, direct payments, or similar subsidy
18 programs that support carbon-free generation and for which
19 the successful bidder is eligible. Upon publishing of the
20 carbon mitigation credit procurement plan, copies of the
21 plan shall be posted and made publicly available on the
22 Agency's website. All interested parties shall have 7 days
23 following the date of posting to provide comment to the
24 Agency on the plan. All comments shall be posted to the
25 Agency's website. Following the end of the comment period,
26 but no more than 19 days later than the effective date of

1 this amendatory Act of the 102nd General Assembly, the
2 Agency shall revise the plan as necessary based on the
3 comments received and file its carbon mitigation credit
4 procurement plan with the Commission.

5 (E) If the Commission determines that the plan is
6 likely to result in the procurement of cost-effective
7 carbon mitigation credits, then the Commission shall,
8 after notice and hearing and opportunity for comment, but
9 no later than 42 days after the Agency filed the plan,
10 approve the plan or approve it with modification. For
11 purposes of this subsection (d-10), "cost-effective" means
12 carbon mitigation credits that are procured from
13 carbon-free energy resources at prices that are within the
14 limits specified in this paragraph (3). As part of the
15 Commission's review and acceptance or rejection of the
16 procurement results, the Commission shall, in its public
17 notice of successful bidders:

18 (i) identify how the selected carbon-free energy
19 resources satisfy the public interest criteria
20 described in this paragraph (3) of minimizing carbon
21 dioxide emissions that result from electricity
22 consumed in Illinois and minimizing sulfur dioxide,
23 nitrogen oxide, and particulate matter emissions that
24 adversely affect the citizens of this State;

25 (ii) specifically address how the selection of
26 carbon-free energy resources takes into account the

1 incremental environmental benefits resulting from the
2 procurement, including any existing environmental
3 benefits that are preserved by the procurements held
4 under this amendatory Act of the 102nd General
5 Assembly and would have ceased to exist if the
6 procurements had not been held, such as the
7 preservation of carbon-free energy resources;

8 (iii) quantify the environmental benefit of
9 preserving the carbon-free energy resources procured
10 pursuant to this subsection (d-10), including the
11 following:

12 (I) an assessment value of avoided greenhouse
13 gas emissions measured as the product of the
14 carbon-free energy resources' output over the
15 contract term, using generally accepted
16 methodologies for the valuation of avoided
17 emissions; and

18 (II) an assessment of costs of replacement
19 with other carbon-free energy resources and
20 renewable energy resources, including wind and
21 photovoltaic generation, based upon an assessment
22 of the prices paid for renewable energy credits
23 through programs and procurements conducted
24 pursuant to subsection (c) of Section 1-75 of this
25 Act, and the additional storage necessary to
26 produce the same or similar capability of matching

1 customer usage patterns.

2 (F) The procurements described in this paragraph (3),
3 including, but not limited to, the execution of all
4 contracts procured, shall be completed no later than
5 December 3, 2021. The procurement and plan approval
6 processes required by this paragraph (3) shall be
7 conducted in conjunction with the procurement and plan
8 approval processes required by Section 16-111.5 of the
9 Public Utilities Act, to the extent practicable. However,
10 the Agency and Commission may, as appropriate, modify the
11 various dates and timelines under this subparagraph and
12 subparagraphs (D) and (E) of this paragraph (3) to meet
13 the December 3, 2021 contract execution deadline.
14 Following the completion of such procurements, and
15 consistent with this paragraph (3), the Agency shall
16 calculate the payments to be made under each contract in a
17 timely fashion.

18 (F-1) Costs incurred by the electric utility pursuant
19 to a contract authorized by this subsection (d-10) shall
20 be deemed prudently incurred and reasonable in amount, and
21 the electric utility shall be entitled to full cost
22 recovery pursuant to a tariff or tariffs filed with the
23 Commission.

24 (G) The counterparty electric utility shall retire all
25 carbon mitigation credits used to comply with the
26 requirements of this subsection (d-10).

1 (H) If a carbon-free energy resource is sold to
2 another owner, the rights, obligations, and commitments
3 under this subsection (d-10) shall continue to the
4 subsequent owner.

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

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

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

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

17 (h) The Agency shall assess fees to each bidder to recover
18 the costs incurred in connection with a competitive
19 procurement process.

20 (i) A renewable energy credit, carbon emission credit, ~~or~~
21 zero emission credit, or carbon mitigation credit can only be
22 used once to comply with a single portfolio or other standard
23 as set forth in subsection (c), subsection (d), or subsection
24 (d-5) of this Section, respectively. A renewable energy
25 credit, carbon emission credit, ~~or~~ zero emission credit, or
26 carbon mitigation credit cannot be used to satisfy the

1 requirements of more than one standard. If more than one type
2 of credit is issued for the same megawatt hour of energy, only
3 one credit can be used to satisfy the requirements of a single
4 standard. After such use, the credit must be retired together
5 with any other credits issued for the same megawatt hour of
6 energy.

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

9 (20 ILCS 3855/1-92)

10 Sec. 1-92. Aggregation of electrical load by
11 municipalities, townships, and counties.

12 (a) The corporate authorities of a municipality, township
13 board, or county board of a county may adopt an ordinance under
14 which it may aggregate in accordance with this Section
15 residential and small commercial retail electrical loads
16 located, respectively, within the municipality, the township,
17 or the unincorporated areas of the county and, for that
18 purpose, may solicit bids and enter into service agreements to
19 facilitate for those loads the sale and purchase of
20 electricity and related services and equipment.

21 The corporate authorities, township board, or county board
22 may also exercise such authority jointly with any other
23 municipality, township, or county. Two or more municipalities,
24 townships, or counties, or a combination of both, may initiate
25 a process jointly to authorize aggregation by a majority vote

1 of each particular municipality, township, or county as
2 required by this Section.

3 If the corporate authorities, township board, or the
4 county board seek to operate the aggregation program as an
5 opt-out program for residential and small commercial retail
6 customers, then prior to the adoption of an ordinance with
7 respect to aggregation of residential and small commercial
8 retail electric loads, the corporate authorities of a
9 municipality, the township board, or the county board of a
10 county shall submit a referendum to its residents to determine
11 whether or not the aggregation program shall operate as an
12 opt-out program for residential and small commercial retail
13 customers. Any county board that seeks to submit such a
14 referendum to its residents shall do so only in unincorporated
15 areas of the county where no electric aggregation ordinance
16 has been adopted.

17 In addition to the notice and conduct requirements of the
18 general election law, notice of the referendum shall state
19 briefly the purpose of the referendum. The question of whether
20 the corporate authorities, the township board, or the county
21 board shall adopt an opt-out aggregation program for
22 residential and small commercial retail customers shall be
23 submitted to the electors of the municipality, township board,
24 or county board at a regular election and approved by a
25 majority of the electors voting on the question. The corporate
26 authorities, township board, or county board must certify to

1 the proper election authority, which must submit the question
2 at an election in accordance with the Election Code.

3 The election authority must submit the question in
4 substantially the following form:

5 Shall the (municipality, township, or county in which
6 the question is being voted upon) have the authority to
7 arrange for the supply of electricity for its residential
8 and small commercial retail customers who have not opted
9 out of such program?

10 The election authority must record the votes as "Yes" or "No".

11 If a majority of the electors voting on the question vote
12 in the affirmative, then the corporate authorities, township
13 board, or county board may implement an opt-out aggregation
14 program for residential and small commercial retail customers.

15 A referendum must pass in each particular municipality,
16 township, or county that is engaged in the aggregation
17 program. If the referendum fails, then the corporate
18 authorities, township board, or county board shall operate the
19 aggregation program as an opt-in program for residential and
20 small commercial retail customers.

21 An ordinance under this Section shall specify whether the
22 aggregation will occur only with the prior consent of each
23 person owning, occupying, controlling, or using an electric
24 load center proposed to be aggregated. Nothing in this
25 Section, however, authorizes the aggregation of electric loads
26 that are served or authorized to be served by an electric

1 cooperative as defined by and pursuant to the Electric
2 Supplier Act or loads served by a municipality that owns and
3 operates its own electric distribution system. No aggregation
4 shall take effect unless approved by a majority of the members
5 of the corporate authority, township board, or county board
6 voting upon the ordinance.

7 A governmental aggregator under this Section is not a
8 public utility or an alternative retail electric supplier.

9 For purposes of this Section, "township" means the portion
10 of a township that is an unincorporated portion of a county
11 that is not otherwise a part of a municipality. In addition to
12 such other limitations as are included in this Section, a
13 township board shall only have authority to aggregate
14 residential and small commercial customer loads in accordance
15 with this Section if the county board of the county in which
16 the township is located (i) is not also submitting a
17 referendum to its residents at the same general election that
18 the township board proposes to submit a referendum under this
19 subsection (a), (ii) has not received authorization through
20 passage of a referendum to operate an opt-out aggregation
21 program for residential and small commercial retail customers
22 under this subsection (a), and (iii) has not otherwise enacted
23 an ordinance under this subsection (a) authorizing the
24 operation of an opt-in aggregation program for residential and
25 small commercial retail customers as described in this
26 Section.

1 (b) Upon the applicable requisite authority under this
2 Section, the corporate authorities, the township board, or the
3 county board, with assistance from the Illinois Power Agency,
4 shall develop a plan of operation and governance for the
5 aggregation program so authorized. Before adopting a plan
6 under this Section, the corporate authorities, township board,
7 or county board shall hold at least 2 public hearings on the
8 plan. Before the first hearing, the corporate authorities,
9 township board, or county board shall publish notice of the
10 hearings once a week for 2 consecutive weeks in a newspaper of
11 general circulation in the jurisdiction. The notice shall
12 summarize the plan and state the date, time, and location of
13 each hearing. Any load aggregation plan established pursuant
14 to this Section shall:

15 (1) provide for universal access to all applicable
16 residential customers and equitable treatment of
17 applicable residential customers;

18 (2) describe demand management and energy efficiency
19 services to be provided to each class of customers; and

20 (3) meet any requirements established by law
21 concerning aggregated service offered pursuant to this
22 Section.

23 (c) The process for soliciting bids for electricity and
24 other related services and awarding proposed agreements for
25 the purchase of electricity and other related services shall
26 be conducted in the following order:

1 (1) The corporate authorities, township board, or
2 county board may solicit bids for electricity and other
3 related services. The bid specifications may include a
4 provision requiring the bidder to disclose the fuel type
5 of electricity to be procured or generated on behalf of
6 the aggregation program customers. The corporate
7 authorities, township board, or county board may consider
8 the proposed source of electricity to be procured or
9 generated to be put into the grid on behalf of aggregation
10 program customers in the competitive bidding process. The
11 Agency and Commission may collaborate to issue joint
12 guidance on voluntary uniform standards for bidder
13 disclosures of the source of electricity to be procured or
14 generated to be put into the grid on behalf of aggregation
15 program customers.

16 (1.5) A township board shall request from the electric
17 utility those residential and small commercial customers
18 within their aggregate area either by zip code or zip
19 codes or other means as determined by the electric
20 utility. The electric utility shall then provide to the
21 township board the residential and small commercial
22 customers, including the names and addresses of
23 residential and small commercial customers,
24 electronically. The township board shall be responsible
25 for authenticating the residential and small commercial
26 customers contained in this listing and providing edits of

1 the data to affirm, add, or delete the residential and
2 small commercial customers located within its
3 jurisdiction. The township board shall provide the edited
4 list to the electric utility in an electronic format or
5 other means selected by the electric utility and certify
6 that the information is accurate.

7 (2) Notwithstanding Section 16-122 of the Public
8 Utilities Act and Section 2HH of the Consumer Fraud and
9 Deceptive Business Practices Act, an electric utility that
10 provides residential and small commercial retail electric
11 service in the aggregate area must, upon request of the
12 corporate authorities, township board, or the county board
13 in the aggregate area, submit to the requesting party, in
14 an electronic format, those account numbers, names, and
15 addresses of residential and small commercial retail
16 customers in the aggregate area that are reflected in the
17 electric utility's records at the time of the request;
18 provided, however, that any township board has first
19 provided an accurate customer list to the electric utility
20 as provided for herein.

21 Any corporate authority, township board, or county board
22 receiving customer information from an electric utility shall
23 be subject to the limitations on the disclosure of the
24 information described in Section 16-122 of the Public
25 Utilities Act and Section 2HH of the Consumer Fraud and
26 Deceptive Business Practices Act, and an electric utility

1 shall not be held liable for any claims arising out of the
2 provision of information pursuant to this item (2).

3 (d) If the corporate authorities, township board, or
4 county board operate under an opt-in program for residential
5 and small commercial retail customers, then the corporate
6 authorities, township board, or county board shall comply with
7 all of the following:

8 (1) Within 60 days after receiving the bids, the
9 corporate authorities, township board, or county board
10 shall allow residential and small commercial retail
11 customers to commit to the terms and conditions of a bid
12 that has been selected by the corporate authorities,
13 township board, or county board.

14 (2) If (A) the corporate authorities, township board,
15 or county board award proposed agreements for the purchase
16 of electricity and other related services and (B) an
17 agreement is reached between the corporate authorities,
18 township board, or county board for those services, then
19 customers committed to the terms and conditions according
20 to item (1) of this subsection (d) shall be committed to
21 the agreement.

22 (e) If the corporate authorities, township board, or
23 county board operate as an opt-out program for residential and
24 small commercial retail customers, then it shall be the duty
25 of the aggregated entity to fully inform residential and small
26 commercial retail customers in advance that they have the

1 right to opt out of the aggregation program. The disclosure
2 shall prominently state all charges to be made and shall
3 include full disclosure of the cost to obtain service pursuant
4 to Section 16-103 of the Public Utilities Act, how to access
5 it, and the fact that it is available to them without penalty,
6 if they are currently receiving service under that Section.
7 The Illinois Power Agency shall furnish, without charge, to
8 any citizen a list of all supply options available to them in a
9 format that allows comparison of prices and products.

10 (f) Any person or entity retained by a municipality or
11 county, or jointly by more than one such unit of local
12 government, to provide input, guidance, or advice in the
13 selection of an electricity supplier for an aggregation
14 program shall disclose in writing to the involved units of
15 local government the nature of any relationship through which
16 the person or entity may receive, either directly or
17 indirectly, commissions or other remuneration as a result of
18 the selection of any particular electricity supplier. The
19 written disclosure must be made prior to formal approval by
20 the involved units of local government of any professional
21 services agreement with the person or entity, or no later than
22 October 1, 2012 with respect to any such professional services
23 agreement entered into prior to the effective date of this
24 amendatory Act of the 97th General Assembly. The disclosure
25 shall cover all direct and indirect relationships through
26 which commissions or remuneration may result, including the

1 pooling of commissions or remuneration among multiple persons
2 or entities, and shall identify all involved electricity
3 suppliers. The disclosure requirements in this subsection (f)
4 are to be liberally construed to ensure that the nature of
5 financial interests are fully revealed, and these disclosure
6 requirements shall apply regardless of whether the involved
7 person or entity is licensed under Section 16-115C of the
8 Public Utilities Act. Any person or entity that fails to make
9 the disclosure required under this subsection (f) is liable to
10 the involved units of local government in an amount equal to
11 all compensation paid to such person or entity by the units of
12 local government for the input, guidance, or advice in the
13 selection of an electricity supplier, plus reasonable
14 attorneys fees and court costs incurred by the units of local
15 government in connection with obtaining such amount.

16 (g) The Illinois Power Agency shall provide assistance to
17 municipalities, townships, counties, or associations working
18 with municipalities to help complete the plan and bidding
19 process.

20 (h) This Section does not prohibit municipalities or
21 counties from entering into an intergovernmental agreement to
22 aggregate residential and small commercial retail electric
23 loads.

24 (i) No later than June 1, 2023, the Illinois Power Agency
25 shall produce a report assessing how aggregation of electrical
26 load by municipalities, townships, and counties can be used to

1 help meet the renewable energy goals outlined in this Act.
2 This report shall contain, at a minimum, an assessment of
3 other states' utilization of load aggregation in meeting
4 renewable energy goals, any known or expected barriers in
5 utilizing load aggregation for meeting renewable energy goals,
6 and recommendations for possible changes in State law
7 necessary for electrical load aggregation to be a driver of
8 new renewable energy project development. This report shall be
9 published on the Agency's website and delivered to the
10 Governor and General Assembly. To assist with developing this
11 report, the Agency may retain the services of its expert
12 consulting firm used to develop its procurement plans as
13 provided in paragraph (1) of subsection (a) of Section 1-75.

14 (Source: P.A. 97-338, eff. 8-12-11; 97-823, eff. 7-18-12;
15 97-1067, eff. 8-24-12; 98-404, eff. 1-1-14; 98-434, eff.
16 1-1-14; 98-463, eff. 8-16-13; 98-756, eff. 7-16-14.)

17 (20 ILCS 3855/1-125)

18 Sec. 1-125. Agency annual reports.

19 (a) By February 15 of each year, the Agency shall report
20 annually to the Governor and the General Assembly on the
21 operations and transactions of the Agency. The annual report
22 shall include, but not be limited to, each of the following:

23 (1) The average quantity, price, and term of all
24 contracts for electricity procured under the procurement
25 plans for electric utilities.

1 (2) (Blank).

2 (3) The quantity, price, and rate impact of all energy
3 efficiency and demand response measures purchased for
4 electric utilities, and any measures included in the
5 procurement plan pursuant to Section 16-111.5B of the
6 Public Utilities Act.

7 (4) The amount of power and energy produced by each
8 Agency facility.

9 (5) The quantity of electricity supplied by each
10 Agency facility to municipal electric systems,
11 governmental aggregators, or rural electric cooperatives
12 in Illinois.

13 (6) The revenues as allocated by the Agency to each
14 facility.

15 (7) The costs as allocated by the Agency to each
16 facility.

17 (8) The accumulated depreciation for each facility.

18 (9) The status of any projects under development.

19 (10) Basic financial and operating information
20 specifically detailed for the reporting year and
21 including, but not limited to, income and expense
22 statements, balance sheets, and changes in financial
23 position, all in accordance with generally accepted
24 accounting principles, debt structure, and a summary of
25 funds on a cash basis.

26 (11) The average quantity, price, contract type and

1 term, and rate impact of all renewable resources procured
2 ~~purchased~~ under the long-term renewable resources
3 ~~electricity~~ procurement plans for electric utilities.

4 (12) A comparison of the costs associated with the
5 Agency's procurement of renewable energy resources to (A)
6 the Agency's costs associated with electricity generated
7 by other types of generation facilities and (B) the
8 benefits associated with the Agency's procurement of
9 renewable energy resources.

10 (13) An analysis of the rate impacts associated with
11 the Illinois Power Agency's procurement of renewable
12 resources, including, but not limited to, any long-term
13 contracts, on the eligible retail customers of electric
14 utilities. The analysis shall include the Agency's
15 estimate of the total dollar impact that the Agency's
16 procurement of renewable resources has had on the annual
17 electricity bills of the customer classes that comprise
18 each eligible retail customer class taking service from an
19 electric utility.

20 (14) (Blank). ~~An analysis of how the operation of the~~
21 ~~alternative compliance payment mechanism, any long-term~~
22 ~~contracts, or other aspects of the applicable renewable~~
23 ~~portfolio standards impacts the rates of customers of~~
24 ~~alternative retail electric suppliers.~~

25 (b) In addition to reporting on the transactions and
26 operations of the Agency, the Agency shall also endeavor to

1 report on the following items through its annual report,
2 recognizing that full and accurate information may not be
3 available for certain items:

4 (1) The overall nameplate capacity amount of installed
5 and scheduled renewable energy generation capacity
6 physically located in Illinois.

7 (2) The percentage of installed and scheduled
8 renewable energy generation capacity as a share of overall
9 electricity generation capacity physically located in
10 Illinois.

11 (3) The amount of megawatt hours produced by renewable
12 energy generation capacity physically located in Illinois
13 for the preceding delivery year.

14 (4) The percentage of megawatt hours produced by
15 renewable energy generation capacity physically located in
16 Illinois as a share of overall electricity generation from
17 facilities physically located in Illinois for the
18 preceding delivery year.

19 (5) The renewable portfolio standard expenditures made
20 pursuant to paragraph (1) of subsection (c) of Section
21 1-75 and the total scheduled and installed renewable
22 generation capacity expected to result from these
23 investments. This information shall include the total cost
24 of REC delivery contracts of the renewable portfolio
25 standard by project category, including, but not limited
26 to, renewable energy credits delivery contracts entered

1 into pursuant to subparagraphs (C), (G), (K), and (R) of
2 paragraph (1) of subsection (c) Section 1-75. The Agency
3 shall also report on the total amount of customer load
4 featuring renewable portfolio standard compliance
5 obligations scheduled to be met by self-direct customers
6 pursuant to subparagraph (R) of paragraph (1) of
7 subsection (c) of Section 1-75, as well as the minimum
8 annual quantities of renewable energy credits scheduled to
9 be retired by those customers and amount of installed
10 renewable energy generating capacity used to meet the
11 requirements of subparagraph (R) of paragraph (1) of
12 subsection (c) of Section 1-75.

13 The Agency may seek assistance from the Illinois Commerce
14 Commission in developing its annual report and may also retain
15 the services of its expert consulting firm used to develop its
16 procurement plans as outlined in paragraph (1) of subsection
17 (a) of Section 1-75. Confidential or commercially sensitive
18 business information provided by retail customers, alternative
19 retail electric suppliers, or other parties shall be kept
20 confidential by the Agency consistent with Section 1-120, but
21 may be publicly reported in aggregate form.

22 (Source: P.A. 99-536, eff. 7-8-16.)

23 (20 ILCS 3855/1-128 new)

24 Sec. 1-128. Nonprofit Electric Generation Task Force.

25 (a) By January 1, 2028, the Nonprofit Electric Generation

1 Task Force shall be established to assess the technological,
2 economic, and regulatory feasibility as well as legislative
3 support mechanisms necessary to achieve the carbon emission
4 reduction targets described in Section 9.15 of the
5 Environmental Protection Act through the use of carbon
6 capture, sequestration, and utilization technology.

7 (b) The Task Force shall consist of the following members:

8 (1) one representative of the Prairie Research
9 Institute at the University of Illinois, appointed by the
10 Governor with the advice and consent of the Senate;

11 (2) one representative of an association representing
12 municipal utilities, joint municipal electric power
13 agencies, or municipal electric generators with an
14 ownership interest in Prairie State Generating Company,
15 appointed by the Governor with the advice and consent of
16 the Senate;

17 (3) one representative of an association of electric
18 cooperatives with ownership interests in Prairie State
19 Generating Company, appointed by the Governor with the
20 advice and consent of the Senate;

21 (4) one representative of a labor union or building
22 trade with technical experience at a coal generation
23 facility, appointed by the Governor with the advice and
24 consent of the Senate;

25 (5) the Director of Natural Resources, or his or her
26 designee;

1 (6) the Director of the Environmental Protection
2 Agency, or his or her designee;

3 (7) the Governor, or his or her designee;

4 (8) one expert in power sector reliability, appointed
5 by the Governor with the advice and consent of the Senate;

6 (9) one expert in financing large scale power sector
7 carbon reduction projects, appointed by the Governor with
8 the advice and consent of the Senate;

9 (10) one designee of the President of the Senate;

10 (11) one designee of the Speaker of the House;

11 (12) one designee of the Senate Minority Leader; and

12 (13) one designee of the House Minority Leader.

13 (c) The Task Force shall have the following duties:

14 (1) investigating the technical and financial options
15 to install carbon capture, sequestration, utilization, and
16 direct air capture at the Prairie State Generation Campus;

17 (2) assessing the existing regulatory construct and
18 any legislative support mechanisms necessary to reduce
19 carbon at the Prairie State Generating Company in
20 accordance with Section 9.15 of the Environmental
21 Protection Act; and

22 (3) preparing and filing a report with the Governor
23 and the General Assembly that sets forth the Task Force's
24 findings.

25 (d) The Task Force may hire an independent third-party
26 auditor with relevant financial expertise to conduct a

1 financial audit of the Prairie State Generating Company,
2 including an examination of potential financial solutions to
3 alleviate the existing indirect debt obligations facing the
4 joint indirect Prairie State Generating Company owners in
5 Illinois. The audit shall include a review of the existing
6 debt structure for the Prairie State Generating Company and
7 the individual finances of each joint direct company owner in
8 Illinois in order to recommend an appropriate and equitable
9 method for allocating any funds, whether from the State or
10 federal government, or any other legal source, that may be
11 provided to support the joint indirect owners in Illinois. Any
12 commercially sensitive information reviewed pursuant to this
13 audit shall be reasonably redacted from the Task Force's final
14 report and shall not be subject to disclosure under the
15 Freedom of Information Act.

16 Section 90-35. The State Finance Act is amended by adding
17 Sections 5.427, 5.935, 5.936, and 5.937 as follows:

18 (30 ILCS 105/5.427)

19 Sec. 5.427. The Electric Vehicle Rebate ~~Alternate Fuels~~
20 Fund.

21 (Source: P.A. 89-410; 89-626, eff. 8-9-96.)

22 (30 ILCS 105/5.935 new)

23 Sec. 5.935. The Coal to Solar and Energy Storage

1 Initiative Fund.

2 (30 ILCS 105/5.936 new)

3 Sec. 5.936. The Energy Transition Assistance Fund.

4 (30 ILCS 105/5.937 new)

5 Sec. 5.937. The Consumer Intervenor Compensation Fund.

6 Section 90-36. The Illinois Procurement Code is amended by
7 changing Section 1-10 as follows:

8 (30 ILCS 500/1-10)

9 Sec. 1-10. Application.

10 (a) This Code applies only to procurements for which
11 bidders, offerors, potential contractors, or contractors were
12 first solicited on or after July 1, 1998. This Code shall not
13 be construed to affect or impair any contract, or any
14 provision of a contract, entered into based on a solicitation
15 prior to the implementation date of this Code as described in
16 Article 99, including, but not limited to, any covenant
17 entered into with respect to any revenue bonds or similar
18 instruments. All procurements for which contracts are
19 solicited between the effective date of Articles 50 and 99 and
20 July 1, 1998 shall be substantially in accordance with this
21 Code and its intent.

22 (b) This Code shall apply regardless of the source of the

1 funds with which the contracts are paid, including federal
2 assistance moneys. This Code shall not apply to:

3 (1) Contracts between the State and its political
4 subdivisions or other governments, or between State
5 governmental bodies, except as specifically provided in
6 this Code.

7 (2) Grants, except for the filing requirements of
8 Section 20-80.

9 (3) Purchase of care, except as provided in Section
10 5-30.6 of the Illinois Public Aid Code and this Section.

11 (4) Hiring of an individual as employee and not as an
12 independent contractor, whether pursuant to an employment
13 code or policy or by contract directly with that
14 individual.

15 (5) Collective bargaining contracts.

16 (6) Purchase of real estate, except that notice of
17 this type of contract with a value of more than \$25,000
18 must be published in the Procurement Bulletin within 10
19 calendar days after the deed is recorded in the county of
20 jurisdiction. The notice shall identify the real estate
21 purchased, the names of all parties to the contract, the
22 value of the contract, and the effective date of the
23 contract.

24 (7) Contracts necessary to prepare for anticipated
25 litigation, enforcement actions, or investigations,
26 provided that the chief legal counsel to the Governor

1 shall give his or her prior approval when the procuring
2 agency is one subject to the jurisdiction of the Governor,
3 and provided that the chief legal counsel of any other
4 procuring entity subject to this Code shall give his or
5 her prior approval when the procuring entity is not one
6 subject to the jurisdiction of the Governor.

7 (8) (Blank).

8 (9) Procurement expenditures by the Illinois
9 Conservation Foundation when only private funds are used.

10 (10) (Blank).

11 (11) Public-private agreements entered into according
12 to the procurement requirements of Section 20 of the
13 Public-Private Partnerships for Transportation Act and
14 design-build agreements entered into according to the
15 procurement requirements of Section 25 of the
16 Public-Private Partnerships for Transportation Act.

17 (12) Contracts for legal, financial, and other
18 professional and artistic services entered into on or
19 before December 31, 2018 by the Illinois Finance Authority
20 in which the State of Illinois is not obligated. Such
21 contracts shall be awarded through a competitive process
22 authorized by the Board of the Illinois Finance Authority
23 and are subject to Sections 5-30, 20-160, 50-13, 50-20,
24 50-35, and 50-37 of this Code, as well as the final
25 approval by the Board of the Illinois Finance Authority of
26 the terms of the contract.

1 (13) Contracts for services, commodities, and
2 equipment to support the delivery of timely forensic
3 science services in consultation with and subject to the
4 approval of the Chief Procurement Officer as provided in
5 subsection (d) of Section 5-4-3a of the Unified Code of
6 Corrections, except for the requirements of Sections
7 20-60, 20-65, 20-70, and 20-160 and Article 50 of this
8 Code; however, the Chief Procurement Officer may, in
9 writing with justification, waive any certification
10 required under Article 50 of this Code. For any contracts
11 for services which are currently provided by members of a
12 collective bargaining agreement, the applicable terms of
13 the collective bargaining agreement concerning
14 subcontracting shall be followed.

15 On and after January 1, 2019, this paragraph (13),
16 except for this sentence, is inoperative.

17 (14) Contracts for participation expenditures required
18 by a domestic or international trade show or exhibition of
19 an exhibitor, member, or sponsor.

20 (15) Contracts with a railroad or utility that
21 requires the State to reimburse the railroad or utilities
22 for the relocation of utilities for construction or other
23 public purpose. Contracts included within this paragraph
24 (15) shall include, but not be limited to, those
25 associated with: relocations, crossings, installations,
26 and maintenance. For the purposes of this paragraph (15),

1 "railroad" means any form of non-highway ground
2 transportation that runs on rails or electromagnetic
3 guideways and "utility" means: (1) public utilities as
4 defined in Section 3-105 of the Public Utilities Act, (2)
5 telecommunications carriers as defined in Section 13-202
6 of the Public Utilities Act, (3) electric cooperatives as
7 defined in Section 3.4 of the Electric Supplier Act, (4)
8 telephone or telecommunications cooperatives as defined in
9 Section 13-212 of the Public Utilities Act, (5) rural
10 water or waste water systems with 10,000 connections or
11 less, (6) a holder as defined in Section 21-201 of the
12 Public Utilities Act, and (7) municipalities owning or
13 operating utility systems consisting of public utilities
14 as that term is defined in Section 11-117-2 of the
15 Illinois Municipal Code.

16 (16) Procurement expenditures necessary for the
17 Department of Public Health to provide the delivery of
18 timely newborn screening services in accordance with the
19 Newborn Metabolic Screening Act.

20 (17) Procurement expenditures necessary for the
21 Department of Agriculture, the Department of Financial and
22 Professional Regulation, the Department of Human Services,
23 and the Department of Public Health to implement the
24 Compassionate Use of Medical Cannabis Program and Opioid
25 Alternative Pilot Program requirements and ensure access
26 to medical cannabis for patients with debilitating medical

1 conditions in accordance with the Compassionate Use of
2 Medical Cannabis Program Act.

3 (18) This Code does not apply to any procurements
4 necessary for the Department of Agriculture, the
5 Department of Financial and Professional Regulation, the
6 Department of Human Services, the Department of Commerce
7 and Economic Opportunity, and the Department of Public
8 Health to implement the Cannabis Regulation and Tax Act if
9 the applicable agency has made a good faith determination
10 that it is necessary and appropriate for the expenditure
11 to fall within this exemption and if the process is
12 conducted in a manner substantially in accordance with the
13 requirements of Sections 20-160, 25-60, 30-22, 50-5,
14 50-10, 50-10.5, 50-12, 50-13, 50-15, 50-20, 50-21, 50-35,
15 50-36, 50-37, 50-38, and 50-50 of this Code; however, for
16 Section 50-35, compliance applies only to contracts or
17 subcontracts over \$100,000. Notice of each contract
18 entered into under this paragraph (18) that is related to
19 the procurement of goods and services identified in
20 paragraph (1) through (9) of this subsection shall be
21 published in the Procurement Bulletin within 14 calendar
22 days after contract execution. The Chief Procurement
23 Officer shall prescribe the form and content of the
24 notice. Each agency shall provide the Chief Procurement
25 Officer, on a monthly basis, in the form and content
26 prescribed by the Chief Procurement Officer, a report of

1 contracts that are related to the procurement of goods and
2 services identified in this subsection. At a minimum, this
3 report shall include the name of the contractor, a
4 description of the supply or service provided, the total
5 amount of the contract, the term of the contract, and the
6 exception to this Code utilized. A copy of any or all of
7 these contracts shall be made available to the Chief
8 Procurement Officer immediately upon request. The Chief
9 Procurement Officer shall submit a report to the Governor
10 and General Assembly no later than November 1 of each year
11 that includes, at a minimum, an annual summary of the
12 monthly information reported to the Chief Procurement
13 Officer. This exemption becomes inoperative 5 years after
14 June 25, 2019 (the effective date of Public Act 101-27)
15 ~~this amendatory Act of the 101st General Assembly.~~

16 (19) Procurement expenditures necessary for the
17 Illinois Commerce Commission to hire third-party
18 facilitators pursuant to Sections 16-105.17 and Section
19 16-108.18 of the Public Utilities Act or an ombudsman
20 pursuant to Section 16-107.5 of the Public Utilities Act,
21 a facilitator pursuant to Section 16-105.17 of the Public
22 Utilities Act, or a grid auditor pursuant to Section
23 16-105.10 of the Public Utilities Act.

24 Notwithstanding any other provision of law, for contracts
25 entered into on or after October 1, 2017 under an exemption
26 provided in any paragraph of this subsection (b), except

1 paragraph (1), (2), or (5), each State agency shall post to the
2 appropriate procurement bulletin the name of the contractor, a
3 description of the supply or service provided, the total
4 amount of the contract, the term of the contract, and the
5 exception to the Code utilized. The chief procurement officer
6 shall submit a report to the Governor and General Assembly no
7 later than November 1 of each year that shall include, at a
8 minimum, an annual summary of the monthly information reported
9 to the chief procurement officer.

10 (c) This Code does not apply to the electric power
11 procurement process provided for under Section 1-75 of the
12 Illinois Power Agency Act and Section 16-111.5 of the Public
13 Utilities Act.

14 (d) Except for Section 20-160 and Article 50 of this Code,
15 and as expressly required by Section 9.1 of the Illinois
16 Lottery Law, the provisions of this Code do not apply to the
17 procurement process provided for under Section 9.1 of the
18 Illinois Lottery Law.

19 (e) This Code does not apply to the process used by the
20 Capital Development Board to retain a person or entity to
21 assist the Capital Development Board with its duties related
22 to the determination of costs of a clean coal SNG brownfield
23 facility, as defined by Section 1-10 of the Illinois Power
24 Agency Act, as required in subsection (h-3) of Section 9-220
25 of the Public Utilities Act, including calculating the range
26 of capital costs, the range of operating and maintenance

1 costs, or the sequestration costs or monitoring the
2 construction of clean coal SNG brownfield facility for the
3 full duration of construction.

4 (f) (Blank).

5 (g) (Blank).

6 (h) This Code does not apply to the process to procure or
7 contracts entered into in accordance with Sections 11-5.2 and
8 11-5.3 of the Illinois Public Aid Code.

9 (i) Each chief procurement officer may access records
10 necessary to review whether a contract, purchase, or other
11 expenditure is or is not subject to the provisions of this
12 Code, unless such records would be subject to attorney-client
13 privilege.

14 (j) This Code does not apply to the process used by the
15 Capital Development Board to retain an artist or work or works
16 of art as required in Section 14 of the Capital Development
17 Board Act.

18 (k) This Code does not apply to the process to procure
19 contracts, or contracts entered into, by the State Board of
20 Elections or the State Electoral Board for hearing officers
21 appointed pursuant to the Election Code.

22 (l) This Code does not apply to the processes used by the
23 Illinois Student Assistance Commission to procure supplies and
24 services paid for from the private funds of the Illinois
25 Prepaid Tuition Fund. As used in this subsection (l), "private
26 funds" means funds derived from deposits paid into the

1 Illinois Prepaid Tuition Trust Fund and the earnings thereon.
2 (Source: P.A. 100-43, eff. 8-9-17; 100-580, eff. 3-12-18;
3 100-757, eff. 8-10-18; 100-1114, eff. 8-28-18; 101-27, eff.
4 6-25-19; 101-81, eff. 7-12-19; 101-363, eff. 8-9-19; revised
5 9-17-19.)

6 Section 90-37. The Business Enterprise for Minorities,
7 Women, and Persons with Disabilities Act is amended by
8 changing Sections 4f and 7 as follows:

9 (30 ILCS 575/4f)

10 (Text of Section before amendment by P.A. 101-657, Article
11 40, Section 40-130)

12 (Section scheduled to be repealed on June 30, 2024)

13 Sec. 4f. Award of State contracts.

14 (1) It is hereby declared to be the public policy of the
15 State of Illinois to promote and encourage each State agency
16 and public institution of higher education to use businesses
17 owned by minorities, women, and persons with disabilities in
18 the area of goods and services, including, but not limited to,
19 insurance services, investment management services,
20 information technology services, accounting services,
21 architectural and engineering services, and legal services.
22 Furthermore, each State agency and public institution of
23 higher education shall utilize such firms to the greatest
24 extent feasible within the bounds of financial and fiduciary

1 prudence, and take affirmative steps to remove any barriers to
2 the full participation of such firms in the procurement and
3 contracting opportunities afforded.

4 (a) When a State agency or public institution of
5 higher education, other than a community college, awards a
6 contract for insurance services, for each State agency or
7 public institution of higher education, it shall be the
8 aspirational goal to use insurance brokers owned by
9 minorities, women, and persons with disabilities as
10 defined by this Act, for not less than 20% of the total
11 annual premiums or fees; provided that, contracts
12 representing at least 11% of the total annual premiums or
13 fees shall be awarded to businesses owned by minorities;
14 contracts representing at least 7% of the total annual
15 premiums or fees shall be awarded to women-owned
16 businesses; and contracts representing at least 2% of the
17 total annual premiums or fees shall be awarded to
18 businesses owned by persons with disabilities.

19 (b) When a State agency or public institution of
20 higher education, other than a community college, awards a
21 contract for investment services, for each State agency or
22 public institution of higher education, it shall be the
23 aspirational goal to use emerging investment managers
24 owned by minorities, women, and persons with disabilities
25 as defined by this Act, for not less than 20% of the total
26 funds under management; provided that, contracts

1 representing at least 11% of the total funds under
2 management shall be awarded to businesses owned by
3 minorities; contracts representing at least 7% of the
4 total funds under management shall be awarded to
5 women-owned businesses; and contracts representing at
6 least 2% of the total funds under management shall be
7 awarded to businesses owned by persons with disabilities.
8 Furthermore, it is the aspirational goal that not less
9 than 20% of the direct asset managers of the State funds be
10 minorities, women, and persons with disabilities.

11 (c) When a State agency or public institution of
12 higher education, other than a community college, awards
13 contracts for information technology services, accounting
14 services, architectural and engineering services, and
15 legal services, for each State agency and public
16 institution of higher education, it shall be the
17 aspirational goal to use such firms owned by minorities,
18 women, and persons with disabilities as defined by this
19 Act and lawyers who are minorities, women, and persons
20 with disabilities as defined by this Act, for not less
21 than 20% of the total dollar amount of State contracts;
22 provided that, contracts representing at least 11% of the
23 total dollar amount of State contracts shall be awarded to
24 businesses owned by minorities or minority lawyers;
25 contracts representing at least 7% of the total dollar
26 amount of State contracts shall be awarded to women-owned

1 businesses or women who are lawyers; and contracts
2 representing at least 2% of the total dollar amount of
3 State contracts shall be awarded to businesses owned by
4 persons with disabilities or persons with disabilities who
5 are lawyers.

6 (d) When a community college awards a contract for
7 insurance services, investment services, information
8 technology services, accounting services, architectural
9 and engineering services, and legal services, it shall be
10 the aspirational goal of each community college to use
11 businesses owned by minorities, women, and persons with
12 disabilities as defined in this Act for not less than 20%
13 of the total amount spent on contracts for these services
14 collectively; provided that, contracts representing at
15 least 11% of the total amount spent on contracts for these
16 services shall be awarded to businesses owned by
17 minorities; contracts representing at least 7% of the
18 total amount spent on contracts for these services shall
19 be awarded to women-owned businesses; and contracts
20 representing at least 2% of the total amount spent on
21 contracts for these services shall be awarded to
22 businesses owned by persons with disabilities. When a
23 community college awards contracts for investment
24 services, contracts awarded to investment managers who are
25 not emerging investment managers as defined in this Act
26 shall not be considered businesses owned by minorities,

1 women, or persons with disabilities for the purposes of
2 this Section.

3 (e) When a State agency or public institution of
4 higher education issues competitive solicitations and the
5 award history for a service or supply category shows
6 awards to a class of business owners that are
7 underrepresented, the Council shall determine the reason
8 for the disparity and shall identify potential and
9 appropriate methods to minimize or eliminate the cause for
10 the disparity.

11 If any State agency or public institution of higher
12 education contract is eligible to be paid for or
13 reimbursed, in whole or in part, with federal-aid funds,
14 grants, or loans, and the provisions of this paragraph (e)
15 would result in the loss of those federal-aid funds,
16 grants, or loans, then the contract is exempt from the
17 provisions of this paragraph (e) in order to remain
18 eligible for those federal-aid funds, grants, or loans.

19 (2) As used in this Section:

20 "Accounting services" means the measurement,
21 processing and communication of financial information
22 about economic entities including, but is not limited to,
23 financial accounting, management accounting, auditing,
24 cost containment and auditing services, taxation and
25 accounting information systems.

26 "Architectural and engineering services" means

1 professional services of an architectural or engineering
2 nature, or incidental services, that members of the
3 architectural and engineering professions, and individuals
4 in their employ, may logically or justifiably perform,
5 including studies, investigations, surveying and mapping,
6 tests, evaluations, consultations, comprehensive
7 planning, program management, conceptual designs, plans
8 and specifications, value engineering, construction phase
9 services, soils engineering, drawing reviews, preparation
10 of operating and maintenance manuals, and other related
11 services.

12 "Emerging investment manager" means an investment
13 manager or claims consultant having assets under
14 management below \$10 billion or otherwise adjudicating
15 claims.

16 "Information technology services" means, but is not
17 limited to, specialized technology-oriented solutions by
18 combining the processes and functions of software,
19 hardware, networks, telecommunications, web designers,
20 cloud developing resellers, and electronics.

21 "Insurance broker" means an insurance brokerage firm,
22 claims administrator, or both, that procures, places all
23 lines of insurance, or administers claims with annual
24 premiums or fees of at least \$5,000,000 but not more than
25 \$10,000,000.

26 "Legal services" means work performed by a lawyer

1 including, but not limited to, contracts in anticipation
2 of litigation, enforcement actions, or investigations.

3 (3) Each State agency and public institution of higher
4 education shall adopt policies that identify its plan and
5 implementation procedures for increasing the use of service
6 firms owned by minorities, women, and persons with
7 disabilities.

8 (4) Except as provided in subsection (5), the Council
9 shall file no later than March 1 of each year an annual report
10 to the Governor, the Bureau on Apprenticeship Programs and
11 Clean Energy Jobs, and the General Assembly. The report filed
12 with the General Assembly shall be filed as required in
13 Section 3.1 of the General Assembly Organization Act. This
14 report shall: (i) identify the service firms used by each
15 State agency and public institution of higher education, (ii)
16 identify the actions it has undertaken to increase the use of
17 service firms owned by minorities, women, and persons with
18 disabilities, including encouraging non-minority-owned firms
19 to use other service firms owned by minorities, women, and
20 persons with disabilities as subcontractors when the
21 opportunities arise, (iii) state any recommendations made by
22 the Council to each State agency and public institution of
23 higher education to increase participation by the use of
24 service firms owned by minorities, women, and persons with
25 disabilities, and (iv) include the following:

26 (A) For insurance services: the names of the insurance

1 brokers or claims consultants used, the total of risk
2 managed by each State agency and public institution of
3 higher education by insurance brokers, the total
4 commissions, fees paid, or both, the lines or insurance
5 policies placed, and the amount of premiums placed; and
6 the percentage of the risk managed by insurance brokers,
7 the percentage of total commission, fees paid, or both,
8 the lines or insurance policies placed, and the amount of
9 premiums placed with each by the insurance brokers owned
10 by minorities, women, and persons with disabilities by
11 each State agency and public institution of higher
12 education.

13 (B) For investment management services: the names of
14 the investment managers used, the total funds under
15 management of investment managers; the total commissions,
16 fees paid, or both; the total and percentage of funds
17 under management of emerging investment managers owned by
18 minorities, women, and persons with disabilities,
19 including the total and percentage of total commissions,
20 fees paid, or both by each State agency and public
21 institution of higher education.

22 (C) The names of service firms, the percentage and
23 total dollar amount paid for professional services by
24 category by each State agency and public institution of
25 higher education.

26 (D) The names of service firms, the percentage and

1 total dollar amount paid for services by category to firms
2 owned by minorities, women, and persons with disabilities
3 by each State agency and public institution of higher
4 education.

5 (E) The total number of contracts awarded for services
6 by category and the total number of contracts awarded to
7 firms owned by minorities, women, and persons with
8 disabilities by each State agency and public institution
9 of higher education.

10 (5) For community college districts, the Business
11 Enterprise Council shall only report the following information
12 for each community college district: (i) the name of the
13 community colleges in the district, (ii) the name and contact
14 information of a person at each community college appointed to
15 be the single point of contact for vendors owned by
16 minorities, women, or persons with disabilities, (iii) the
17 policy of the community college district concerning certified
18 vendors, (iv) the certifications recognized by the community
19 college district for determining whether a business is owned
20 or controlled by a minority, woman, or person with a
21 disability, (v) outreach efforts conducted by the community
22 college district to increase the use of certified vendors,
23 (vi) the total expenditures by the community college district
24 in the prior fiscal year in the divisions of work specified in
25 paragraphs (a), (b), and (c) of subsection (1) of this Section
26 and the amount paid to certified vendors in those divisions of

1 work, and (vii) the total number of contracts entered into for
2 the divisions of work specified in paragraphs (a), (b), and
3 (c) of subsection (1) of this Section and the total number of
4 contracts awarded to certified vendors providing these
5 services to the community college district. The Business
6 Enterprise Council shall not make any utilization reports
7 under this Act for community college districts for Fiscal Year
8 2015 and Fiscal Year 2016, but shall make the report required
9 by this subsection for Fiscal Year 2017 and for each fiscal
10 year thereafter. The Business Enterprise Council shall report
11 the information in items (i), (ii), (iii), and (iv) of this
12 subsection beginning in September of 2016. The Business
13 Enterprise Council may collect the data needed to make its
14 report from the Illinois Community College Board.

15 (6) The status of the utilization of services shall be
16 discussed at each of the regularly scheduled Business
17 Enterprise Council meetings. Time shall be allotted for the
18 Council to receive, review, and discuss the progress of the
19 use of service firms owned by minorities, women, and persons
20 with disabilities by each State agency and public institution
21 of higher education; and any evidence regarding past or
22 present racial, ethnic, or gender-based discrimination which
23 directly impacts a State agency or public institution of
24 higher education contracting with such firms. If after
25 reviewing such evidence the Council finds that there is or has
26 been such discrimination against a specific group, race or

1 sex, the Council shall establish sheltered markets or adjust
2 existing sheltered markets tailored to address the Council's
3 specific findings for the divisions of work specified in
4 paragraphs (a), (b), and (c) of subsection (1) of this
5 Section.

6 (Source: P.A. 100-391, eff. 8-25-17; 101-170, eff. 1-1-20;
7 101-657, Article 5, Section 5-10, eff. 7-1-21 (See Section 25
8 of P.A. 102-29 for effective date of P.A. 101-657, Article 5,
9 Section 5-10); 102-29, eff. 6-25-21.)

10 (Text of Section after amendment by P.A. 101-657, Article
11 40, Section 40-130)

12 (Section scheduled to be repealed on June 30, 2024)

13 Sec. 4f. Award of State contracts.

14 (1) It is hereby declared to be the public policy of the
15 State of Illinois to promote and encourage each State agency
16 and public institution of higher education to use businesses
17 owned by minorities, women, and persons with disabilities in
18 the area of goods and services, including, but not limited to,
19 insurance services, investment management services,
20 information technology services, accounting services,
21 architectural and engineering services, and legal services.
22 Furthermore, each State agency and public institution of
23 higher education shall utilize such firms to the greatest
24 extent feasible within the bounds of financial and fiduciary
25 prudence, and take affirmative steps to remove any barriers to

1 the full participation of such firms in the procurement and
2 contracting opportunities afforded.

3 (a) When a State agency or public institution of
4 higher education, other than a community college, awards a
5 contract for insurance services, for each State agency or
6 public institution of higher education, it shall be the
7 aspirational goal to use insurance brokers owned by
8 minorities, women, and persons with disabilities as
9 defined by this Act, for not less than 20% of the total
10 annual premiums or fees; provided that, contracts
11 representing at least 11% of the total annual premiums or
12 fees shall be awarded to businesses owned by minorities;
13 contracts representing at least 7% of the total annual
14 premiums or fees shall be awarded to women-owned
15 businesses; and contracts representing at least 2% of the
16 total annual premiums or fees shall be awarded to
17 businesses owned by persons with disabilities.

18 (b) When a State agency or public institution of
19 higher education, other than a community college, awards a
20 contract for investment services, for each State agency or
21 public institution of higher education, it shall be the
22 aspirational goal to use emerging investment managers
23 owned by minorities, women, and persons with disabilities
24 as defined by this Act, for not less than 20% of the total
25 funds under management; provided that, contracts
26 representing at least 11% of the total funds under

1 management shall be awarded to businesses owned by
2 minorities; contracts representing at least 7% of the
3 total funds under management shall be awarded to
4 women-owned businesses; and contracts representing at
5 least 2% of the total funds under management shall be
6 awarded to businesses owned by persons with disabilities.
7 Furthermore, it is the aspirational goal that not less
8 than 20% of the direct asset managers of the State funds be
9 minorities, women, and persons with disabilities.

10 (c) When a State agency or public institution of
11 higher education, other than a community college, awards
12 contracts for information technology services, accounting
13 services, architectural and engineering services, and
14 legal services, for each State agency and public
15 institution of higher education, it shall be the
16 aspirational goal to use such firms owned by minorities,
17 women, and persons with disabilities as defined by this
18 Act and lawyers who are minorities, women, and persons
19 with disabilities as defined by this Act, for not less
20 than 20% of the total dollar amount of State contracts;
21 provided that, contracts representing at least 11% of the
22 total dollar amount of State contracts shall be awarded to
23 businesses owned by minorities or minority lawyers;
24 contracts representing at least 7% of the total dollar
25 amount of State contracts shall be awarded to women-owned
26 businesses or women who are lawyers; and contracts

1 representing at least 2% of the total dollar amount of
2 State contracts shall be awarded to businesses owned by
3 persons with disabilities or persons with disabilities who
4 are lawyers.

5 (d) When a community college awards a contract for
6 insurance services, investment services, information
7 technology services, accounting services, architectural
8 and engineering services, and legal services, it shall be
9 the aspirational goal of each community college to use
10 businesses owned by minorities, women, and persons with
11 disabilities as defined in this Act for not less than 20%
12 of the total amount spent on contracts for these services
13 collectively; provided that, contracts representing at
14 least 11% of the total amount spent on contracts for these
15 services shall be awarded to businesses owned by
16 minorities; contracts representing at least 7% of the
17 total amount spent on contracts for these services shall
18 be awarded to women-owned businesses; and contracts
19 representing at least 2% of the total amount spent on
20 contracts for these services shall be awarded to
21 businesses owned by persons with disabilities. When a
22 community college awards contracts for investment
23 services, contracts awarded to investment managers who are
24 not emerging investment managers as defined in this Act
25 shall not be considered businesses owned by minorities,
26 women, or persons with disabilities for the purposes of

1 this Section.

2 (2) As used in this Section:

3 "Accounting services" means the measurement,
4 processing and communication of financial information
5 about economic entities including, but is not limited to,
6 financial accounting, management accounting, auditing,
7 cost containment and auditing services, taxation and
8 accounting information systems.

9 "Architectural and engineering services" means
10 professional services of an architectural or engineering
11 nature, or incidental services, that members of the
12 architectural and engineering professions, and individuals
13 in their employ, may logically or justifiably perform,
14 including studies, investigations, surveying and mapping,
15 tests, evaluations, consultations, comprehensive
16 planning, program management, conceptual designs, plans
17 and specifications, value engineering, construction phase
18 services, soils engineering, drawing reviews, preparation
19 of operating and maintenance manuals, and other related
20 services.

21 "Emerging investment manager" means an investment
22 manager or claims consultant having assets under
23 management below \$10 billion or otherwise adjudicating
24 claims.

25 "Information technology services" means, but is not
26 limited to, specialized technology-oriented solutions by

1 combining the processes and functions of software,
2 hardware, networks, telecommunications, web designers,
3 cloud developing resellers, and electronics.

4 "Insurance broker" means an insurance brokerage firm,
5 claims administrator, or both, that procures, places all
6 lines of insurance, or administers claims with annual
7 premiums or fees of at least \$5,000,000 but not more than
8 \$10,000,000.

9 "Legal services" means work performed by a lawyer
10 including, but not limited to, contracts in anticipation
11 of litigation, enforcement actions, or investigations.

12 (3) Each State agency and public institution of higher
13 education shall adopt policies that identify its plan and
14 implementation procedures for increasing the use of service
15 firms owned by minorities, women, and persons with
16 disabilities. All plan and implementation procedures for
17 increasing the use of service firms owned by minorities,
18 women, and persons with disabilities must be submitted to and
19 approved by the Commission on Equity and Inclusion on an
20 annual basis.

21 (4) Except as provided in subsection (5), the Council
22 shall file no later than March 1 of each year an annual report
23 to the Governor, the Bureau on Apprenticeship Programs and
24 Clean Energy Jobs, and the General Assembly. The report filed
25 with the General Assembly shall be filed as required in
26 Section 3.1 of the General Assembly Organization Act. This

1 report shall: (i) identify the service firms used by each
2 State agency and public institution of higher education, (ii)
3 identify the actions it has undertaken to increase the use of
4 service firms owned by minorities, women, and persons with
5 disabilities, including encouraging non-minority-owned firms
6 to use other service firms owned by minorities, women, and
7 persons with disabilities as subcontractors when the
8 opportunities arise, (iii) state any recommendations made by
9 the Council to each State agency and public institution of
10 higher education to increase participation by the use of
11 service firms owned by minorities, women, and persons with
12 disabilities, and (iv) include the following:

13 (A) For insurance services: the names of the insurance
14 brokers or claims consultants used, the total of risk
15 managed by each State agency and public institution of
16 higher education by insurance brokers, the total
17 commissions, fees paid, or both, the lines or insurance
18 policies placed, and the amount of premiums placed; and
19 the percentage of the risk managed by insurance brokers,
20 the percentage of total commission, fees paid, or both,
21 the lines or insurance policies placed, and the amount of
22 premiums placed with each by the insurance brokers owned
23 by minorities, women, and persons with disabilities by
24 each State agency and public institution of higher
25 education.

26 (B) For investment management services: the names of

1 the investment managers used, the total funds under
2 management of investment managers; the total commissions,
3 fees paid, or both; the total and percentage of funds
4 under management of emerging investment managers owned by
5 minorities, women, and persons with disabilities,
6 including the total and percentage of total commissions,
7 fees paid, or both by each State agency and public
8 institution of higher education.

9 (C) The names of service firms, the percentage and
10 total dollar amount paid for professional services by
11 category by each State agency and public institution of
12 higher education.

13 (D) The names of service firms, the percentage and
14 total dollar amount paid for services by category to firms
15 owned by minorities, women, and persons with disabilities
16 by each State agency and public institution of higher
17 education.

18 (E) The total number of contracts awarded for services
19 by category and the total number of contracts awarded to
20 firms owned by minorities, women, and persons with
21 disabilities by each State agency and public institution
22 of higher education.

23 (5) For community college districts, the Business
24 Enterprise Council shall only report the following information
25 for each community college district: (i) the name of the
26 community colleges in the district, (ii) the name and contact

1 information of a person at each community college appointed to
2 be the single point of contact for vendors owned by
3 minorities, women, or persons with disabilities, (iii) the
4 policy of the community college district concerning certified
5 vendors, (iv) the certifications recognized by the community
6 college district for determining whether a business is owned
7 or controlled by a minority, woman, or person with a
8 disability, (v) outreach efforts conducted by the community
9 college district to increase the use of certified vendors,
10 (vi) the total expenditures by the community college district
11 in the prior fiscal year in the divisions of work specified in
12 paragraphs (a), (b), and (c) of subsection (1) of this Section
13 and the amount paid to certified vendors in those divisions of
14 work, and (vii) the total number of contracts entered into for
15 the divisions of work specified in paragraphs (a), (b), and
16 (c) of subsection (1) of this Section and the total number of
17 contracts awarded to certified vendors providing these
18 services to the community college district. The Business
19 Enterprise Council shall not make any utilization reports
20 under this Act for community college districts for Fiscal Year
21 2015 and Fiscal Year 2016, but shall make the report required
22 by this subsection for Fiscal Year 2017 and for each fiscal
23 year thereafter. The Business Enterprise Council shall report
24 the information in items (i), (ii), (iii), and (iv) of this
25 subsection beginning in September of 2016. The Business
26 Enterprise Council may collect the data needed to make its

1 report from the Illinois Community College Board.

2 (6) The status of the utilization of services shall be
3 discussed at each of the regularly scheduled Business
4 Enterprise Council meetings. Time shall be allotted for the
5 Council to receive, review, and discuss the progress of the
6 use of service firms owned by minorities, women, and persons
7 with disabilities by each State agency and public institution
8 of higher education; and any evidence regarding past or
9 present racial, ethnic, or gender-based discrimination which
10 directly impacts a State agency or public institution of
11 higher education contracting with such firms. If after
12 reviewing such evidence the Council finds that there is or has
13 been such discrimination against a specific group, race or
14 sex, the Council shall establish sheltered markets or adjust
15 existing sheltered markets tailored to address the Council's
16 specific findings for the divisions of work specified in
17 paragraphs (a), (b), and (c) of subsection (1) of this
18 Section.

19 (Source: P.A. 101-170, eff. 1-1-20; 101-657, Article 5,
20 Section 5-10, eff. 7-1-21 (See Section 25 of P.A. 102-29 for
21 effective date of P.A. 101-657, Article 5, Section 5-10);
22 101-657, Article 40, Section 40-130, eff. 1-1-22; 102-29, eff.
23 6-25-21.)

24 (30 ILCS 575/7) (from Ch. 127, par. 132.607)

25 (Text of Section before amendment by P.A. 101-657)

1 (Section scheduled to be repealed on June 30, 2024)

2 Sec. 7. Exemptions; waivers; publication of data.

3 (1) Individual contract exemptions. The Council, at the
4 written request of the affected agency, public institution of
5 higher education, or recipient of a grant or loan of State
6 funds of \$250,000 or more complying with Section 45 of the
7 State Finance Act, may permit an individual contract or
8 contract package, (related contracts being bid or awarded
9 simultaneously for the same project or improvements) be made
10 wholly or partially exempt from State contracting goals for
11 businesses owned by minorities, women, and persons with
12 disabilities prior to the advertisement for bids or
13 solicitation of proposals whenever there has been a
14 determination, reduced to writing and based on the best
15 information available at the time of the determination, that
16 there is an insufficient number of businesses owned by
17 minorities, women, and persons with disabilities to ensure
18 adequate competition and an expectation of reasonable prices
19 on bids or proposals solicited for the individual contract or
20 contract package in question. Any such exemptions shall be
21 given by the Council to the Bureau on Apprenticeship Programs
22 and Clean Energy Jobs.

23 (a) Written request for contract exemption. A written
24 request for an individual contract exemption must include,
25 but is not limited to, the following:

26 (i) a list of eligible businesses owned by

1 minorities, women, and persons with disabilities;

2 (ii) a clear demonstration that the number of
3 eligible businesses identified in subparagraph (i)
4 above is insufficient to ensure adequate competition;

5 (iii) the difference in cost between the contract
6 proposals being offered by businesses owned by
7 minorities, women, and persons with disabilities and
8 the agency or public institution of higher education's
9 expectations of reasonable prices on bids or proposals
10 within that class; and

11 (iv) a list of eligible businesses owned by
12 minorities, women, and persons with disabilities that
13 the contractor has used in the current and prior
14 fiscal years.

15 (b) Determination. The Council's determination
16 concerning an individual contract exemption must consider,
17 at a minimum, the following:

18 (i) the justification for the requested exemption,
19 including whether diligent efforts were undertaken to
20 identify and solicit eligible businesses owned by
21 minorities, women, and persons with disabilities;

22 (ii) the total number of exemptions granted to the
23 affected agency, public institution of higher
24 education, or recipient of a grant or loan of State
25 funds of \$250,000 or more complying with Section 45 of
26 the State Finance Act that have been granted by the

1 Council in the current and prior fiscal years; and

2 (iii) the percentage of contracts awarded by the
3 agency or public institution of higher education to
4 eligible businesses owned by minorities, women, and
5 persons with disabilities in the current and prior
6 fiscal years.

7 (2) Class exemptions.

8 (a) Creation. The Council, at the written request of
9 the affected agency or public institution of higher
10 education, may permit an entire class of contracts be made
11 exempt from State contracting goals for businesses owned
12 by minorities, women, and persons with disabilities
13 whenever there has been a determination, reduced to
14 writing and based on the best information available at the
15 time of the determination, that there is an insufficient
16 number of qualified businesses owned by minorities, women,
17 and persons with disabilities to ensure adequate
18 competition and an expectation of reasonable prices on
19 bids or proposals within that class. Any such exemption
20 shall be given by the Council to the Bureau on
21 Apprenticeship Programs and Clean Energy Jobs.

22 (a-1) Written request for class exemption. A written
23 request for a class exemption must include, but is not
24 limited to, the following:

25 (i) a list of eligible businesses owned by
26 minorities, women, and persons with disabilities;

1 (ii) a clear demonstration that the number of
2 eligible businesses identified in subparagraph (i)
3 above is insufficient to ensure adequate competition;

4 (iii) the difference in cost between the contract
5 proposals being offered by eligible businesses owned
6 by minorities, women, and persons with disabilities
7 and the agency or public institution of higher
8 education's expectations of reasonable prices on bids
9 or proposals within that class; and

10 (iv) the number of class exemptions the affected
11 agency or public institution of higher education
12 requested in the current and prior fiscal years.

13 (a-2) Determination. The Council's determination
14 concerning class exemptions must consider, at a minimum,
15 the following:

16 (i) the justification for the requested exemption,
17 including whether diligent efforts were undertaken to
18 identify and solicit eligible businesses owned by
19 minorities, women, and persons with disabilities;

20 (ii) the total number of class exemptions granted
21 to the requesting agency or public institution of
22 higher education that have been granted by the Council
23 in the current and prior fiscal years; and

24 (iii) the percentage of contracts awarded by the
25 agency or public institution of higher education to
26 eligible businesses owned by minorities, women, and

1 persons with disabilities the current and prior fiscal
2 years.

3 (b) Limitation. Any such class exemption shall not be
4 permitted for a period of more than one year at a time.

5 (3) Waivers. Where a particular contract requires a
6 contractor to meet a goal established pursuant to this Act,
7 the contractor shall have the right to request a waiver from
8 such requirements. The Council shall grant the waiver where
9 the contractor demonstrates that there has been made a good
10 faith effort to comply with the goals for participation by
11 businesses owned by minorities, women, and persons with
12 disabilities. Any such waiver shall also be transmitted in
13 writing to the Bureau on Apprenticeship Programs and Clean
14 Energy Jobs.

15 (a) Request for waiver. A contractor's request for a
16 waiver under this subsection (3) must include, but is not
17 limited to, the following, if available:

18 (i) a list of eligible businesses owned by
19 minorities, women, and persons with disabilities that
20 pertain to the class of contracts in the requested
21 waiver;

22 (ii) a clear demonstration that the number of
23 eligible businesses identified in subparagraph (i)
24 above is insufficient to ensure competition;

25 (iii) the difference in cost between the contract
26 proposals being offered by businesses owned by

1 minorities, women, and persons with disabilities and
2 the agency or the public institution of higher
3 education's expectations of reasonable prices on bids
4 or proposals within that class; and

5 (iv) a list of businesses owned by minorities,
6 women, and persons with disabilities that the
7 contractor has used in the current and prior fiscal
8 years.

9 (b) Determination. The Council's determination
10 concerning waivers must include following:

11 (i) the justification for the requested waiver,
12 including whether the requesting contractor made a
13 good faith effort to identify and solicit eligible
14 businesses owned by minorities, women, and persons
15 with disabilities;

16 (ii) the total number of waivers the contractor
17 has been granted by the Council in the current and
18 prior fiscal years;

19 (iii) the percentage of contracts awarded by the
20 agency or public institution of higher education to
21 eligible businesses owned by minorities, women, and
22 persons with disabilities in the current and prior
23 fiscal years; and

24 (iv) the contractor's use of businesses owned by
25 minorities, women, and persons with disabilities in
26 the current and prior fiscal years.

1 (3.5) (Blank).

2 (4) Conflict with other laws. In the event that any State
3 contract, which otherwise would be subject to the provisions
4 of this Act, is or becomes subject to federal laws or
5 regulations which conflict with the provisions of this Act or
6 actions of the State taken pursuant hereto, the provisions of
7 the federal laws or regulations shall apply and the contract
8 shall be interpreted and enforced accordingly.

9 (5) Each chief procurement officer, as defined in the
10 Illinois Procurement Code, shall maintain on his or her
11 official Internet website a database of the following: (i)
12 waivers granted under this Section with respect to contracts
13 under his or her jurisdiction; (ii) a State agency or public
14 institution of higher education's written request for an
15 exemption of an individual contract or an entire class of
16 contracts; and (iii) the Council's written determination
17 granting or denying a request for an exemption of an
18 individual contract or an entire class of contracts. The
19 database, which shall be updated periodically as necessary,
20 shall be searchable by contractor name and by contracting
21 State agency.

22 (6) Each chief procurement officer, as defined by the
23 Illinois Procurement Code, shall maintain on its website a
24 list of all firms that have been prohibited from bidding,
25 offering, or entering into a contract with the State of
26 Illinois as a result of violations of this Act.

1 Each public notice required by law of the award of a State
2 contract shall include for each bid or offer submitted for
3 that contract the following: (i) the bidder's or offeror's
4 name, (ii) the bid amount, (iii) the name or names of the
5 certified firms identified in the bidder's or offeror's
6 submitted utilization plan, and (iv) the bid's amount and
7 percentage of the contract awarded to businesses owned by
8 minorities, women, and persons with disabilities identified in
9 the utilization plan.

10 (Source: P.A. 100-391, eff. 8-25-17; 101-170, eff. 1-1-20;
11 101-601, eff. 1-1-20; 102-29, eff. 6-25-21.)

12 (Text of Section after amendment by P.A. 101-657)

13 (Section scheduled to be repealed on June 30, 2024)

14 Sec. 7. Exemptions; waivers; publication of data.

15 (1) Individual contract exemptions. The Council, at the
16 written request of the affected agency, public institution of
17 higher education, or recipient of a grant or loan of State
18 funds of \$250,000 or more complying with Section 45 of the
19 State Finance Act, may permit an individual contract or
20 contract package, (related contracts being bid or awarded
21 simultaneously for the same project or improvements) be made
22 wholly or partially exempt from State contracting goals for
23 businesses owned by minorities, women, and persons with
24 disabilities prior to the advertisement for bids or
25 solicitation of proposals whenever there has been a

1 determination, reduced to writing and based on the best
2 information available at the time of the determination, that
3 there is an insufficient number of businesses owned by
4 minorities, women, and persons with disabilities to ensure
5 adequate competition and an expectation of reasonable prices
6 on bids or proposals solicited for the individual contract or
7 contract package in question. Any such exemptions shall be
8 given by the Council to the Bureau on Apprenticeship Programs
9 and Clean Energy Jobs.

10 (a) Written request for contract exemption. A written
11 request for an individual contract exemption must include,
12 but is not limited to, the following:

13 (i) a list of eligible businesses owned by
14 minorities, women, and persons with disabilities;

15 (ii) a clear demonstration that the number of
16 eligible businesses identified in subparagraph (i)
17 above is insufficient to ensure adequate competition;

18 (iii) the difference in cost between the contract
19 proposals being offered by businesses owned by
20 minorities, women, and persons with disabilities and
21 the agency or public institution of higher education's
22 expectations of reasonable prices on bids or proposals
23 within that class; and

24 (iv) a list of eligible businesses owned by
25 minorities, women, and persons with disabilities that
26 the contractor has used in the current and prior

1 fiscal years.

2 (b) Determination. The Council's determination
3 concerning an individual contract exemption must consider,
4 at a minimum, the following:

5 (i) the justification for the requested exemption,
6 including whether diligent efforts were undertaken to
7 identify and solicit eligible businesses owned by
8 minorities, women, and persons with disabilities;

9 (ii) the total number of exemptions granted to the
10 affected agency, public institution of higher
11 education, or recipient of a grant or loan of State
12 funds of \$250,000 or more complying with Section 45 of
13 the State Finance Act that have been granted by the
14 Council in the current and prior fiscal years; and

15 (iii) the percentage of contracts awarded by the
16 agency or public institution of higher education to
17 eligible businesses owned by minorities, women, and
18 persons with disabilities in the current and prior
19 fiscal years.

20 (2) Class exemptions.

21 (a) Creation. The Council, at the written request of
22 the affected agency or public institution of higher
23 education, may permit an entire class of contracts be made
24 exempt from State contracting goals for businesses owned
25 by minorities, women, and persons with disabilities
26 whenever there has been a determination, reduced to

1 writing and based on the best information available at the
2 time of the determination, that there is an insufficient
3 number of qualified businesses owned by minorities, women,
4 and persons with disabilities to ensure adequate
5 competition and an expectation of reasonable prices on
6 bids or proposals within that class. Any such exemption
7 shall be given by the Council to the Bureau on
8 Apprenticeship Programs and Clean Energy Jobs.

9 (a-1) Written request for class exemption. A written
10 request for a class exemption must include, but is not
11 limited to, the following:

12 (i) a list of eligible businesses owned by
13 minorities, women, and persons with disabilities;

14 (ii) a clear demonstration that the number of
15 eligible businesses identified in subparagraph (i)
16 above is insufficient to ensure adequate competition;

17 (iii) the difference in cost between the contract
18 proposals being offered by eligible businesses owned
19 by minorities, women, and persons with disabilities
20 and the agency or public institution of higher
21 education's expectations of reasonable prices on bids
22 or proposals within that class; and

23 (iv) the number of class exemptions the affected
24 agency or public institution of higher education
25 requested in the current and prior fiscal years.

26 (a-2) Determination. The Council's determination

1 concerning class exemptions must consider, at a minimum,
2 the following:

3 (i) the justification for the requested exemption,
4 including whether diligent efforts were undertaken to
5 identify and solicit eligible businesses owned by
6 minorities, women, and persons with disabilities;

7 (ii) the total number of class exemptions granted
8 to the requesting agency or public institution of
9 higher education that have been granted by the Council
10 in the current and prior fiscal years; and

11 (iii) the percentage of contracts awarded by the
12 agency or public institution of higher education to
13 eligible businesses owned by minorities, women, and
14 persons with disabilities the current and prior fiscal
15 years.

16 (b) Limitation. Any such class exemption shall not be
17 permitted for a period of more than one year at a time.

18 (3) Waivers. Where a particular contract requires a
19 contractor to meet a goal established pursuant to this Act,
20 the contractor shall have the right to request a waiver from
21 such requirements prior to the contract award. The Council
22 shall grant the waiver when the contractor demonstrates that
23 there has been made a good faith effort to comply with the
24 goals for participation by businesses owned by minorities,
25 women, and persons with disabilities. Any such waiver shall
26 also be transmitted in writing to the Bureau on Apprenticeship

1 Programs and Clean Energy Jobs.

2 (a) Request for waiver. A contractor's request for a
3 waiver under this subsection (3) must include, but is not
4 limited to, the following, if available:

5 (i) a list of eligible businesses owned by
6 minorities, women, and persons with disabilities that
7 pertain to the scope of work of the contract. Eligible
8 businesses are only eligible if the business is
9 certified for the products or work advertised in the
10 solicitation;

11 (ii) (blank);

12 (iia) a clear demonstration that the contractor
13 selected portions of the work to be performed by
14 eligible businesses owned by minorities, women, and
15 persons with disabilities, solicited through all
16 reasonable and available means eligible businesses,
17 and negotiated in good faith with interested eligible
18 businesses;

19 (iib) documentation demonstrating that businesses
20 owned by minorities, women, and persons with
21 disabilities are not rejected as being unqualified
22 without sound reasons based on a thorough
23 investigation of their capabilities;

24 (iii) documentation demonstrating that the
25 contract proposals being offered by businesses owned
26 by minorities, women, and persons with disabilities

1 are excessive or unreasonable; and

2 (iv) a list of businesses owned by minorities,
3 women, and persons with disabilities that the
4 contractor has used in the current and prior fiscal
5 years.

6 (b) Determination. The Council's determination
7 concerning waivers must include following:

8 (i) the justification for the requested waiver,
9 including whether the requesting contractor made a
10 good faith effort to identify and solicit eligible
11 businesses owned by minorities, women, and persons
12 with disabilities;

13 (ii) the total number of waivers the contractor
14 has been granted by the Council in the current and
15 prior fiscal years;

16 (iii) (blank); and

17 (iv) the contractor's use of businesses owned by
18 minorities, women, and persons with disabilities in
19 the current and prior fiscal years.

20 (3.5) (Blank).

21 (4) Conflict with other laws. In the event that any State
22 contract, which otherwise would be subject to the provisions
23 of this Act, is or becomes subject to federal laws or
24 regulations which conflict with the provisions of this Act or
25 actions of the State taken pursuant hereto, the provisions of
26 the federal laws or regulations shall apply and the contract

1 shall be interpreted and enforced accordingly.

2 (5) Each chief procurement officer, as defined in the
3 Illinois Procurement Code, shall maintain on his or her
4 official Internet website a database of the following: (i)
5 waivers granted under this Section with respect to contracts
6 under his or her jurisdiction; (ii) a State agency or public
7 institution of higher education's written request for an
8 exemption of an individual contract or an entire class of
9 contracts; and (iii) the Council's written determination
10 granting or denying a request for an exemption of an
11 individual contract or an entire class of contracts. The
12 database, which shall be updated periodically as necessary,
13 shall be searchable by contractor name and by contracting
14 State agency.

15 (6) Each chief procurement officer, as defined by the
16 Illinois Procurement Code, shall maintain on its website a
17 list of all firms that have been prohibited from bidding,
18 offering, or entering into a contract with the State of
19 Illinois as a result of violations of this Act.

20 Each public notice required by law of the award of a State
21 contract shall include for each bid or offer submitted for
22 that contract the following: (i) the bidder's or offeror's
23 name, (ii) the bid amount, (iii) the name or names of the
24 certified firms identified in the bidder's or offeror's
25 submitted utilization plan, and (iv) the bid's amount and
26 percentage of the contract awarded to businesses owned by

1 minorities, women, and persons with disabilities identified in
2 the utilization plan.

3 (Source: P.A. 101-170, eff. 1-1-20; 101-601, eff. 1-1-20;
4 101-657, eff. 1-1-22; 102-29, eff. 6-25-21.)

5 Section 90-39. The Property Tax Code is amended by
6 changing Sections 1-130, 10-5, and 10-610 as follows:

7 (35 ILCS 200/1-130)

8 Sec. 1-130. Property; real property; real estate; land;
9 tract; lot.

10 (a) The land itself, with all things contained therein,
11 and also all buildings, structures and improvements, and other
12 permanent fixtures thereon, including all oil, gas, coal, and
13 other minerals in the land and the right to remove oil, gas and
14 other minerals, excluding coal, from the land, and all rights
15 and privileges belonging or pertaining thereto, except where
16 otherwise specified by this Code. Not included therein are
17 low-income housing tax credits authorized by Section 42 of the
18 Internal Revenue Code, 26 U.S.C. 42.

19 (b) Notwithstanding any other provision of law, mobile
20 homes and manufactured homes that (i) are located outside of
21 mobile home parks and (ii) are taxed under the Mobile Home
22 Local Services Tax Act on the effective date of this
23 amendatory Act of the 96th General Assembly shall continue to
24 be taxed under the Mobile Home Local Services Tax Act and shall

1 not be assessed and taxed as real property until the home is
2 sold or transferred or until the home is relocated to a
3 different parcel of land outside of a mobile home park. If a
4 mobile home or manufactured home described in this subsection
5 (b) is sold, transferred, or relocated to a different parcel
6 of land outside of a mobile home park, then the home shall be
7 assessed and taxed as real property whether or not that mobile
8 home or manufactured home is affixed to a permanent
9 foundation, as defined in Section 5-5 of the Conveyance and
10 Encumbrance of Manufactured Homes as Real Property and
11 Severance Act, or installed on a permanent foundation, and
12 whether or not such mobile home or manufactured home is real
13 property as defined in Section 5-35 of the Conveyance and
14 Encumbrance of Manufactured Homes as Real Property and
15 Severance Act. Mobile homes and manufactured homes that are
16 located outside of mobile home parks and assessed and taxed as
17 real property on the effective date of this amendatory Act of
18 the 96th General Assembly shall continue to be assessed and
19 taxed as real property whether or not those mobile homes or
20 manufactured homes are affixed to a permanent foundation as
21 defined in the Conveyance and Encumbrance of Manufactured
22 Homes as Real Property and Severance Act or installed on
23 permanent foundations and whether or not those mobile homes or
24 manufactured homes are real property as defined in the
25 Conveyance and Encumbrance of Manufactured Homes as Real
26 Property and Severance Act. If a mobile or manufactured home

1 that is located outside of a mobile home park is relocated to a
2 mobile home park, it must be considered chattel and must be
3 taxed according to the Mobile Home Local Services Tax Act. The
4 owner of a mobile home or manufactured home that is located
5 outside of a mobile home park may file a request with the chief
6 county assessment officer that the home be taxed as real
7 property.

8 (c) Mobile homes and manufactured homes that are located
9 in mobile home parks must be taxed according to the Mobile Home
10 Local Services Tax Act.

11 (d) If the provisions of this Section conflict with the
12 Illinois Manufactured Housing and Mobile Home Safety Act, the
13 Mobile Home Local Services Tax Act, the Mobile Home Park Act,
14 or any other provision of law with respect to the taxation of
15 mobile homes or manufactured homes located outside of mobile
16 home parks, the provisions of this Section shall control.

17 (e) Spent fuel pools and dry cask storage systems in which
18 nuclear fuel is stored and is pending further or final
19 disposal from a nuclear power plant that was decommissioned
20 before January 1, 2021 shall be considered real property and
21 be assessable. The chief county assessment officer shall
22 assess such property based on a national evaluation of the
23 effective value per pound of spent nuclear fuel, calculated by
24 examining assessments or PILOT agreements and documented
25 pounds of spent nuclear fuel, at nuclear power plants where
26 such property is similarly considered real property.

1 (Source: P.A. 98-749, eff. 7-16-14.)

2 (35 ILCS 200/10-5)

3 Sec. 10-5. Solar energy systems; definitions. It is the
4 policy of this State that the use of solar energy systems
5 should be encouraged because they conserve nonrenewable
6 resources, reduce pollution and promote the health and
7 well-being of the people of this State, and should be valued in
8 relation to these benefits.

9 (a) "Solar energy" means radiant energy received from the
10 sun at wave lengths suitable for heat transfer, photosynthetic
11 use, or photovoltaic use.

12 (b) "Solar collector" means

13 (1) An assembly, structure, or design, including
14 passive elements, used for gathering, concentrating, or
15 absorbing direct and indirect solar energy, specially
16 designed for holding a substantial amount of useful
17 thermal energy and to transfer that energy to a gas,
18 solid, or liquid or to use that energy directly; or

19 (2) A mechanism that absorbs solar energy and converts
20 it into electricity; or

21 (3) A mechanism or process used for gathering solar
22 energy through wind or thermal gradients; or

23 (4) A component used to transfer thermal energy to a
24 gas, solid, or liquid, or to convert it into electricity.

25 (c) "Solar storage mechanism" means equipment or elements

1 (such as piping and transfer mechanisms, containers, heat
2 exchangers, or controls thereof, and gases, solids, liquids,
3 or combinations thereof) that are utilized for storing solar
4 energy, gathered by a solar collector, for subsequent use.

5 (d) "Solar energy system" means

6 (1) (A) A complete assembly, structure, or design of
7 solar collector, or a solar storage mechanism, which uses
8 solar energy for generating electricity that is primarily
9 consumed on the property on which the solar energy system
10 resides, or for heating or cooling gases, solids, liquids,
11 or other materials for the primary benefit of the property
12 on which the solar energy system resides;

13 (B) The design, materials, or elements of a system and
14 its maintenance, operation, and labor components, and the
15 necessary components, if any, of supplemental conventional
16 energy systems designed or constructed to interface with a
17 solar energy system; ~~and~~

18 (C) Any legal, financial, or institutional orders,
19 certificates, or mechanisms, including easements, leases,
20 and agreements, required to ensure continued access to
21 solar energy, its source, or its use in a solar energy
22 system, and including monitoring and educational elements
23 of a demonstration project; or.

24 (D) Photovoltaic electricity generation systems
25 subject to power purchase agreements or leases for solar
26 energy between a third-party owner, an operator, or both,

1 and an end user of electricity, where such systems are
2 located on the end user of electricity's side of the
3 electric meter and which primarily are used to offset the
4 electricity load of the end user behind whose electric
5 meter the system is connected. A system primarily is used
6 to offset the electricity load of the end user of
7 electricity if the system is estimated to produce 110% or
8 fewer kilowatt-hours of electricity than consumed by the
9 end user of electricity at such meter in the last 12 full
10 months prior to the system being placed in service.

11 (2) "Solar energy system" does not include:

12 (A) Distribution equipment that is equally usable
13 in a conventional energy system except for those
14 components of the equipment that are necessary for
15 meeting the requirements of efficient solar energy
16 utilization;

17 (B) Components of a solar energy system that serve
18 structural, insulating, protective, shading,
19 aesthetic, or other non-solar energy utilization
20 purposes, as defined in the regulations of the
21 Department of Commerce and Economic Opportunity; or
22 ~~and~~

23 (C) A commercial solar energy system, as defined
24 by this Code, in counties with fewer than 3,000,000
25 inhabitants.

26 (3) The solar energy system shall conform to the

1 standards for those systems established by regulation of
2 the Department of Commerce and Economic Opportunity.

3 (Source: P.A. 100-781, eff. 8-10-18.)

4 (35 ILCS 200/10-610)

5 Sec. 10-610. Applicability.

6 (a) The provisions of this Division apply for assessment
7 years 2007 through 2035 ~~2021~~.

8 (b) The provisions of this Division do not apply to wind
9 energy devices that are owned by any person or entity that is
10 otherwise exempt from taxation under the Property Tax Code.

11 (Source: P.A. 99-825, eff. 8-16-16.)

12 Section 90-43. The School Code is amended by changing
13 Section 10-22.11 as follows:

14 (105 ILCS 5/10-22.11) (from Ch. 122, par. 10-22.11)

15 Sec. 10-22.11. Lease of school property.

16 (a) To lease school property to another school district,
17 municipality or body politic and corporate for a term of not to
18 exceed 25 years, except as otherwise provided in this Section,
19 and upon such terms and conditions as may be agreed if in the
20 opinion of the school board use of such property will not be
21 needed by the district during the term of such lease;
22 provided, the school board shall not make or renew any lease
23 for a term longer than 10 years, nor alter the terms of any

1 lease whose unexpired term may exceed 10 years without the
2 vote of 2/3 of the full membership of the board.

3 (b) Whenever the school board considers such action
4 advisable and in the best interests of the school district, to
5 lease vacant school property for a period not exceeding 51
6 years to a private not for profit school organization for use
7 in the care of persons with a mental disability who are
8 trainable and educable in the district or in the education of
9 the gifted children in the district. Before leasing such
10 property to a private not for profit school organization, the
11 school board must adopt a resolution for the leasing of such
12 property, fixing the period and price therefor, and order
13 submitted to referendum at an election to be held in the
14 district as provided in the general election law, the question
15 of whether the lease should be entered into. Thereupon, the
16 secretary shall certify to the proper election authorities the
17 proposition for submission in accordance with the general
18 election law. If the majority of the voters voting upon the
19 proposition vote in favor of the leasing, the school board may
20 proceed with the leasing. The proposition shall be in
21 substantially the following form:

22 -----

23 Shall School District No. of
24 County, Illinois lease to YES
25 (here name and identify the
26 lessee) the following described vacant -----

1 school property (here describe the
 2 property) for a term of years NO
 3 for the sum of Dollars?

4 -----

5 This paragraph (b) shall not be construed in such a manner
 6 as to relieve the responsibility of the Board of Education as
 7 set out in Article 14 of the School Code.

8 (c) To lease school buildings and land to suitable lessees
 9 for educational purposes or for any other purpose which serves
 10 the interests of the community, for a term not to exceed 25
 11 years and upon such terms and conditions as may be agreed upon
 12 by the parties, when such buildings and land are declared by
 13 the board to be unnecessary or unsuitable or inconvenient for
 14 a school or the uses of the district during the term of the
 15 lease and when, in the opinion of the board, the best interests
 16 of the residents of the school district will be enhanced by
 17 entering into such a lease. Such leases shall include
 18 provisions for adequate insurance for both liability and
 19 property damage or loss, and reasonable charges for
 20 maintenance and depreciation of such buildings and land.

21 (d) Notwithstanding any other provision to the contrary, a
 22 lease for vacant school property may exceed 25 years for
 23 renewable energy resources, as defined in Section 1-10 of the
 24 Illinois Power Agency Act.

25 (Source: P.A. 99-143, eff. 7-27-15.)

1 Section 90-50. The Public Utilities Act is amended by
2 changing Sections 5-117, 8-103B, 8-406, 9-241, 16-107.5,
3 16-107.6, 16-108, 16-111.5, and 16-127 and by adding Sections
4 4-604, 4-604.5, 4-605, 8-201.7, 8-201.8, 8-201.9, 8-201.10,
5 8-218, 8-402.2, 8-512, 9-228, 9-229, 16-105.5, 16-105.6,
6 16-105.7, 16-105.10, 16-105.17, 16-108.18, 16-108.19,
7 16-108.20, 16-108.21, 16-108.25, 16-108.30, 16-111.10, 16-135,
8 and 17-900 as follows:

9 (220 ILCS 5/4-604 new)

10 Sec. 4-604. Electric and gas public utilities ethical
11 conduct and transparency.

12 (a) It is the policy of this State that, as regulated,
13 monopoly entities providing essential services, public
14 utilities must adhere to the highest standards of ethical
15 conduct. It is in the public interest to ensure ethical public
16 utility conduct of the highest standards. It is therefore
17 necessary for the public interest, safety, and welfare of the
18 State and of public utility customers to develop rigorous
19 ethical standards and scrutinize and limit public utility
20 actions, expenditures, and contracting. It is also necessary
21 to provide increased transparency to ensure ethical public
22 utility conduct.

23 (b) The standards set forth in this Section and the
24 Illinois Administrative Code rules implementing this Section
25 shall apply, to the extent practicable, to electric and gas

1 public utilities and their energy-related affiliates.

2 (c) Public Utility Ethics and Compliance Monitor. To
3 ensure that public utilities meet the highest level of ethical
4 standards, including, but not limited to, those standards
5 established in this Section, the Commission shall, within 60
6 days after the effective date of this amendatory Act of the
7 102nd General Assembly, establish an Ethics and Accountability
8 Division at the Commission and shall create a new position of
9 Public Utility Ethics and Compliance Monitor who reports to
10 the Executive Director of the Commission. The role of the
11 Public Utility Ethics and Compliance Monitor shall be to
12 oversee electric and gas public utilities' compliance with the
13 standards established in this Section, the Illinois
14 Administrative Code, and any other regulatory or statutory
15 obligation regarding standards of ethical conduct. The
16 responsibilities of the Public Utility Ethics and Compliance
17 Monitor shall include:

18 (1) Hiring additional staff for the Ethics and
19 Accountability Division, as deemed necessary to fulfill
20 the duties imposed under this Section.

21 (2) Overseeing each public utility's Chief Compliance
22 and Ethics Officer's monitoring, auditing, investigation,
23 enforcement, reporting, disciplinary activities, and any
24 other actions required of the Chief Compliance and Ethics
25 Officer pursuant to subsection (d) of this Section. If the
26 Public Utility Ethics and Compliance Monitor finds a

1 public utility has not complied with the standards set
2 forth in this Section, or with administrative rules
3 implementing this Section, the Public Utility Ethics and
4 Compliance Monitor shall detail such deficiencies in a
5 report to the Commission and shall include a
6 recommendation for Commission action.

7 (3) Documenting violations of the standards in this
8 Section or in related Sections of the Illinois
9 Administrative Code and, in coordination with the
10 utility's Chief Compliance and Ethics Officer, ensuring
11 each public utility administers appropriate internal
12 disciplinary actions and provides transparent reporting to
13 the Commission. If there are violations of the standards
14 in this Section or in related Sections of the Illinois
15 Administrative Code where the public utility does not take
16 disciplinary action or where that action is not aligned
17 with the recommendation of the Public Utility Ethics and
18 Compliance Monitor, the Public Utility Ethics and
19 Compliance Monitor shall, within 30 days, report the
20 violation, the recommended disciplinary action, and the
21 public utility's actual disciplinary action, to the
22 Executive Director of the Commission. Such reports shall
23 be included in the annual ethics report required by
24 paragraph (5) of this subsection (c) and must describe the
25 violation and related recommendations.

26 (4) Reviewing and keeping informed regarding internal

1 controls, code of ethical conduct, practices, procedures,
2 and conduct of each public utility. The Public Utilities
3 Ethics and Compliance Monitor may recommend any new
4 internal controls, policies, practices or procedures the
5 public utility should undertake in order to ensure
6 compliance with this Section and with relevant Sections of
7 the Illinois Administrative Code.

8 (5) Publishing an annual ethics audit for each
9 electric and gas public utility describing the public
10 utility's internal controls, policies, practices, and
11 procedures to comply with statutes, rules, court orders,
12 or other applicable authority. The report shall include a
13 record of any disciplinary actions taken related to
14 unethical conduct as well as any recommendations made by
15 the Public Utility Ethics and Compliance Monitor and the
16 public utility's response to each recommendation. This
17 report must be made public and the Commission may make
18 necessary redactions.

19 (6) Monitoring, auditing, and subpoenaing all records
20 necessary for the Public Utility Ethics and Compliance
21 Monitor to meet the responsibilities imposed under this
22 Section and related rules, including, but not limited to,
23 contracts with third party entities, accounting records,
24 communication with public officials or their staff,
25 lobbying activities, expenses on lobbyists and
26 consultants, legal expenses, and internal compliance

1 policies.

2 (d)(1) No later than 60 days after the effective date of
3 this amendatory Act of the 102nd General Assembly, each public
4 utility shall establish a position of Chief Ethics and
5 Compliance Officer if such position does not already exist
6 within the utility or at an affiliated company, provided that
7 if the position exists at an affiliated company such
8 individual may be designated to serve in this role for the
9 utility. The Chief Ethics and Compliance Officer shall be
10 responsible for ensuring that the public utility complies with
11 the highest standards of ethical conduct, including, but not
12 limited to, complying with the standards imposed under this
13 Section, those adopted pursuant to a rulemaking authorized by
14 this Section, and other applicable requirements of Illinois
15 law and rules.

16 (2) Each public utility's Chief Ethics and Compliance
17 Officer shall:

18 (A) oversee creation and implementation of a code of
19 ethical conduct for the public utility, applicable to all
20 directors, officers, employees, and lobbyists of the
21 public utility, as well as to all contractors,
22 consultants, agents, vendors, and business partners of the
23 public utility in connection with their activities with or
24 on behalf of the public utility;

25 (B) oversee training for public utility directors,
26 officers, and employees, as well as contractors,

1 consultants, lobbyists and political consultants, on the
2 public utility's code of ethical conduct, practices, and
3 procedures to advise agents, vendors, and business
4 partners of the public utility of the applicability of the
5 code of ethical conduct to their activities with or on
6 behalf of the public utility;

7 (C) oversee the ongoing monitoring of all contractors,
8 consultants, and vendors who are contracted for the
9 purpose of carrying out lobbying activities to ensure
10 their continued compliance with applicable ethical
11 standards;

12 (D) at least annually, oversee a review of the public
13 utility's internal controls, code of ethical conduct,
14 practices, and procedures to assess their continued
15 effectiveness to ensure the highest standards of ethical
16 conduct among the public utility's directors, officers,
17 employees, contractors, consultants, lobbyists, vendors,
18 agents and business partners; and

19 (E) maintain records of all conduct determined to be
20 in violation of Illinois law, rules, and regulations, and
21 the utility's response to that conduct, and make such
22 records available for inspection by the Public Utility
23 Ethics and Compliance Monitor.

24 (e) In addition to those standards established under this
25 Section, those adopted pursuant to a rulemaking authorized by
26 this Section, and other applicable requirements of Illinois

1 law and rules, each public utility Chief Ethics and Compliance
2 Officer shall oversee and ensure the development and
3 implementation of internal controls, policies, and procedures
4 to achieve the objectives set forth in paragraphs (1) through
5 (3) of this subsection. Such implementation shall begin no
6 later than 90 days after the effective date of this amendatory
7 Act of the 102nd General Assembly.

8 (1) The hiring of contractors, consultants and vendors
9 for the purpose of carrying out lobbying pursuant to the
10 Lobbyist Registration Act shall be reviewed and approved
11 by the Chief Ethics and Compliance Officer.

12 (2) No agreement between a public utility and a
13 contractor, consultant, or vendor engaged for the purpose
14 of carrying out lobbying pursuant to the Lobbyist
15 Registration Act shall permit that contractor, consultant,
16 or vendor to subcontract any portion of that work.

17 (3) Public utilities shall require contractors,
18 consultants, and vendors who are contracted for the
19 purpose of carrying out lobbying pursuant to the Lobbyist
20 Registration Act to provide detailed invoices and reports
21 describing activities taken and amounts billed for such
22 activities, including all persons involved and anything of
23 value requested or solicited or provided to public
24 officials or their staff, including hiring requests. No
25 such contractor, consultant, or vendor shall be paid
26 without having first submitted a detailed invoice or

1 report.

2 For purposes of this Section, "anything of value"
3 includes, but is not limited to, money, gifts,
4 entertainment, hiring referrals and recommendations to the
5 public utility, campaign contributions, vendor referrals,
6 and contributions to charitable organizations solicited by
7 or on behalf of the public official.

8 (f) Each public utility shall be required to submit an
9 annual ethics and compliance report to the Commission no later
10 than May 1 of each year, beginning May 1, 2022. The utility's
11 Chief Ethics and Compliance Officer shall oversee the
12 preparation and submission of the report and shall certify it.
13 Each report shall describe in detail the public utility's
14 internal controls, codes of ethical conduct, practices, and
15 procedures. The reporting implemented during the reporting
16 period to comply with the standards set forth in this Section,
17 rules adopted by the Commission, and other applicable
18 requirements of Illinois law and rules. Each report shall also
19 identify any material changes implemented to such internal
20 controls, code of ethical conduct, practices, and procedures
21 during the reporting period, as well as any material changes
22 implemented, or anticipated to be implemented, in the calendar
23 year in which the report is filed. Each report shall, for the
24 applicable reporting period include at least the following
25 information:

26 (1) a summary and description of the public utility's

1 system of financial and accounting procedures, internal
2 controls, and practices, including an explanation of how
3 this system is reasonably designed to ensure the
4 maintenance of fair and accurate books, records, and
5 accounts and to provide reasonable assurances that
6 transactions are recorded as necessary to permit
7 preparation of financial statements in conformity with
8 generally accepted accounting principles and Commission
9 requirements and to maintain accountability for assets;

10 (2) a summary and description of the public utility's
11 process for conducting an assessment of ethics and
12 compliance risks and a representation that an assessment
13 was conducted in accordance with those risks and shared
14 with the public utility's senior management and board of
15 directors;

16 (3) a summary of the public utility's implementation
17 of mechanisms, including, but not limited to, training
18 programs designed to ensure that its internal controls,
19 code of ethical conduct, practices, and procedures are
20 effectively communicated to all directors, officers,
21 employees, contractors, consultants, lobbyists, vendors,
22 agents, and business partners;

23 (4) a summary of the public utility's efforts to
24 ensure that its directors and senior management provide
25 strong, explicit, and visible support and commitment to
26 its corporate policy against violations of federal and

1 State law;

2 (5) a summary of the public utility's implementation
3 of mechanisms designed to effectively enforce its internal
4 controls, code of ethical conduct, practices, and
5 procedures, including appropriately providing incentives
6 for compliance, disciplining violators, and applying such
7 code, controls, policies, practices, and procedures
8 consistently and fairly regardless of the position held
9 by, or the importance of, the director, officer, or
10 employee; and

11 (6) a summary of the public utility's implementation
12 of procedures to ensure that, where misconduct is
13 discovered, reasonable steps are taken to remedy the harm
14 resulting from such misconduct, including disciplinary
15 action, logging the conduct and the utility's response as
16 required by item (E) of paragraph (2) of subsection (d) of
17 this Section and assessing and modifying as appropriate
18 the internal controls, code, policies, practices and
19 procedures necessary to ensure that the compliance program
20 is effective.

21 For purposes of this Section, "reporting period" means
22 the most recent 12-month calendar year period preceding
23 the applicable May 1 annual report filing date.

24 (g) Notwithstanding the provisions of this Section, the
25 Commission shall initiate a management audit pursuant to
26 Section 8-102 of this Act by the later of 18 months after the

1 effective date of this amendatory Act of the 102nd General
2 Assembly or 18 months after a conviction or a plea or agreement
3 of each public utility that, on or after January 1, 2020, has
4 been found guilty or entered a guilty plea regarding any
5 felony offense or has entered into a Deferred Prosecution
6 Agreement for a felony offense. Such audit shall address, at a
7 minimum, the topics identified in paragraphs (1) through (6)
8 of subsection (f).

9 (h) Each public utility that files a report pursuant to
10 subsection (f) must submit the specified filing fee at the
11 time the Chief Clerk of the Commission accepts the filing. The
12 filing fees applicable to each annual report are as follows:
13 \$15,000 for public utilities that serve fewer than 100,000
14 customers in the State; \$75,000 for public utilities that
15 serve at least 100,000 customers but not more than 500,000
16 customers in the State; \$200,000 for public utilities that
17 serve at least 500,000 customers in the State but not more than
18 3,000,000; and \$500,000 for public utilities that serve at
19 least 3,000,000 customers in the State.

20 (i) In the event the Public Utility Ethics and Compliance
21 Monitor finds a public utility does not comply with any
22 portion of this Section, or with the rules adopted under this
23 Section, the Public Utility Ethics and Compliance Monitor
24 shall issue a Report to the Commission detailing the public
25 utility's deficiencies. The Commission shall have authority to
26 open an investigation and shall order remediation and

1 penalties, including fines, as appropriate.

2 (j) Each year, each public utility in the State shall
3 remit amounts necessary for the Commission to pay the wages,
4 overhead, travel expenses, and other costs of the Public
5 Utility Ethics and Compliance Monitor. The public utility
6 shall remit payment to the Commission in an amount determined
7 by the Commission based on that public utility's proportional
8 share, by number of customers.

9 (k) The costs of a public utility that arise from a
10 criminal investigation or result from an investigation
11 initiated by the Commission as the result of an ethics
12 violation are not costs of service and shall not be
13 recoverable in rates.

14 (l) The Commission shall have the authority to adopt rules
15 and emergency rules where applicable to implement this
16 Section.

17 (220 ILCS 5/4-604.5 new)

18 Sec. 4-604.5. Restitution for misconduct.

19 (a) It is the policy of this State that public utility
20 ethical and criminal misconduct shall not be tolerated. The
21 General Assembly finds it necessary to collect restitution, to
22 be distributed as described in subsection (e), from a public
23 utility that has been found guilty of violations of criminal
24 law or that has entered into a Deferred Prosecution Agreement
25 that details violations of criminal law that result in harm to

1 ratepayers.

2 (b) In light of such violations, the Illinois Commerce
3 Commission shall, within 150 days after the effective date of
4 this amendatory Act of the 102nd General Assembly, initiate an
5 investigation as to whether Commonwealth Edison collected,
6 spent, allocated, transferred, remitted, or caused in any
7 other way to be expended ratepayer funds in connection with
8 the conduct detailed in the Deferred Prosecution Agreement of
9 July 16, 2020 between the United States Attorney for the
10 Northern District of Illinois and Commonwealth Edison. The
11 investigation shall also determine whether any ratepayer funds
12 were used to pay the criminal penalty agreed to in the Deferred
13 Prosecution Agreement. The investigation shall determine
14 whether the public utility collected, spent, allocated,
15 transferred, remitted, or caused in any other way to be
16 expended ratepayer funds that were not lawfully recoverable
17 through rates, and which should accordingly be refunded to
18 ratepayers and calculate such benefits to initiate a refund to
19 ratepayers as a result of such conduct. The investigation
20 shall conclude no later than 330 days following initiation and
21 shall be conducted as a contested case, as defined in Section
22 1-30 of the Illinois Administrative Procedure Act.

23 (c) If regulated entities are found guilty of criminal
24 conduct, the Commission may initiate an investigation, impose
25 penalties, order restitution and such other remedies it deems
26 necessary, and initiate refunds to ratepayers as described in

1 subsection (b). Such investigation and proceeding may commence
2 within 150 days of a finding of guilt. Any funds collected
3 pursuant to this subsection shall be distributed as described
4 in subsection (e). The Commission may order any other remedies
5 it deems necessary.

6 (d) Pursuant to subsection (e), the investigation shall
7 calculate a schedule for remittance to State funds and to
8 ratepayers, over a period of no more than 4 years, to be paid
9 by the public utility from profits, returns, or shareholder
10 dollars. No costs related to the investigation or contested
11 proceeding authorized by this Section, restitution, or refunds
12 may be recoverable through rates.

13 (e) Funds collected pursuant to this Section, for the
14 purposes of restitution, shall be repaid by the public utility
15 as a per therm or per-kilowatt-hour credit to the public
16 utility's ratepayers as a separate line item on the utility
17 bill.

18 (f) No public utility may use ratepayer funds to pay a
19 criminal penalty imposed by any local, State, or federal law
20 enforcement entity or court.

21 (g) Any penalties, restitution, refunds, or remedies
22 provided for in this Section are in addition to and not a
23 substitution for other remedies that may be provided for by
24 law.

1 Sec. 4-605. Reliability mitigation plan findings. The
2 General Assembly finds that reducing carbon dioxide and
3 copollutant emissions in a manner that does not threaten
4 electric reliability and resource adequacy is essential to the
5 health and safety of all Illinois citizens. Therefore, the
6 Commission shall review reliability mitigation plans filed
7 pursuant to Section 9.15 of the Environmental Protection Act
8 to ensure adequate, reliable, affordable, efficient, and
9 environmentally sustainable electric service is available to
10 ratepayers by approving reliability mitigation plans that
11 permit the Illinois Pollution Control Board to enforce
12 emission reductions in a manner that preserves reliability and
13 resource adequacy in wholesale and retail electricity markets.

14 (220 ILCS 5/5-117)

15 Sec. 5-117. Supplier diversity goals.

16 (a) The public policy of this State is to collaboratively
17 work with companies that serve Illinois residents to improve
18 their supplier diversity in a non-antagonistic manner.

19 (b) The Commission shall require all gas, electric, and
20 water companies with at least 100,000 customers under its
21 authority, as well as suppliers of wind energy, solar energy,
22 hydroelectricity, nuclear energy, and any other supplier of
23 energy within this State other than wind energy and solar
24 energy required to comply with the reporting requirements
25 under Section 1505-215 of the Department of Labor Law of the

1 Civil Administrative Code of Illinois, to submit an annual
2 report by April 15, 2015 and every April 15 thereafter, in a
3 searchable Adobe PDF format, on all procurement goals and
4 actual spending for female-owned, minority-owned,
5 veteran-owned, and small business enterprises in the previous
6 calendar year. These goals shall be expressed as a percentage
7 of the total work performed by the entity submitting the
8 report, and the actual spending for all female-owned,
9 minority-owned, veteran-owned, and small business enterprises
10 shall also be expressed as a percentage of the total work
11 performed by the entity submitting the report.

12 (c) Each participating company in its annual report shall
13 include the following information:

14 (1) an explanation of the plan for the next year to
15 increase participation;

16 (2) an explanation of the plan to increase the goals;

17 (3) the areas of procurement each company shall be
18 actively seeking more participation in ~~in~~ the next year;

19 (4) an outline of the plan to alert and encourage
20 potential vendors in that area to seek business from the
21 company;

22 (5) an explanation of the challenges faced in finding
23 quality vendors and offer any suggestions for what the
24 Commission could do to be helpful to identify those
25 vendors;

26 (6) a list of the certifications the company

1 recognizes;

2 (7) the point of contact for any potential vendor who
3 wishes to do business with the company and explain the
4 process for a vendor to enroll with the company as a
5 minority-owned, women-owned, or veteran-owned company; and

6 (8) any particular success stories to encourage other
7 companies to emulate best practices.

8 (d) Each annual report shall include as much
9 State-specific data as possible. If the submitting entity does
10 not submit State-specific data, then the company shall include
11 any national data it does have and explain why it could not
12 submit State-specific data and how it intends to do so in
13 future reports, if possible.

14 (e) Each annual report shall include the rules,
15 regulations, and definitions used for the procurement goals in
16 the company's annual report.

17 (f) The Commission and all participating entities shall
18 hold an annual workshop open to the public in 2015 and every
19 year thereafter on the state of supplier diversity to
20 collaboratively seek solutions to structural impediments to
21 achieving stated goals, including testimony from each
22 participating entity as well as subject matter experts and
23 advocates. The Commission shall publish a database on its
24 website of the point of contact for each participating entity
25 for supplier diversity, along with a list of certifications
26 each company recognizes from the information submitted in each

1 annual report. The Commission shall publish each annual report
2 on its website and shall maintain each annual report for at
3 least 5 years.

4 (Source: P.A. 98-1056, eff. 8-26-14; 99-906, eff. 6-1-17;
5 revised 7-22-19.)

6 (220 ILCS 5/8-103B)

7 Sec. 8-103B. Energy efficiency and demand-response
8 measures.

9 (a) It is the policy of the State that electric utilities
10 are required to use cost-effective energy efficiency and
11 demand-response measures to reduce delivery load. Requiring
12 investment in cost-effective energy efficiency and
13 demand-response measures will reduce direct and indirect costs
14 to consumers by decreasing environmental impacts and by
15 avoiding or delaying the need for new generation,
16 transmission, and distribution infrastructure. It serves the
17 public interest to allow electric utilities to recover costs
18 for reasonably and prudently incurred expenditures for energy
19 efficiency and demand-response measures. As used in this
20 Section, "cost-effective" means that the measures satisfy the
21 total resource cost test. The low-income measures described in
22 subsection (c) of this Section shall not be required to meet
23 the total resource cost test. For purposes of this Section,
24 the terms "energy-efficiency", "demand-response", "electric
25 utility", and "total resource cost test" have the meanings set

1 forth in the Illinois Power Agency Act. "Black, indigenous,
2 and people of color" and "BIPOC" means people who are members
3 of the groups described in subparagraphs (a) through (e) of
4 paragraph (A) of subsection (1) of Section 2 of the Business
5 Enterprise for Minorities, Women, and Persons with
6 Disabilities Act.

7 (a-5) This Section applies to electric utilities serving
8 more than 500,000 retail customers in the State for those
9 multi-year plans commencing after December 31, 2017.

10 (b) For purposes of this Section, electric utilities
11 subject to this Section that serve more than 3,000,000 retail
12 customers in the State shall be deemed to have achieved a
13 cumulative persisting annual savings of 6.6% from energy
14 efficiency measures and programs implemented during the period
15 beginning January 1, 2012 and ending December 31, 2017, which
16 percent is based on the deemed average weather normalized
17 sales of electric power and energy during calendar years 2014,
18 2015, and 2016 of 88,000,000 MWhs. For the purposes of this
19 subsection (b) and subsection (b-5), the 88,000,000 MWhs of
20 deemed electric power and energy sales shall be reduced by the
21 number of MWhs equal to the sum of the annual consumption of
22 customers that have opted out of ~~are exempt from~~ subsections
23 (a) through (j) of this Section under paragraph (1) of
24 subsection (1) of this Section, as averaged across the
25 calendar years 2014, 2015, and 2016. After 2017, the deemed
26 value of cumulative persisting annual savings from energy

1 efficiency measures and programs implemented during the period
2 beginning January 1, 2012 and ending December 31, 2017, shall
3 be reduced each year, as follows, and the applicable value
4 shall be applied to and count toward the utility's achievement
5 of the cumulative persisting annual savings goals set forth in
6 subsection (b-5):

7 (1) 5.8% deemed cumulative persisting annual savings
8 for the year ending December 31, 2018;

9 (2) 5.2% deemed cumulative persisting annual savings
10 for the year ending December 31, 2019;

11 (3) 4.5% deemed cumulative persisting annual savings
12 for the year ending December 31, 2020;

13 (4) 4.0% deemed cumulative persisting annual savings
14 for the year ending December 31, 2021;

15 (5) 3.5% deemed cumulative persisting annual savings
16 for the year ending December 31, 2022;

17 (6) 3.1% deemed cumulative persisting annual savings
18 for the year ending December 31, 2023;

19 (7) 2.8% deemed cumulative persisting annual savings
20 for the year ending December 31, 2024;

21 (8) 2.5% deemed cumulative persisting annual savings
22 for the year ending December 31, 2025;

23 (9) 2.3% deemed cumulative persisting annual savings
24 for the year ending December 31, 2026;

25 (10) 2.1% deemed cumulative persisting annual savings
26 for the year ending December 31, 2027;

1 (11) 1.8% deemed cumulative persisting annual savings
2 for the year ending December 31, 2028;

3 (12) 1.7% deemed cumulative persisting annual savings
4 for the year ending December 31, 2029; ~~and~~

5 (13) 1.5% deemed cumulative persisting annual savings
6 for the year ending December 31, 2030;~~;~~

7 (14) 1.3% deemed cumulative persisting annual savings
8 for the year ending December 31, 2031;

9 (15) 1.1% deemed cumulative persisting annual savings
10 for the year ending December 31, 2032;

11 (16) 0.9% deemed cumulative persisting annual savings
12 for the year ending December 31, 2033;

13 (17) 0.7% deemed cumulative persisting annual savings
14 for the year ending December 31, 2034;

15 (18) 0.5% deemed cumulative persisting annual savings
16 for the year ending December 31, 2035;

17 (19) 0.4% deemed cumulative persisting annual savings
18 for the year ending December 31, 2036;

19 (20) 0.3% deemed cumulative persisting annual savings
20 for the year ending December 31, 2037;

21 (21) 0.2% deemed cumulative persisting annual savings
22 for the year ending December 31, 2038;

23 (22) 0.1% deemed cumulative persisting annual savings
24 for the year ending December 31, 2039; and

25 (23) 0.0% deemed cumulative persisting annual savings
26 for the year ending December 31, 2040 and all subsequent

1 years.

2 For purposes of this Section, "cumulative persisting
3 annual savings" means the total electric energy savings in a
4 given year from measures installed in that year or in previous
5 years, but no earlier than January 1, 2012, that are still
6 operational and providing savings in that year because the
7 measures have not yet reached the end of their useful lives.

8 (b-5) Beginning in 2018, electric utilities subject to
9 this Section that serve more than 3,000,000 retail customers
10 in the State shall achieve the following cumulative persisting
11 annual savings goals, as modified by subsection (f) of this
12 Section and as compared to the deemed baseline of 88,000,000
13 MWhs of electric power and energy sales set forth in
14 subsection (b), as reduced by the number of MWhs equal to the
15 sum of the annual consumption of customers that have opted out
16 of ~~are exempt from~~ subsections (a) through (j) of this Section
17 under paragraph (1) of subsection (l) of this Section as
18 averaged across the calendar years 2014, 2015, and 2016,
19 through the implementation of energy efficiency measures
20 during the applicable year and in prior years, but no earlier
21 than January 1, 2012:

22 (1) 7.8% cumulative persisting annual savings for the
23 year ending December 31, 2018;

24 (2) 9.1% cumulative persisting annual savings for the
25 year ending December 31, 2019;

26 (3) 10.4% cumulative persisting annual savings for the

1 year ending December 31, 2020;

2 (4) 11.8% cumulative persisting annual savings for the
3 year ending December 31, 2021;

4 (5) 13.1% cumulative persisting annual savings for the
5 year ending December 31, 2022;

6 (6) 14.4% cumulative persisting annual savings for the
7 year ending December 31, 2023;

8 (7) 15.7% cumulative persisting annual savings for the
9 year ending December 31, 2024;

10 (8) 17% cumulative persisting annual savings for the
11 year ending December 31, 2025;

12 (9) 17.9% cumulative persisting annual savings for the
13 year ending December 31, 2026;

14 (10) 18.8% cumulative persisting annual savings for
15 the year ending December 31, 2027;

16 (11) 19.7% cumulative persisting annual savings for
17 the year ending December 31, 2028;

18 (12) 20.6% cumulative persisting annual savings for
19 the year ending December 31, 2029; and

20 (13) 21.5% cumulative persisting annual savings for
21 the year ending December 31, 2030.

22 No later than December 31, 2021, the Illinois Commerce
23 Commission shall establish additional cumulative persisting
24 annual savings goals for the years 2031 through 2035. No later
25 than December 31, 2024, the Illinois Commerce Commission shall
26 establish additional cumulative persisting annual savings

1 goals for the years 2036 through 2040. The Commission shall
2 also establish additional cumulative persisting annual savings
3 goals every 5 years thereafter to ensure that utilities always
4 have goals that extend at least 11 years into the future. The
5 cumulative persisting annual savings goals beyond the year
6 2030 shall increase by 0.9 percentage points per year, absent
7 a Commission decision to initiate a proceeding to consider
8 establishing goals that increase by more or less than that
9 amount. Such a proceeding must be conducted in accordance with
10 the procedures described in subsection (f) of this Section. If
11 such a proceeding is initiated, the cumulative persisting
12 annual savings goals established by the Commission through
13 that proceeding shall reflect the Commission's best estimate
14 of the maximum amount of additional savings that are forecast
15 to be cost-effectively achievable unless such best estimates
16 would result in goals that represent less than 0.5 percentage
17 point annual increases in total cumulative persisting annual
18 savings. The Commission may only establish goals that
19 represent less than 0.5 percentage point annual increases in
20 cumulative persisting annual savings if it can demonstrate,
21 based on clear and convincing evidence and through independent
22 analysis, that 0.5 percentage point increases are not
23 cost-effectively achievable. The Commission shall inform its
24 decision based on an energy efficiency potential study that
25 conforms to the requirements of this Section.

26 (b-10) For purposes of this Section, electric utilities

1 subject to this Section that serve less than 3,000,000 retail
2 customers but more than 500,000 retail customers in the State
3 shall be deemed to have achieved a cumulative persisting
4 annual savings of 6.6% from energy efficiency measures and
5 programs implemented during the period beginning January 1,
6 2012 and ending December 31, 2017, which is based on the deemed
7 average weather normalized sales of electric power and energy
8 during calendar years 2014, 2015, and 2016 of 36,900,000 MWhs.
9 For the purposes of this subsection (b-10) and subsection
10 (b-15), the 36,900,000 MWhs of deemed electric power and
11 energy sales shall be reduced by the number of MWhs equal to
12 the sum of the annual consumption of customers that have opted
13 out of ~~are exempt from~~ subsections (a) through (j) of this
14 Section under paragraph (1) of subsection (1) of this Section,
15 as averaged across the calendar years 2014, 2015, and 2016.
16 After 2017, the deemed value of cumulative persisting annual
17 savings from energy efficiency measures and programs
18 implemented during the period beginning January 1, 2012 and
19 ending December 31, 2017, shall be reduced each year, as
20 follows, and the applicable value shall be applied to and
21 count toward the utility's achievement of the cumulative
22 persisting annual savings goals set forth in subsection
23 (b-15):

24 (1) 5.8% deemed cumulative persisting annual savings
25 for the year ending December 31, 2018;

26 (2) 5.2% deemed cumulative persisting annual savings

- 1 for the year ending December 31, 2019;
- 2 (3) 4.5% deemed cumulative persisting annual savings
- 3 for the year ending December 31, 2020;
- 4 (4) 4.0% deemed cumulative persisting annual savings
- 5 for the year ending December 31, 2021;
- 6 (5) 3.5% deemed cumulative persisting annual savings
- 7 for the year ending December 31, 2022;
- 8 (6) 3.1% deemed cumulative persisting annual savings
- 9 for the year ending December 31, 2023;
- 10 (7) 2.8% deemed cumulative persisting annual savings
- 11 for the year ending December 31, 2024;
- 12 (8) 2.5% deemed cumulative persisting annual savings
- 13 for the year ending December 31, 2025;
- 14 (9) 2.3% deemed cumulative persisting annual savings
- 15 for the year ending December 31, 2026;
- 16 (10) 2.1% deemed cumulative persisting annual savings
- 17 for the year ending December 31, 2027;
- 18 (11) 1.8% deemed cumulative persisting annual savings
- 19 for the year ending December 31, 2028;
- 20 (12) 1.7% deemed cumulative persisting annual savings
- 21 for the year ending December 31, 2029; ~~and~~
- 22 (13) 1.5% deemed cumulative persisting annual savings
- 23 for the year ending December 31, 2030; ~~and~~
- 24 (14) 1.3% deemed cumulative persisting annual savings
- 25 for the year ending December 31, 2031;
- 26 (15) 1.1% deemed cumulative persisting annual savings

1 for the year ending December 31, 2032;

2 (16) 0.9% deemed cumulative persisting annual savings
3 for the year ending December 31, 2033;

4 (17) 0.7% deemed cumulative persisting annual savings
5 for the year ending December 31, 2034;

6 (18) 0.5% deemed cumulative persisting annual savings
7 for the year ending December 31, 2035;

8 (19) 0.4% deemed cumulative persisting annual savings
9 for the year ending December 31, 2036;

10 (20) 0.3% deemed cumulative persisting annual savings
11 for the year ending December 31, 2037;

12 (21) 0.2% deemed cumulative persisting annual savings
13 for the year ending December 31, 2038;

14 (22) 0.1% deemed cumulative persisting annual savings
15 for the year ending December 31, 2039; and

16 (23) 0.0% deemed cumulative persisting annual savings
17 for the year ending December 31, 2040 and all subsequent
18 years.

19 (b-15) Beginning in 2018, electric utilities subject to
20 this Section that serve less than 3,000,000 retail customers
21 but more than 500,000 retail customers in the State shall
22 achieve the following cumulative persisting annual savings
23 goals, as modified by subsection (b-20) and subsection (f) of
24 this Section and as compared to the deemed baseline as reduced
25 by the number of MWhs equal to the sum of the annual
26 consumption of customers that have opted out of ~~are exempt~~

1 ~~from~~ subsections (a) through (j) of this Section under
2 paragraph (1) of subsection (1) of this Section as averaged
3 across the calendar years 2014, 2015, and 2016, through the
4 implementation of energy efficiency measures during the
5 applicable year and in prior years, but no earlier than
6 January 1, 2012:

7 (1) 7.4% cumulative persisting annual savings for the
8 year ending December 31, 2018;

9 (2) 8.2% cumulative persisting annual savings for the
10 year ending December 31, 2019;

11 (3) 9.0% cumulative persisting annual savings for the
12 year ending December 31, 2020;

13 (4) 9.8% cumulative persisting annual savings for the
14 year ending December 31, 2021;

15 (5) 10.6% cumulative persisting annual savings for the
16 year ending December 31, 2022;

17 (6) 11.4% cumulative persisting annual savings for the
18 year ending December 31, 2023;

19 (7) 12.2% cumulative persisting annual savings for the
20 year ending December 31, 2024;

21 (8) 13% cumulative persisting annual savings for the
22 year ending December 31, 2025;

23 (9) 13.6% cumulative persisting annual savings for the
24 year ending December 31, 2026;

25 (10) 14.2% cumulative persisting annual savings for
26 the year ending December 31, 2027;

1 (11) 14.8% cumulative persisting annual savings for
2 the year ending December 31, 2028;

3 (12) 15.4% cumulative persisting annual savings for
4 the year ending December 31, 2029; and

5 (13) 16% cumulative persisting annual savings for the
6 year ending December 31, 2030.

7 No later than December 31, 2021, the Illinois Commerce
8 Commission shall establish additional cumulative persisting
9 annual savings goals for the years 2031 through 2035. No later
10 than December 31, 2024, the Illinois Commerce Commission shall
11 establish additional cumulative persisting annual savings
12 goals for the years 2036 through 2040. The Commission shall
13 also establish additional cumulative persisting annual savings
14 goals every 5 years thereafter to ensure that utilities always
15 have goals that extend at least 11 years into the future. The
16 cumulative persisting annual savings goals beyond the year
17 2030 shall increase by 0.6 percentage points per year, absent
18 a Commission decision to initiate a proceeding to consider
19 establishing goals that increase by more or less than that
20 amount. Such a proceeding must be conducted in accordance with
21 the procedures described in subsection (f) of this Section. If
22 such a proceeding is initiated, the cumulative persisting
23 annual savings goals established by the Commission through
24 that proceeding shall reflect the Commission's best estimate
25 of the maximum amount of additional savings that are forecast
26 to be cost-effectively achievable unless such best estimates

1 would result in goals that represent less than 0.4 percentage
2 point annual increases in total cumulative persisting annual
3 savings. The Commission may only establish goals that
4 represent less than 0.4 percentage point annual increases in
5 cumulative persisting annual savings if it can demonstrate,
6 based on clear and convincing evidence and through independent
7 analysis, that 0.4 percentage point increases are not
8 cost-effectively achievable. The Commission shall inform its
9 decision based on an energy efficiency potential study that
10 conforms to the requirements of this Section.

11 ~~The difference between the cumulative persisting annual~~
12 ~~savings goal for the applicable calendar year and the~~
13 ~~cumulative persisting annual savings goal for the immediately~~
14 ~~preceding calendar year is 0.8% for the period of January 1,~~
15 ~~2018 through December 31, 2025 and 0.6% for the period of~~
16 ~~January 1, 2026 through December 31, 2030.~~

17 (b-20) Each electric utility subject to this Section may
18 include cost-effective voltage optimization measures in its
19 plans submitted under subsections (f) and (g) of this Section,
20 and the costs incurred by a utility to implement the measures
21 under a Commission-approved plan shall be recovered under the
22 provisions of Article IX or Section 16-108.5 of this Act. For
23 purposes of this Section, the measure life of voltage
24 optimization measures shall be 15 years. The measure life
25 period is independent of the depreciation rate of the voltage
26 optimization assets deployed. Utilities may claim savings from

1 voltage optimization on circuits for more than 15 years if
2 they can demonstrate that they have made additional
3 investments necessary to enable voltage optimization savings
4 to continue beyond 15 years. Such demonstrations must be
5 subject to the review of independent evaluation.

6 Within 270 days after June 1, 2017 (the effective date of
7 Public Act 99-906), an electric utility that serves less than
8 3,000,000 retail customers but more than 500,000 retail
9 customers in the State shall file a plan with the Commission
10 that identifies the cost-effective voltage optimization
11 investment the electric utility plans to undertake through
12 December 31, 2024. The Commission, after notice and hearing,
13 shall approve or approve with modification the plan within 120
14 days after the plan's filing and, in the order approving or
15 approving with modification the plan, the Commission shall
16 adjust the applicable cumulative persisting annual savings
17 goals set forth in subsection (b-15) to reflect any amount of
18 cost-effective energy savings approved by the Commission that
19 is greater than or less than the following cumulative
20 persisting annual savings values attributable to voltage
21 optimization for the applicable year:

22 (1) 0.0% of cumulative persisting annual savings for
23 the year ending December 31, 2018;

24 (2) 0.17% of cumulative persisting annual savings for
25 the year ending December 31, 2019;

26 (3) 0.17% of cumulative persisting annual savings for

1 the year ending December 31, 2020;

2 (4) 0.33% of cumulative persisting annual savings for
3 the year ending December 31, 2021;

4 (5) 0.5% of cumulative persisting annual savings for
5 the year ending December 31, 2022;

6 (6) 0.67% of cumulative persisting annual savings for
7 the year ending December 31, 2023;

8 (7) 0.83% of cumulative persisting annual savings for
9 the year ending December 31, 2024; and

10 (8) 1.0% of cumulative persisting annual savings for
11 the year ending December 31, 2025 and all subsequent
12 years.

13 (b-25) In the event an electric utility jointly offers an
14 energy efficiency measure or program with a gas utility under
15 plans approved under this Section and Section 8-104 of this
16 Act, the electric utility may continue offering the program,
17 including the gas energy efficiency measures, in the event the
18 gas utility discontinues funding the program. In that event,
19 the energy savings value associated with such other fuels
20 shall be converted to electric energy savings on an equivalent
21 Btu basis for the premises. However, the electric utility
22 shall prioritize programs for low-income residential customers
23 to the extent practicable. An electric utility may recover the
24 costs of offering the gas energy efficiency measures under
25 this subsection (b-25).

26 For those energy efficiency measures or programs that save

1 both electricity and other fuels but are not jointly offered
2 with a gas utility under plans approved under this Section and
3 Section 8-104 or not offered with an affiliated gas utility
4 under paragraph (6) of subsection (f) of Section 8-104 of this
5 Act, the electric utility may count savings of fuels other
6 than electricity toward the achievement of its annual savings
7 goal, and the energy savings value associated with such other
8 fuels shall be converted to electric energy savings on an
9 equivalent Btu basis at the premises.

10 In no event shall more than 10% of each year's applicable
11 annual total savings requirement ~~incremental goal~~ as defined
12 in paragraph (7.5) ~~(7)~~ of subsection (g) of this Section be met
13 through savings of fuels other than electricity.

14 (b-27) Beginning in 2022, an electric utility may offer
15 and promote measures that electrify space heating, water
16 heating, cooling, drying, cooking, industrial processes, and
17 other building and industrial end uses that would otherwise be
18 served by combustion of fossil fuel at the premises, provided
19 that the electrification measures reduce total energy
20 consumption at the premises. The electric utility may count
21 the reduction in energy consumption at the premises toward
22 achievement of its annual savings goals. The reduction in
23 energy consumption at the premises shall be calculated as the
24 difference between: (A) the reduction in Btu consumption of
25 fossil fuels as a result of electrification, converted to
26 kilowatt-hour equivalents by dividing by 3,412 Btu's per

1 kilowatt hour; and (B) the increase in kilowatt hours of
2 electricity consumption resulting from the displacement of
3 fossil fuel consumption as a result of electrification. An
4 electric utility may recover the costs of offering and
5 promoting electrification measures under this subsection
6 (b-27).

7 In no event shall electrification savings counted toward
8 each year's applicable annual total savings requirement, as
9 defined in paragraph (7.5) of subsection (g) of this Section,
10 be greater than:

11 (1) 5% per year for each year from 2022 through 2025;

12 (2) 10% per year for each year from 2026 through 2029;

13 and

14 (3) 15% per year for 2030 and all subsequent years.

15 In addition, a minimum of 25% of all electrification savings
16 counted toward a utility's applicable annual total savings
17 requirement must be from electrification of end uses in
18 low-income housing. The limitations on electrification savings
19 that may be counted toward a utility's annual savings goals
20 are separate from and in addition to the subsection (b-25)
21 limitations governing the counting of the other fuel savings
22 resulting from efficiency measures and programs.

23 As part of the annual informational filing to the
24 Commission that is required under paragraph (9) of subsection
25 (g) of this Section, each utility shall identify the specific
26 electrification measures offered under this subsection (b-27);

1 the quantity of each electrification measure that was
2 installed by its customers; the average total cost, average
3 utility cost, average reduction in fossil fuel consumption,
4 and average increase in electricity consumption associated
5 with each electrification measure; the portion of
6 installations of each electrification measure that were in
7 low-income single-family housing, low-income multifamily
8 housing, non-low-income single-family housing, non-low-income
9 multifamily housing, commercial buildings, and industrial
10 facilities; and the quantity of savings associated with each
11 measure category in each customer category that are being
12 counted toward the utility's applicable annual total savings
13 requirement. Prior to installing an electrification measure,
14 the utility shall provide a customer with an estimate of the
15 impact of the new measure on the customer's average monthly
16 electric bill and total annual energy expenses.

17 (c) Electric utilities shall be responsible for overseeing
18 the design, development, and filing of energy efficiency plans
19 with the Commission and may, as part of that implementation,
20 outsource various aspects of program development and
21 implementation. A minimum of 10%, for electric utilities that
22 serve more than 3,000,000 retail customers in the State, and a
23 minimum of 7%, for electric utilities that serve less than
24 3,000,000 retail customers but more than 500,000 retail
25 customers in the State, of the utility's entire portfolio
26 funding level for a given year shall be used to procure

1 cost-effective energy efficiency measures from units of local
2 government, municipal corporations, school districts, public
3 housing, and community college districts, provided that a
4 minimum percentage of available funds shall be used to procure
5 energy efficiency from public housing, which percentage shall
6 be equal to public housing's share of public building energy
7 consumption.

8 The utilities shall also implement energy efficiency
9 measures targeted at low-income households, which, for
10 purposes of this Section, shall be defined as households at or
11 below 80% of area median income, and expenditures to implement
12 the measures shall be no less than \$40,000,000 ~~\$25,000,000~~ per
13 year for electric utilities that serve more than 3,000,000
14 retail customers in the State and no less than \$13,000,000
15 ~~\$8,350,000~~ per year for electric utilities that serve less
16 than 3,000,000 retail customers but more than 500,000 retail
17 customers in the State. The ratio of spending on efficiency
18 programs targeted at low-income multifamily buildings to
19 spending on efficiency programs targeted at low-income
20 single-family buildings shall be designed to achieve levels of
21 savings from each building type that are approximately
22 proportional to the magnitude of cost-effective lifetime
23 savings potential in each building type. Investment in
24 low-income whole-building weatherization programs shall
25 constitute a minimum of 80% of a utility's total budget
26 specifically dedicated to serving low-income customers.

1 The utilities shall work to bundle low-income energy
2 efficiency offerings with other programs that serve low-income
3 households to maximize the benefits going to these households.
4 The utilities shall market and implement low-income energy
5 efficiency programs in coordination with low-income assistance
6 programs, the Illinois Solar for All Program, and
7 weatherization whenever practicable. The program implementer
8 shall walk the customer through the enrollment process for any
9 programs for which the customer is eligible. The utilities
10 shall also pilot targeting customers with high arrearages,
11 high energy intensity (ratio of energy usage divided by home
12 or unit square footage), or energy assistance programs with
13 energy efficiency offerings, and then track reduction in
14 arrearages as a result of the targeting. This targeting and
15 bundling of low-income energy programs shall be offered to
16 both low-income single-family and multifamily customers
17 (owners and residents).

18 The utilities shall invest in health and safety measures
19 appropriate and necessary for comprehensively weatherizing a
20 home or multifamily building, and shall implement a health and
21 safety fund of at least 15% of the total income-qualified
22 weatherization budget that shall be used for the purpose of
23 making grants for technical assistance, construction,
24 reconstruction, improvement, or repair of buildings to
25 facilitate their participation in the energy efficiency
26 programs targeted at low-income single-family and multifamily

1 households. These funds may also be used for the purpose of
2 making grants for technical assistance, construction,
3 reconstruction, improvement, or repair of the following
4 buildings to facilitate their participation in the energy
5 efficiency programs created by this Section: (1) buildings
6 that are owned or operated by registered 501(c)(3) public
7 charities; and (2) day care centers, day care homes, or group
8 day care homes, as defined under 89 Ill. Adm. Code Part 406,
9 407, or 408, respectively.

10 Each electric utility shall assess opportunities to
11 implement cost-effective energy efficiency measures and
12 programs through a public housing authority or authorities
13 located in its service territory. If such opportunities are
14 identified, the utility shall propose such measures and
15 programs to address the opportunities. Expenditures to address
16 such opportunities shall be credited toward the minimum
17 procurement and expenditure requirements set forth in this
18 subsection (c).

19 Implementation of energy efficiency measures and programs
20 targeted at low-income households should be contracted, when
21 it is practicable, to independent third parties that have
22 demonstrated capabilities to serve such households, with a
23 preference for not-for-profit entities and government agencies
24 that have existing relationships with or experience serving
25 low-income communities in the State.

26 Each electric utility shall develop and implement

1 reporting procedures that address and assist in determining
2 the amount of energy savings that can be applied to the
3 low-income procurement and expenditure requirements set forth
4 in this subsection (c). Each electric utility shall also track
5 the types and quantities or volumes of insulation and air
6 sealing materials, and their associated energy saving
7 benefits, installed in energy efficiency programs targeted at
8 low-income single-family and multifamily households.

9 The electric utilities shall participate in ~~also convene~~ a
10 low-income energy efficiency accountability ~~advisory~~ committee
11 ("the committee"), which will directly inform ~~to assist in~~ the
12 design, implementation, and evaluation of the low-income and
13 public-housing energy efficiency programs. The committee shall
14 be comprised of the electric utilities subject to the
15 requirements of this Section, the gas utilities subject to the
16 requirements of Section 8-104 of this Act, the utilities'
17 low-income energy efficiency implementation contractors,
18 nonprofit organizations, community action agencies, advocacy
19 groups, State and local governmental agencies, public-housing
20 organizations, and representatives of community-based
21 organizations, especially those living in or working with
22 environmental justice communities and BIPOC communities. The
23 committee shall be composed of 2 geographically differentiated
24 subcommittees: one for stakeholders in northern Illinois and
25 one for stakeholders in central and southern Illinois. The
26 subcommittees shall meet together at least twice per year.

1 There shall be one statewide leadership committee led by
2 and composed of community-based organizations that are
3 representative of BIPOC and environmental justice communities
4 and that includes equitable representation from BIPOC
5 communities. The leadership committee shall be composed of an
6 equal number of representatives from the 2 subcommittees. The
7 subcommittees shall address specific programs and issues, with
8 the leadership committee convening targeted workgroups as
9 needed. The leadership committee may elect to work with an
10 independent facilitator to solicit and organize feedback,
11 recommendations and meeting participation from a wide variety
12 of community-based stakeholders. If a facilitator is used,
13 they shall be fair and responsive to the needs of all
14 stakeholders involved in the committee.

15 All committee meetings must be accessible, with rotating
16 locations if meetings are held in-person, virtual
17 participation options, and materials and agendas circulated in
18 advance.

19 There shall also be opportunities for direct input by
20 committee members outside of committee meetings, such as via
21 individual meetings, surveys, emails and calls, to ensure
22 robust participation by stakeholders with limited capacity and
23 ability to attend committee meetings. Committee meetings shall
24 emphasize opportunities to bundle and coordinate delivery of
25 low-income energy efficiency with other programs that serve
26 low-income communities, such as the Illinois Solar for All

1 Program and bill payment assistance programs. Meetings shall
2 include educational opportunities for stakeholders to learn
3 more about these additional offerings, and the committee shall
4 assist in figuring out the best methods for coordinated
5 delivery and implementation of offerings when serving
6 low-income communities. The committee shall directly and
7 equitably influence and inform utility low-income and
8 public-housing energy efficiency programs and priorities.
9 Participating utilities shall implement recommendations from
10 the committee whenever possible.

11 Participating utilities shall track and report how input
12 from the committee has led to new approaches and changes in
13 their energy efficiency portfolios. This reporting shall occur
14 at committee meetings and in quarterly energy efficiency
15 reports to the Stakeholder Advisory Group and Illinois
16 Commerce Commission, and other relevant reporting mechanisms.
17 Participating utilities shall also report on relevant equity
18 data and metrics requested by the committee, such as energy
19 burden data, geographic, racial, and other relevant
20 demographic data on where programs are being delivered and
21 what populations programs are serving.

22 The Illinois Commerce Commission shall oversee and have
23 relevant staff participate in the committee. The committee
24 shall have a budget of 0.25% of each utility's entire
25 efficiency portfolio funding for a given year. The budget
26 shall be overseen by the Commission. The budget shall be used

1 to provide grants for community-based organizations serving on
2 the leadership committee, stipends for community-based
3 organizations participating in the committee, grants for
4 community-based organizations to do energy efficiency outreach
5 and education, and relevant meeting needs as determined by the
6 leadership committee. The education and outreach shall
7 include, but is not limited to, basic energy efficiency
8 education, information about low-income energy efficiency
9 programs, and information on the committee's purpose,
10 structure, and activities.

11 (d) Notwithstanding any other provision of law to the
12 contrary, a utility providing approved energy efficiency
13 measures and, if applicable, demand-response measures in the
14 State shall be permitted to recover all reasonable and
15 prudently incurred costs of those measures from all retail
16 customers, except as provided in subsection (1) of this
17 Section, as follows, provided that nothing in this subsection
18 (d) permits the double recovery of such costs from customers:

19 (1) The utility may recover its costs through an
20 automatic adjustment clause tariff filed with and approved
21 by the Commission. The tariff shall be established outside
22 the context of a general rate case. Each year the
23 Commission shall initiate a review to reconcile any
24 amounts collected with the actual costs and to determine
25 the required adjustment to the annual tariff factor to
26 match annual expenditures. To enable the financing of the

1 incremental capital expenditures, including regulatory
2 assets, for electric utilities that serve less than
3 3,000,000 retail customers but more than 500,000 retail
4 customers in the State, the utility's actual year-end
5 capital structure that includes a common equity ratio,
6 excluding goodwill, of up to and including 50% of the
7 total capital structure shall be deemed reasonable and
8 used to set rates.

9 (2) A utility may recover its costs through an energy
10 efficiency formula rate approved by the Commission under a
11 filing under subsections (f) and (g) of this Section,
12 which shall specify the cost components that form the
13 basis of the rate charged to customers with sufficient
14 specificity to operate in a standardized manner and be
15 updated annually with transparent information that
16 reflects the utility's actual costs to be recovered during
17 the applicable rate year, which is the period beginning
18 with the first billing day of January and extending
19 through the last billing day of the following December.
20 The energy efficiency formula rate shall be implemented
21 through a tariff filed with the Commission under
22 subsections (f) and (g) of this Section that is consistent
23 with the provisions of this paragraph (2) and that shall
24 be applicable to all delivery services customers. The
25 Commission shall conduct an investigation of the tariff in
26 a manner consistent with the provisions of this paragraph

1 (2), subsections (f) and (g) of this Section, and the
2 provisions of Article IX of this Act to the extent they do
3 not conflict with this paragraph (2). The energy
4 efficiency formula rate approved by the Commission shall
5 remain in effect at the discretion of the utility and
6 shall do the following:

7 (A) Provide for the recovery of the utility's
8 actual costs incurred under this Section that are
9 prudently incurred and reasonable in amount consistent
10 with Commission practice and law. The sole fact that a
11 cost differs from that incurred in a prior calendar
12 year or that an investment is different from that made
13 in a prior calendar year shall not imply the
14 imprudence or unreasonableness of that cost or
15 investment.

16 (B) Reflect the utility's actual year-end capital
17 structure for the applicable calendar year, excluding
18 goodwill, subject to a determination of prudence and
19 reasonableness consistent with Commission practice and
20 law. To enable the financing of the incremental
21 capital expenditures, including regulatory assets, for
22 electric utilities that serve less than 3,000,000
23 retail customers but more than 500,000 retail
24 customers in the State, a participating electric
25 utility's actual year-end capital structure that
26 includes a common equity ratio, excluding goodwill, of

1 up to and including 50% of the total capital structure
2 shall be deemed reasonable and used to set rates.

3 (C) Include a cost of equity, which shall be
4 calculated as the sum of the following:

5 (i) the average for the applicable calendar
6 year of the monthly average yields of 30-year U.S.
7 Treasury bonds published by the Board of Governors
8 of the Federal Reserve System in its weekly H.15
9 Statistical Release or successor publication; and

10 (ii) 580 basis points.

11 At such time as the Board of Governors of the
12 Federal Reserve System ceases to include the monthly
13 average yields of 30-year U.S. Treasury bonds in its
14 weekly H.15 Statistical Release or successor
15 publication, the monthly average yields of the U.S.
16 Treasury bonds then having the longest duration
17 published by the Board of Governors in its weekly H.15
18 Statistical Release or successor publication shall
19 instead be used for purposes of this paragraph (2).

20 (D) Permit and set forth protocols, subject to a
21 determination of prudence and reasonableness
22 consistent with Commission practice and law, for the
23 following:

24 (i) recovery of incentive compensation expense
25 that is based on the achievement of operational
26 metrics, including metrics related to budget

1 controls, outage duration and frequency, safety,
2 customer service, efficiency and productivity, and
3 environmental compliance; however, this protocol
4 shall not apply if such expense related to costs
5 incurred under this Section is recovered under
6 Article IX or Section 16-108.5 of this Act;
7 incentive compensation expense that is based on
8 net income or an affiliate's earnings per share
9 shall not be recoverable under the energy
10 efficiency formula rate;

11 (ii) recovery of pension and other
12 post-employment benefits expense, provided that
13 such costs are supported by an actuarial study;
14 however, this protocol shall not apply if such
15 expense related to costs incurred under this
16 Section is recovered under Article IX or Section
17 16-108.5 of this Act;

18 (iii) recovery of existing regulatory assets
19 over the periods previously authorized by the
20 Commission;

21 (iv) as described in subsection (e),
22 amortization of costs incurred under this Section;
23 and

24 (v) projected, weather normalized billing
25 determinants for the applicable rate year.

26 (E) Provide for an annual reconciliation, as

1 described in paragraph (3) of this subsection (d),
2 less any deferred taxes related to the reconciliation,
3 with interest at an annual rate of return equal to the
4 utility's weighted average cost of capital, including
5 a revenue conversion factor calculated to recover or
6 refund all additional income taxes that may be payable
7 or receivable as a result of that return, of the energy
8 efficiency revenue requirement reflected in rates for
9 each calendar year, beginning with the calendar year
10 in which the utility files its energy efficiency
11 formula rate tariff under this paragraph (2), with
12 what the revenue requirement would have been had the
13 actual cost information for the applicable calendar
14 year been available at the filing date.

15 The utility shall file, together with its tariff, the
16 projected costs to be incurred by the utility during the
17 rate year under the utility's multi-year plan approved
18 under subsections (f) and (g) of this Section, including,
19 but not limited to, the projected capital investment costs
20 and projected regulatory asset balances with
21 correspondingly updated depreciation and amortization
22 reserves and expense, that shall populate the energy
23 efficiency formula rate and set the initial rates under
24 the formula.

25 The Commission shall review the proposed tariff in
26 conjunction with its review of a proposed multi-year plan,

1 as specified in paragraph (5) of subsection (g) of this
2 Section. The review shall be based on the same evidentiary
3 standards, including, but not limited to, those concerning
4 the prudence and reasonableness of the costs incurred by
5 the utility, the Commission applies in a hearing to review
6 a filing for a general increase in rates under Article IX
7 of this Act. The initial rates shall take effect beginning
8 with the January monthly billing period following the
9 Commission's approval.

10 The tariff's rate design and cost allocation across
11 customer classes shall be consistent with the utility's
12 automatic adjustment clause tariff in effect on June 1,
13 2017 (the effective date of Public Act 99-906); however,
14 the Commission may revise the tariff's rate design and
15 cost allocation in subsequent proceedings under paragraph
16 (3) of this subsection (d).

17 If the energy efficiency formula rate is terminated,
18 the then current rates shall remain in effect until such
19 time as the energy efficiency costs are incorporated into
20 new rates that are set under this subsection (d) or
21 Article IX of this Act, subject to retroactive rate
22 adjustment, with interest, to reconcile rates charged with
23 actual costs.

24 (3) The provisions of this paragraph (3) shall only
25 apply to an electric utility that has elected to file an
26 energy efficiency formula rate under paragraph (2) of this

1 subsection (d). Subsequent to the Commission's issuance of
2 an order approving the utility's energy efficiency formula
3 rate structure and protocols, and initial rates under
4 paragraph (2) of this subsection (d), the utility shall
5 file, on or before June 1 of each year, with the Chief
6 Clerk of the Commission its updated cost inputs to the
7 energy efficiency formula rate for the applicable rate
8 year and the corresponding new charges, as well as the
9 information described in paragraph (9) of subsection (g)
10 of this Section. Each such filing shall conform to the
11 following requirements and include the following
12 information:

13 (A) The inputs to the energy efficiency formula
14 rate for the applicable rate year shall be based on the
15 projected costs to be incurred by the utility during
16 the rate year under the utility's multi-year plan
17 approved under subsections (f) and (g) of this
18 Section, including, but not limited to, projected
19 capital investment costs and projected regulatory
20 asset balances with correspondingly updated
21 depreciation and amortization reserves and expense.
22 The filing shall also include a reconciliation of the
23 energy efficiency revenue requirement that was in
24 effect for the prior rate year (as set by the cost
25 inputs for the prior rate year) with the actual
26 revenue requirement for the prior rate year

1 (determined using a year-end rate base) that uses
2 amounts reflected in the applicable FERC Form 1 that
3 reports the actual costs for the prior rate year. Any
4 over-collection or under-collection indicated by such
5 reconciliation shall be reflected as a credit against,
6 or recovered as an additional charge to, respectively,
7 with interest calculated at a rate equal to the
8 utility's weighted average cost of capital approved by
9 the Commission for the prior rate year, the charges
10 for the applicable rate year. Such over-collection or
11 under-collection shall be adjusted to remove any
12 deferred taxes related to the reconciliation, for
13 purposes of calculating interest at an annual rate of
14 return equal to the utility's weighted average cost of
15 capital approved by the Commission for the prior rate
16 year, including a revenue conversion factor calculated
17 to recover or refund all additional income taxes that
18 may be payable or receivable as a result of that
19 return. Each reconciliation shall be certified by the
20 participating utility in the same manner that FERC
21 Form 1 is certified. The filing shall also include the
22 charge or credit, if any, resulting from the
23 calculation required by subparagraph (E) of paragraph
24 (2) of this subsection (d).

25 Notwithstanding any other provision of law to the
26 contrary, the intent of the reconciliation is to

1 ultimately reconcile both the revenue requirement
2 reflected in rates for each calendar year, beginning
3 with the calendar year in which the utility files its
4 energy efficiency formula rate tariff under paragraph
5 (2) of this subsection (d), with what the revenue
6 requirement determined using a year-end rate base for
7 the applicable calendar year would have been had the
8 actual cost information for the applicable calendar
9 year been available at the filing date.

10 For purposes of this Section, "FERC Form 1" means
11 the Annual Report of Major Electric Utilities,
12 Licensees and Others that electric utilities are
13 required to file with the Federal Energy Regulatory
14 Commission under the Federal Power Act, Sections 3,
15 4(a), 304 and 209, modified as necessary to be
16 consistent with 83 Ill. Admin. Code Part 415 as of May
17 1, 2011. Nothing in this Section is intended to allow
18 costs that are not otherwise recoverable to be
19 recoverable by virtue of inclusion in FERC Form 1.

20 (B) The new charges shall take effect beginning on
21 the first billing day of the following January billing
22 period and remain in effect through the last billing
23 day of the next December billing period regardless of
24 whether the Commission enters upon a hearing under
25 this paragraph (3).

26 (C) The filing shall include relevant and

1 necessary data and documentation for the applicable
2 rate year. Normalization adjustments shall not be
3 required.

4 Within 45 days after the utility files its annual
5 update of cost inputs to the energy efficiency formula
6 rate, the Commission shall with reasonable notice,
7 initiate a proceeding concerning whether the projected
8 costs to be incurred by the utility and recovered during
9 the applicable rate year, and that are reflected in the
10 inputs to the energy efficiency formula rate, are
11 consistent with the utility's approved multi-year plan
12 under subsections (f) and (g) of this Section and whether
13 the costs incurred by the utility during the prior rate
14 year were prudent and reasonable. The Commission shall
15 also have the authority to investigate the information and
16 data described in paragraph (9) of subsection (g) of this
17 Section, including the proposed adjustment to the
18 utility's return on equity component of its weighted
19 average cost of capital. During the course of the
20 proceeding, each objection shall be stated with
21 particularity and evidence provided in support thereof,
22 after which the utility shall have the opportunity to
23 rebut the evidence. Discovery shall be allowed consistent
24 with the Commission's Rules of Practice, which Rules of
25 Practice shall be enforced by the Commission or the
26 assigned administrative law judge. The Commission shall

1 apply the same evidentiary standards, including, but not
2 limited to, those concerning the prudence and
3 reasonableness of the costs incurred by the utility,
4 during the proceeding as it would apply in a proceeding to
5 review a filing for a general increase in rates under
6 Article IX of this Act. The Commission shall not, however,
7 have the authority in a proceeding under this paragraph
8 (3) to consider or order any changes to the structure or
9 protocols of the energy efficiency formula rate approved
10 under paragraph (2) of this subsection (d). In a
11 proceeding under this paragraph (3), the Commission shall
12 enter its order no later than the earlier of 195 days after
13 the utility's filing of its annual update of cost inputs
14 to the energy efficiency formula rate or December 15. The
15 utility's proposed return on equity calculation, as
16 described in paragraphs (7) through (9) of subsection (g)
17 of this Section, shall be deemed the final, approved
18 calculation on December 15 of the year in which it is filed
19 unless the Commission enters an order on or before
20 December 15, after notice and hearing, that modifies such
21 calculation consistent with this Section. The Commission's
22 determinations of the prudence and reasonableness of the
23 costs incurred, and determination of such return on equity
24 calculation, for the applicable calendar year shall be
25 final upon entry of the Commission's order and shall not
26 be subject to reopening, reexamination, or collateral

1 attack in any other Commission proceeding, case, docket,
2 order, rule, or regulation; however, nothing in this
3 paragraph (3) shall prohibit a party from petitioning the
4 Commission to rehear or appeal to the courts the order
5 under the provisions of this Act.

6 (e) Beginning on June 1, 2017 (the effective date of
7 Public Act 99-906), a utility subject to the requirements of
8 this Section may elect to defer, as a regulatory asset, up to
9 the full amount of its expenditures incurred under this
10 Section for each annual period, including, but not limited to,
11 any expenditures incurred above the funding level set by
12 subsection (f) of this Section for a given year. The total
13 expenditures deferred as a regulatory asset in a given year
14 shall be amortized and recovered over a period that is equal to
15 the weighted average of the energy efficiency measure lives
16 implemented for that year that are reflected in the regulatory
17 asset. The unamortized balance shall be recognized as of
18 December 31 for a given year. The utility shall also earn a
19 return on the total of the unamortized balances of all of the
20 energy efficiency regulatory assets, less any deferred taxes
21 related to those unamortized balances, at an annual rate equal
22 to the utility's weighted average cost of capital that
23 includes, based on a year-end capital structure, the utility's
24 actual cost of debt for the applicable calendar year and a cost
25 of equity, which shall be calculated as the sum of the (i) the
26 average for the applicable calendar year of the monthly

1 average yields of 30-year U.S. Treasury bonds published by the
2 Board of Governors of the Federal Reserve System in its weekly
3 H.15 Statistical Release or successor publication; and (ii)
4 580 basis points, including a revenue conversion factor
5 calculated to recover or refund all additional income taxes
6 that may be payable or receivable as a result of that return.
7 Capital investment costs shall be depreciated and recovered
8 over their useful lives consistent with generally accepted
9 accounting principles. The weighted average cost of capital
10 shall be applied to the capital investment cost balance, less
11 any accumulated depreciation and accumulated deferred income
12 taxes, as of December 31 for a given year.

13 When an electric utility creates a regulatory asset under
14 the provisions of this Section, the costs are recovered over a
15 period during which customers also receive a benefit which is
16 in the public interest. Accordingly, it is the intent of the
17 General Assembly that an electric utility that elects to
18 create a regulatory asset under the provisions of this Section
19 shall recover all of the associated costs as set forth in this
20 Section. After the Commission has approved the prudence and
21 reasonableness of the costs that comprise the regulatory
22 asset, the electric utility shall be permitted to recover all
23 such costs, and the value and recoverability through rates of
24 the associated regulatory asset shall not be limited, altered,
25 impaired, or reduced.

26 (f) Beginning in 2017, each electric utility shall file an

1 energy efficiency plan with the Commission to meet the energy
2 efficiency standards for the next applicable multi-year period
3 beginning January 1 of the year following the filing,
4 according to the schedule set forth in paragraphs (1) through
5 (3) of this subsection (f). If a utility does not file such a
6 plan on or before the applicable filing deadline for the plan,
7 it shall face a penalty of \$100,000 per day until the plan is
8 filed.

9 (1) No later than 30 days after June 1, 2017 (the
10 effective date of Public Act 99-906), each electric
11 utility shall file a 4-year energy efficiency plan
12 commencing on January 1, 2018 that is designed to achieve
13 the cumulative persisting annual savings goals specified
14 in paragraphs (1) through (4) of subsection (b-5) of this
15 Section or in paragraphs (1) through (4) of subsection
16 (b-15) of this Section, as applicable, through
17 implementation of energy efficiency measures; however, the
18 goals may be reduced if the utility's expenditures are
19 limited pursuant to subsection (m) of this Section or, for
20 a utility that serves less than 3,000,000 retail
21 customers, if each of the following conditions are met:
22 (A) the plan's analysis and forecasts of the utility's
23 ability to acquire energy savings demonstrate that
24 achievement of such goals is not cost effective; and (B)
25 the amount of energy savings achieved by the utility as
26 determined by the independent evaluator for the most

1 recent year for which savings have been evaluated
2 preceding the plan filing was less than the average annual
3 amount of savings required to achieve the goals for the
4 applicable 4-year plan period. Except as provided in
5 subsection (m) of this Section, annual increases in
6 cumulative persisting annual savings goals during the
7 applicable 4-year plan period shall not be reduced to
8 amounts that are less than the maximum amount of
9 cumulative persisting annual savings that is forecast to
10 be cost-effectively achievable during the 4-year plan
11 period. The Commission shall review any proposed goal
12 reduction as part of its review and approval of the
13 utility's proposed plan.

14 (2) No later than March 1, 2021, each electric utility
15 shall file a 4-year energy efficiency plan commencing on
16 January 1, 2022 that is designed to achieve the cumulative
17 persisting annual savings goals specified in paragraphs
18 (5) through (8) of subsection (b-5) of this Section or in
19 paragraphs (5) through (8) of subsection (b-15) of this
20 Section, as applicable, through implementation of energy
21 efficiency measures; however, the goals may be reduced if
22 either (1) clear and convincing evidence demonstrates,
23 through independent analysis, that the expenditure limits
24 in subsection (m) of this Section preclude full
25 achievement of the goals or (2) ~~the utility's expenditures~~
26 are limited pursuant to subsection (m) of this Section or,

1 each of the following conditions are met: (A) the plan's
2 analysis and forecasts of the utility's ability to acquire
3 energy savings demonstrate by clear and convincing
4 evidence and through independent analysis that achievement
5 of such goals is not cost effective; and (B) the amount of
6 energy savings achieved by the utility as determined by
7 the independent evaluator for the most recent year for
8 which savings have been evaluated preceding the plan
9 filing was less than the average annual amount of savings
10 required to achieve the goals for the applicable 4-year
11 plan period. If there is not clear and convincing evidence
12 that achieving the savings goals specified in paragraph
13 (b-5) or (b-15) of this Section is possible both
14 cost-effectively and within the expenditure limits in
15 subsection (m), such savings goals shall not be reduced.
16 Except as provided in subsection (m) of this Section,
17 annual increases in cumulative persisting annual savings
18 goals during the applicable 4-year plan period shall not
19 be reduced to amounts that are less than the maximum
20 amount of cumulative persisting annual savings that is
21 forecast to be cost-effectively achievable during the
22 4-year plan period. The Commission shall review any
23 proposed goal reduction as part of its review and approval
24 of the utility's proposed plan.

25 (3) No later than March 1, 2025, each electric utility
26 shall file a 4-year ~~5-year~~ energy efficiency plan

1 commencing on January 1, 2026 that is designed to achieve
2 the cumulative persisting annual savings goals specified
3 in paragraphs (9) through (12) ~~(13)~~ of subsection (b-5) of
4 this Section or in paragraphs (9) through (12) ~~(13)~~ of
5 subsection (b-15) of this Section, as applicable, through
6 implementation of energy efficiency measures; however, the
7 goals may be reduced if either (1) clear and convincing
8 evidence demonstrates, through independent analysis, that
9 the expenditure limits in subsection (m) of this Section
10 preclude full achievement of the goals or (2) the
11 ~~utility's expenditures are limited pursuant to subsection~~
12 ~~(m) of this Section or,~~ each of the following conditions
13 are met: (A) the plan's analysis and forecasts of the
14 utility's ability to acquire energy savings demonstrate by
15 clear and convincing evidence and through independent
16 analysis that achievement of such goals is not cost
17 effective; and (B) the amount of energy savings achieved
18 by the utility as determined by the independent evaluator
19 for the most recent year for which savings have been
20 evaluated preceding the plan filing was less than the
21 average annual amount of savings required to achieve the
22 goals for the applicable 4-year ~~5-year~~ plan period. If
23 there is not clear and convincing evidence that achieving
24 the savings goals specified in paragraphs (b-5) or (b-15)
25 of this Section is possible both cost-effectively and
26 within the expenditure limits in subsection (m), such

1 savings goals shall not be reduced. Except as provided in
2 subsection (m) of this Section, annual increases in
3 cumulative persisting annual savings goals during the
4 applicable 4-year ~~5-year~~ plan period shall not be reduced
5 to amounts that are less than the maximum amount of
6 cumulative persisting annual savings that is forecast to
7 be cost-effectively achievable during the 4-year ~~5-year~~
8 plan period. The Commission shall review any proposed goal
9 reduction as part of its review and approval of the
10 utility's proposed plan.

11 (4) No later than March 1, 2029, and every 4 years
12 thereafter, each electric utility shall file a 4-year
13 energy efficiency plan commencing on January 1, 2030, and
14 every 4 years thereafter, respectively, that is designed
15 to achieve the cumulative persisting annual savings goals
16 established by the Illinois Commerce Commission pursuant
17 to direction of subsections (b-5) and (b-15) of this
18 Section, as applicable, through implementation of energy
19 efficiency measures; however, the goals may be reduced if
20 either (1) clear and convincing evidence and independent
21 analysis demonstrates that the expenditure limits in
22 subsection (m) of this Section preclude full achievement
23 of the goals or (2) each of the following conditions are
24 met: (A) the plan's analysis and forecasts of the
25 utility's ability to acquire energy savings demonstrate by
26 clear and convincing evidence and through independent

1 analysis that achievement of such goals is not
2 cost-effective; and (B) the amount of energy savings
3 achieved by the utility as determined by the independent
4 evaluator for the most recent year for which savings have
5 been evaluated preceding the plan filing was less than the
6 average annual amount of savings required to achieve the
7 goals for the applicable 4-year plan period. If there is
8 not clear and convincing evidence that achieving the
9 savings goals specified in paragraphs (b-5) or (b-15) of
10 this Section is possible both cost-effectively and within
11 the expenditure limits in subsection (m), such savings
12 goals shall not be reduced. Except as provided in
13 subsection (m) of this Section, annual increases in
14 cumulative persisting annual savings goals during the
15 applicable 4-year plan period shall not be reduced to
16 amounts that are less than the maximum amount of
17 cumulative persisting annual savings that is forecast to
18 be cost-effectively achievable during the 4-year plan
19 period. The Commission shall review any proposed goal
20 reduction as part of its review and approval of the
21 utility's proposed plan.

22 Each utility's plan shall set forth the utility's
23 proposals to meet the energy efficiency standards identified
24 in subsection (b-5) or (b-15), as applicable and as such
25 standards may have been modified under this subsection (f),
26 taking into account the unique circumstances of the utility's

1 service territory. For those plans commencing on January 1,
2 2018, the Commission shall seek public comment on the
3 utility's plan and shall issue an order approving or
4 disapproving each plan no later than 105 days after June 1,
5 2017 (the effective date of Public Act 99-906). For those
6 plans commencing after December 31, 2021, the Commission shall
7 seek public comment on the utility's plan and shall issue an
8 order approving or disapproving each plan within 6 months
9 after its submission. If the Commission disapproves a plan,
10 the Commission shall, within 30 days, describe in detail the
11 reasons for the disapproval and describe a path by which the
12 utility may file a revised draft of the plan to address the
13 Commission's concerns satisfactorily. If the utility does not
14 refile with the Commission within 60 days, the utility shall
15 be subject to penalties at a rate of \$100,000 per day until the
16 plan is filed. This process shall continue, and penalties
17 shall accrue, until the utility has successfully filed a
18 portfolio of energy efficiency and demand-response measures.
19 Penalties shall be deposited into the Energy Efficiency Trust
20 Fund.

21 (g) In submitting proposed plans and funding levels under
22 subsection (f) of this Section to meet the savings goals
23 identified in subsection (b-5) or (b-15) of this Section, as
24 applicable, the utility shall:

25 (1) Demonstrate that its proposed energy efficiency
26 measures will achieve the applicable requirements that are

1 identified in subsection (b-5) or (b-15) of this Section,
2 as modified by subsection (f) of this Section.

3 (2) (Blank). ~~Present specific proposals to implement~~
4 ~~new building and appliance standards that have been placed~~
5 ~~into effect.~~

6 (2.5) Demonstrate consideration of program options for
7 (A) advancing new building codes, appliance standards, and
8 municipal regulations governing existing and new building
9 efficiency improvements and (B) supporting efforts to
10 improve compliance with new building codes, appliance
11 standards and municipal regulations, as potentially
12 cost-effective means of acquiring energy savings to count
13 toward savings goals.

14 (3) Demonstrate that its overall portfolio of
15 measures, not including low-income programs described in
16 subsection (c) of this Section, is cost-effective using
17 the total resource cost test or complies with paragraphs
18 (1) through (3) of subsection (f) of this Section and
19 represents a diverse cross-section of opportunities for
20 customers of all rate classes, other than those customers
21 described in subsection (l) of this Section, to
22 participate in the programs. Individual measures need not
23 be cost effective.

24 (3.5) Demonstrate that the utility's plan integrates
25 the delivery of energy efficiency programs with natural
26 gas efficiency programs, programs promoting distributed

1 solar, programs promoting demand response and other
2 efforts to address bill payment issues, including, but not
3 limited to, LIHEAP and the Percentage of Income Payment
4 Plan, to the extent such integration is practical and has
5 the potential to enhance customer engagement, minimize
6 market confusion, or reduce administrative costs.

7 (4) Present a third-party energy efficiency
8 implementation program subject to the following
9 requirements:

10 (A) beginning with the year commencing January 1,
11 2019, electric utilities that serve more than
12 3,000,000 retail customers in the State shall fund
13 third-party energy efficiency programs in an amount
14 that is no less than \$25,000,000 per year, and
15 electric utilities that serve less than 3,000,000
16 retail customers but more than 500,000 retail
17 customers in the State shall fund third-party energy
18 efficiency programs in an amount that is no less than
19 \$8,350,000 per year;

20 (B) during 2018, the utility shall conduct a
21 solicitation process for purposes of requesting
22 proposals from third-party vendors for those
23 third-party energy efficiency programs to be offered
24 during one or more of the years commencing January 1,
25 2019, January 1, 2020, and January 1, 2021; for those
26 multi-year plans commencing on January 1, 2022 and

1 January 1, 2026, the utility shall conduct a
2 solicitation process during 2021 and 2025,
3 respectively, for purposes of requesting proposals
4 from third-party vendors for those third-party energy
5 efficiency programs to be offered during one or more
6 years of the respective multi-year plan period; for
7 each solicitation process, the utility shall identify
8 the sector, technology, or geographical area for which
9 it is seeking requests for proposals; the solicitation
10 process must be either for programs that fill gaps in
11 the utility's program portfolio and for programs that
12 target low-income customers, business sectors,
13 building types, geographies, or other specific parts
14 of its customer base with initiatives that would be
15 more effective at reaching these customer segments
16 than the utilities' programs filed in its energy
17 efficiency plans;

18 (C) the utility shall propose the bidder
19 qualifications, performance measurement process, and
20 contract structure, which must include a performance
21 payment mechanism and general terms and conditions;
22 the proposed qualifications, process, and structure
23 shall be subject to Commission approval; and

24 (D) the utility shall retain an independent third
25 party to score the proposals received through the
26 solicitation process described in this paragraph (4),

1 rank them according to their cost per lifetime
2 kilowatt-hours saved, and assemble the portfolio of
3 third-party programs.

4 The electric utility shall recover all costs
5 associated with Commission-approved, third-party
6 administered programs regardless of the success of those
7 programs.

8 (4.5) Implement cost-effective demand-response
9 measures to reduce peak demand by 0.1% over the prior year
10 for eligible retail customers, as defined in Section
11 16-111.5 of this Act, and for customers that elect hourly
12 service from the utility pursuant to Section 16-107 of
13 this Act, provided those customers have not been declared
14 competitive. This requirement continues until December 31,
15 2026.

16 (5) Include a proposed or revised cost-recovery tariff
17 mechanism, as provided for under subsection (d) of this
18 Section, to fund the proposed energy efficiency and
19 demand-response measures and to ensure the recovery of the
20 prudently and reasonably incurred costs of
21 Commission-approved programs.

22 (6) Provide for an annual independent evaluation of
23 the performance of the cost-effectiveness of the utility's
24 portfolio of measures, as well as a full review of the
25 multi-year plan results of the broader net program impacts
26 and, to the extent practical, for adjustment of the

1 measures on a going-forward basis as a result of the
2 evaluations. The resources dedicated to evaluation shall
3 not exceed 3% of portfolio resources in any given year.

4 (7) For electric utilities that serve more than
5 3,000,000 retail customers in the State:

6 (A) Through December 31, 2025, provide for an
7 adjustment to the return on equity component of the
8 utility's weighted average cost of capital calculated
9 under subsection (d) of this Section:

10 (i) If the independent evaluator determines
11 that the utility achieved a cumulative persisting
12 annual savings that is less than the applicable
13 annual incremental goal, then the return on equity
14 component shall be reduced by a maximum of 200
15 basis points in the event that the utility
16 achieved no more than 75% of such goal. If the
17 utility achieved more than 75% of the applicable
18 annual incremental goal but less than 100% of such
19 goal, then the return on equity component shall be
20 reduced by 8 basis points for each percent by
21 which the utility failed to achieve the goal.

22 (ii) If the independent evaluator determines
23 that the utility achieved a cumulative persisting
24 annual savings that is more than the applicable
25 annual incremental goal, then the return on equity
26 component shall be increased by a maximum of 200

1 basis points in the event that the utility
2 achieved at least 125% of such goal. If the
3 utility achieved more than 100% of the applicable
4 annual incremental goal but less than 125% of such
5 goal, then the return on equity component shall be
6 increased by 8 basis points for each percent by
7 which the utility achieved above the goal. If the
8 applicable annual incremental goal was reduced
9 under paragraphs (1) or (2) of subsection (f) of
10 this Section, then the following adjustments shall
11 be made to the calculations described in this item
12 (ii):

13 (aa) the calculation for determining
14 achievement that is at least 125% of the
15 applicable annual incremental goal shall use
16 the unreduced applicable annual incremental
17 goal to set the value; and

18 (bb) the calculation for determining
19 achievement that is less than 125% but more
20 than 100% of the applicable annual incremental
21 goal shall use the reduced applicable annual
22 incremental goal to set the value for 100%
23 achievement of the goal and shall use the
24 unreduced goal to set the value for 125%
25 achievement. The 8 basis point value shall
26 also be modified, as necessary, so that the

1 200 basis points are evenly apportioned among
2 each percentage point value between 100% and
3 125% achievement.

4 (B) For the period January 1, 2026 through
5 December 31, 2029 and in all subsequent 4-year periods
6 ~~2030~~, provide for an adjustment to the return on
7 equity component of the utility's weighted average
8 cost of capital calculated under subsection (d) of
9 this Section:

10 (i) If the independent evaluator determines
11 that the utility achieved a cumulative persisting
12 annual savings that is less than the applicable
13 annual incremental goal, then the return on equity
14 component shall be reduced by a maximum of 200
15 basis points in the event that the utility
16 achieved no more than 66% of such goal. If the
17 utility achieved more than 66% of the applicable
18 annual incremental goal but less than 100% of such
19 goal, then the return on equity component shall be
20 reduced by 6 basis points for each percent by
21 which the utility failed to achieve the goal.

22 (ii) If the independent evaluator determines
23 that the utility achieved a cumulative persisting
24 annual savings that is more than the applicable
25 annual incremental goal, then the return on equity
26 component shall be increased by a maximum of 200

1 basis points in the event that the utility
2 achieved at least 134% of such goal. If the
3 utility achieved more than 100% of the applicable
4 annual incremental goal but less than 134% of such
5 goal, then the return on equity component shall be
6 increased by 6 basis points for each percent by
7 which the utility achieved above the goal. If the
8 applicable annual incremental goal was reduced
9 under paragraph (3) of subsection (f) of this
10 Section, then the following adjustments shall be
11 made to the calculations described in this item
12 (ii):

13 (aa) the calculation for determining
14 achievement that is at least 134% of the
15 applicable annual incremental goal shall use
16 the unreduced applicable annual incremental
17 goal to set the value; and

18 (bb) the calculation for determining
19 achievement that is less than 134% but more
20 than 100% of the applicable annual incremental
21 goal shall use the reduced applicable annual
22 incremental goal to set the value for 100%
23 achievement of the goal and shall use the
24 unreduced goal to set the value for 134%
25 achievement. The 6 basis point value shall
26 also be modified, as necessary, so that the

1 200 basis points are evenly apportioned among
2 each percentage point value between 100% and
3 134% achievement.

4 (C) Notwithstanding the provisions of
5 subparagraphs (A) and (B) of this paragraph (7), if
6 the applicable annual incremental goal for an electric
7 utility is ever less than 0.6% of deemed average
8 weather normalized sales of electric power and energy
9 during calendar years 2014, 2015, and 2016, an
10 adjustment to the return on equity component of the
11 utility's weighted average cost of capital calculated
12 under subsection (d) of this Section shall be made as
13 follows:

14 (i) If the independent evaluator determines
15 that the utility achieved a cumulative persisting
16 annual savings that is less than would have been
17 achieved had the applicable annual incremental
18 goal been achieved, then the return on equity
19 component shall be reduced by a maximum of 200
20 basis points if the utility achieved no more than
21 75% of its applicable annual total savings
22 requirement as defined in paragraph (7.5) of this
23 subsection. If the utility achieved more than 75%
24 of the applicable annual total savings requirement
25 but less than 100% of such goal, then the return on
26 equity component shall be reduced by 8 basis

1 points for each percent by which the utility
2 failed to achieve the goal.

3 (ii) If the independent evaluator determines
4 that the utility achieved a cumulative persisting
5 annual savings that is more than would have been
6 achieved had the applicable annual incremental
7 goal been achieved, then the return on equity
8 component shall be increased by a maximum of 200
9 basis points if the utility achieved at least 125%
10 of its applicable annual total savings
11 requirement. If the utility achieved more than
12 100% of the applicable annual total savings
13 requirement but less than 125% of such goal, then
14 the return on equity component shall be increased
15 by 8 basis points for each percent by which the
16 utility achieved above the applicable annual total
17 savings requirement. If the applicable annual
18 incremental goal was reduced under paragraph (1)
19 or (2) of subsection (f) of this Section, then the
20 following adjustments shall be made to the
21 calculations described in this item (ii):

22 (aa) the calculation for determining
23 achievement that is at least 125% of the
24 applicable annual total savings requirement
25 shall use the unreduced applicable annual
26 incremental goal to set the value; and

1 (bb) the calculation for determining
2 achievement that is less than 125% but more
3 than 100% of the applicable annual total
4 savings requirement shall use the reduced
5 applicable annual incremental goal to set the
6 value for 100% achievement of the goal and
7 shall use the unreduced goal to set the value
8 for 125% achievement. The 8 basis point value
9 shall also be modified, as necessary, so that
10 the 200 basis points are evenly apportioned
11 among each percentage point value between 100%
12 and 125% achievement.

13 (7.5) For purposes of this Section, the term
14 "applicable annual incremental goal" means the difference
15 between the cumulative persisting annual savings goal for
16 the calendar year that is the subject of the independent
17 evaluator's determination and the cumulative persisting
18 annual savings goal for the immediately preceding calendar
19 year, as such goals are defined in subsections (b-5) and
20 (b-15) of this Section and as these goals may have been
21 modified as provided for under subsection (b-20) and
22 paragraphs (1) through (3) of subsection (f) of this
23 Section. Under subsections (b), (b-5), (b-10), and (b-15)
24 of this Section, a utility must first replace energy
25 savings from measures that have expired ~~reached the end of~~
26 ~~their measure lives and would otherwise have to be~~

1 ~~replaced to meet the applicable savings goals identified~~
2 ~~in subsection (b-5) or (b-15) of this Section~~ before any
3 progress towards achievement of its applicable annual
4 incremental goal may be counted. Savings may expire
5 because measures installed in previous years have reached
6 the end of their lives, because measures installed in
7 previous years are producing lower savings in the current
8 year than in the previous year, or for other reasons
9 identified by independent evaluators. Notwithstanding
10 anything else set forth in this Section, the difference
11 between the actual annual incremental savings achieved in
12 any given year, including the replacement of energy
13 savings ~~from measures~~ that have expired, and the
14 applicable annual incremental goal shall not affect
15 adjustments to the return on equity for subsequent
16 calendar years under this subsection (g).

17 In this Section, "applicable annual total savings
18 requirement" means the total amount of new annual savings
19 that the utility must achieve in any given year to achieve
20 the applicable annual incremental goal. This is equal to
21 the applicable annual incremental goal plus the total new
22 annual savings that are required to replace savings that
23 expired in or at the end of the previous year.

24 (8) For electric utilities that serve less than
25 3,000,000 retail customers but more than 500,000 retail
26 customers in the State:

1 (A) Through December 31, 2025, the applicable
2 annual incremental goal shall be compared to the
3 annual incremental savings as determined by the
4 independent evaluator.

5 (i) The return on equity component shall be
6 reduced by 8 basis points for each percent by
7 which the utility did not achieve 84.4% of the
8 applicable annual incremental goal.

9 (ii) The return on equity component shall be
10 increased by 8 basis points for each percent by
11 which the utility exceeded 100% of the applicable
12 annual incremental goal.

13 (iii) The return on equity component shall not
14 be increased or decreased if the annual
15 incremental savings as determined by the
16 independent evaluator is greater than 84.4% of the
17 applicable annual incremental goal and less than
18 100% of the applicable annual incremental goal.

19 (iv) The return on equity component shall not
20 be increased or decreased by an amount greater
21 than 200 basis points pursuant to this
22 subparagraph (A).

23 (B) For the period of January 1, 2026 through
24 December 31, 2029 and in all subsequent 4-year periods
25 ~~2030~~, the applicable annual incremental goal shall be
26 compared to the annual incremental savings as

1 determined by the independent evaluator.

2 (i) The return on equity component shall be
3 reduced by 6 basis points for each percent by
4 which the utility did not achieve 100% of the
5 applicable annual incremental goal.

6 (ii) The return on equity component shall be
7 increased by 6 basis points for each percent by
8 which the utility exceeded 100% of the applicable
9 annual incremental goal.

10 (iii) The return on equity component shall not
11 be increased or decreased by an amount greater
12 than 200 basis points pursuant to this
13 subparagraph (B).

14 (C) Notwithstanding provisions in subparagraphs
15 (A) and (B) of paragraph (7) of this subsection, if the
16 applicable annual incremental goal for an electric
17 utility is ever less than 0.6% of deemed average
18 weather normalized sales of electric power and energy
19 during calendar years 2014, 2015 and 2016, an
20 adjustment to the return on equity component of the
21 utility's weighted average cost of capital calculated
22 under subsection (d) of this Section shall be made as
23 follows:

24 (i) The return on equity component shall be
25 reduced by 8 basis points for each percent by
26 which the utility did not achieve 100% of the

1 applicable annual total savings requirement.

2 (ii) The return on equity component shall be
3 increased by 8 basis points for each percent by
4 which the utility exceeded 100% of the applicable
5 annual total savings requirement.

6 (iii) The return on equity component shall not
7 be increased or decreased by an amount greater
8 than 200 basis points pursuant to this
9 subparagraph (C).

10 (D) ~~(C)~~ If the applicable annual incremental goal
11 was reduced under ~~paragraph~~ ~~paragraphs~~ (1), (2), ~~or~~
12 (3), ~~or~~ (4) of subsection (f) of this Section, then the
13 following adjustments shall be made to the
14 calculations described in subparagraphs (A), ~~and~~ (B),
15 and (C) of this paragraph (8):

16 (i) The calculation for determining
17 achievement that is at least 125% or 134%, as
18 applicable, of the applicable annual incremental
19 goal or the applicable annual total savings
20 requirement, as applicable, shall use the
21 unreduced applicable annual incremental goal to
22 set the value.

23 (ii) For the period through December 31, 2025,
24 the calculation for determining achievement that
25 is less than 125% but more than 100% of the
26 applicable annual incremental goal or the

1 applicable annual total savings requirement, as
2 applicable, shall use the reduced applicable
3 annual incremental goal to set the value for 100%
4 achievement of the goal and shall use the
5 unreduced goal to set the value for 125%
6 achievement. The 8 basis point value shall also be
7 modified, as necessary, so that the 200 basis
8 points are evenly apportioned among each
9 percentage point value between 100% and 125%
10 achievement.

11 (iii) For the period of January 1, 2026
12 through December 31, 2029 and all subsequent
13 4-year periods, the calculation for determining
14 achievement that is less than 125% or 134%, as
15 applicable, but more than 100% of the applicable
16 annual incremental goal or the applicable annual
17 total savings requirement, as applicable, shall
18 use the reduced applicable annual incremental goal
19 to set the value for 100% achievement of the goal
20 and shall use the unreduced goal to set the value
21 for 125% achievement. The 6 basis-point value or 8
22 basis-point value, as applicable, shall also be
23 modified, as necessary, so that the 200 basis
24 points are evenly apportioned among each
25 percentage point value between 100% and 125% or
26 between 100% and 134% achievement, as applicable

~~2030, the calculation for determining achievement that is less than 134% but more than 100% of the applicable annual incremental goal shall use the reduced applicable annual incremental goal to set the value for 100% achievement of the goal and shall use the unreduced goal to set the value for 125% achievement. The 6 basis point value shall also be modified, as necessary, so that the 200 basis points are evenly apportioned among each percentage point value between 100% and 134% achievement.~~

(9) The utility shall submit the energy savings data to the independent evaluator no later than 30 days after the close of the plan year. The independent evaluator shall determine the cumulative persisting annual savings for a given plan year, as well as an estimate of job impacts and other macroeconomic impacts of the efficiency programs for that year, no later than 120 days after the close of the plan year. The utility shall submit an informational filing to the Commission no later than 160 days after the close of the plan year that attaches the independent evaluator's final report identifying the cumulative persisting annual savings for the year and calculates, under paragraph (7) or (8) of this subsection (g), as applicable, any resulting change to the utility's return on equity component of the weighted average cost of

1 capital applicable to the next plan year beginning with
2 the January monthly billing period and extending through
3 the December monthly billing period. However, if the
4 utility recovers the costs incurred under this Section
5 under paragraphs (2) and (3) of subsection (d) of this
6 Section, then the utility shall not be required to submit
7 such informational filing, and shall instead submit the
8 information that would otherwise be included in the
9 informational filing as part of its filing under paragraph
10 (3) of such subsection (d) that is due on or before June 1
11 of each year.

12 For those utilities that must submit the informational
13 filing, the Commission may, on its own motion or by
14 petition, initiate an investigation of such filing,
15 provided, however, that the utility's proposed return on
16 equity calculation shall be deemed the final, approved
17 calculation on December 15 of the year in which it is filed
18 unless the Commission enters an order on or before
19 December 15, after notice and hearing, that modifies such
20 calculation consistent with this Section.

21 The adjustments to the return on equity component
22 described in paragraphs (7) and (8) of this subsection (g)
23 shall be applied as described in such paragraphs through a
24 separate tariff mechanism, which shall be filed by the
25 utility under subsections (f) and (g) of this Section.

26 (9.5) The utility must demonstrate how it will ensure

1 that program implementation contractors and energy
2 efficiency installation vendors will promote workforce
3 equity and quality jobs.

4 (9.6) Utilities shall collect data necessary to ensure
5 compliance with paragraph (9.5) no less than quarterly and
6 shall communicate progress toward compliance with
7 paragraph (9.5) to program implementation contractors and
8 energy efficiency installation vendors no less than
9 quarterly. Utilities shall work with relevant vendors,
10 providing education, training, and other resources needed
11 to ensure compliance and, where necessary, adjusting or
12 terminating work with vendors that cannot assist with
13 compliance.

14 (10) Utilities required to implement efficiency
15 programs under subsections (b-5) and (b-10) shall report
16 annually to the Illinois Commerce Commission and the
17 General Assembly on how hiring, contracting, job training,
18 and other practices related to its energy efficiency
19 programs enhance the diversity of vendors working on such
20 programs. These reports must include data on vendor and
21 employee diversity, including data on the implementation
22 of paragraphs (9.5) and (9.6). If the utility is not
23 meeting the requirements of paragraphs (9.5) and (9.6),
24 the utility shall submit a plan to adjust their activities
25 so that they meet the requirements of paragraphs (9.5) and
26 (9.6) within the following year.

1 (h) No more than 4% ~~6%~~ of energy efficiency and
2 demand-response program revenue may be allocated for research,
3 development, or pilot deployment of new equipment or measures.
4 Electric utilities shall work with interested stakeholders to
5 formulate a plan for how these funds should be spent,
6 incorporate statewide approaches for these allocations, and
7 file a 4-year plan that demonstrates that collaboration. If a
8 utility files a request for modified annual energy savings
9 goals with the Commission, then a utility shall forgo spending
10 portfolio dollars on research and development proposals.

11 (i) When practicable, electric utilities shall incorporate
12 advanced metering infrastructure data into the planning,
13 implementation, and evaluation of energy efficiency measures
14 and programs, subject to the data privacy and confidentiality
15 protections of applicable law.

16 (j) The independent evaluator shall follow the guidelines
17 and use the savings set forth in Commission-approved energy
18 efficiency policy manuals and technical reference manuals, as
19 each may be updated from time to time. Until such time as
20 measure life values for energy efficiency measures implemented
21 for low-income households under subsection (c) of this Section
22 are incorporated into such Commission-approved manuals, the
23 low-income measures shall have the same measure life values
24 that are established for same measures implemented in
25 households that are not low-income households.

26 (k) Notwithstanding any provision of law to the contrary,

1 an electric utility subject to the requirements of this
2 Section may file a tariff cancelling an automatic adjustment
3 clause tariff in effect under this Section or Section 8-103,
4 which shall take effect no later than one business day after
5 the date such tariff is filed. Thereafter, the utility shall
6 be authorized to defer and recover its expenditures incurred
7 under this Section through a new tariff authorized under
8 subsection (d) of this Section or in the utility's next rate
9 case under Article IX or Section 16-108.5 of this Act, with
10 interest at an annual rate equal to the utility's weighted
11 average cost of capital as approved by the Commission in such
12 case. If the utility elects to file a new tariff under
13 subsection (d) of this Section, the utility may file the
14 tariff within 10 days after June 1, 2017 (the effective date of
15 Public Act 99-906), and the cost inputs to such tariff shall be
16 based on the projected costs to be incurred by the utility
17 during the calendar year in which the new tariff is filed and
18 that were not recovered under the tariff that was cancelled as
19 provided for in this subsection. Such costs shall include
20 those incurred or to be incurred by the utility under its
21 multi-year plan approved under subsections (f) and (g) of this
22 Section, including, but not limited to, projected capital
23 investment costs and projected regulatory asset balances with
24 correspondingly updated depreciation and amortization reserves
25 and expense. The Commission shall, after notice and hearing,
26 approve, or approve with modification, such tariff and cost

1 inputs no later than 75 days after the utility filed the
2 tariff, provided that such approval, or approval with
3 modification, shall be consistent with the provisions of this
4 Section to the extent they do not conflict with this
5 subsection (k). The tariff approved by the Commission shall
6 take effect no later than 5 days after the Commission enters
7 its order approving the tariff.

8 No later than 60 days after the effective date of the
9 tariff cancelling the utility's automatic adjustment clause
10 tariff, the utility shall file a reconciliation that
11 reconciles the moneys collected under its automatic adjustment
12 clause tariff with the costs incurred during the period
13 beginning June 1, 2016 and ending on the date that the electric
14 utility's automatic adjustment clause tariff was cancelled. In
15 the event the reconciliation reflects an under-collection, the
16 utility shall recover the costs as specified in this
17 subsection (k). If the reconciliation reflects an
18 over-collection, the utility shall apply the amount of such
19 over-collection as a one-time credit to retail customers'
20 bills.

21 (1) For the calendar years covered by a multi-year plan
22 commencing after December 31, 2017, subsections (a) through
23 (j) of this Section do not apply to eligible large private
24 energy customers that have chosen to opt out of multi-year
25 plans consistent with this subsection (1).

26 (1) For purposes of this subsection (1), "eligible

1 large private energy customer" means any retail customers,
2 except for federal, State, municipal, and other public
3 customers, of an electric utility that serves more than
4 3,000,000 retail customers, except for federal, State,
5 municipal and other public customers, in the State and
6 whose total highest 30 minute demand was more than 10,000
7 kilowatts, or any retail customers of an electric utility
8 that serves less than 3,000,000 retail customers but more
9 than 500,000 retail customers in the State and whose total
10 highest 15 minute demand was more than 10,000 kilowatts.
11 For purposes of this subsection (1), "retail customer" has
12 the meaning set forth in Section 16-102 of this Act.
13 However, for a business entity with multiple sites located
14 in the State, where at least one of those sites qualifies
15 as an eligible large private energy customer, then any of
16 that business entity's sites, properly identified on a
17 form for notice, shall be considered eligible large
18 private energy customers for the purposes of this
19 subsection (1). A determination of whether this subsection
20 is applicable to a customer shall be made for each
21 multi-year plan beginning after December 31, 2017. The
22 criteria for determining whether this subsection (1) is
23 applicable to a retail customer shall be based on the 12
24 consecutive billing periods prior to the start of the
25 first year of each such multi-year plan.

26 (2) Within 45 days after the effective date of this

1 amendatory Act of the 102nd General Assembly, the
2 Commission shall prescribe the form for notice required
3 for opting out of energy efficiency programs. The notice
4 must be submitted to the retail electric utility 12 months
5 before the next energy efficiency planning cycle. However,
6 within 120 days after the Commission's initial issuance of
7 the form for notice, eligible large private energy
8 customers may submit a form for notice to an electric
9 utility. The form for notice for opting out of energy
10 efficiency programs shall include all of the following:

11 (A) a statement indicating that the customer has
12 elected to opt out;

13 (B) the account numbers for the customer accounts
14 to which the opt out shall apply;

15 (C) the mailing address associated with the
16 customer accounts identified under subparagraph (B);

17 (D) an American Society of Heating, Refrigerating,
18 and Air-Conditioning Engineers (ASHRAE) level 2 or
19 higher audit report conducted by an independent
20 third-party expert identifying cost-effective energy
21 efficiency project opportunities that could be
22 invested in over the next 10 years. A retail customer
23 with specialized processes may utilize a self-audit
24 process in lieu of the ASHRAE audit;

25 (E) a description of the customer's plans to
26 reallocate the funds toward internal energy efficiency

1 efforts identified in the subparagraph (D) report,
2 including, but not limited to: (i) strategic energy
3 management or other programs, including descriptions
4 of targeted buildings, equipment and operations; (ii)
5 eligible energy efficiency measures; and (iii)
6 expected energy savings, itemized by technology. If
7 the subparagraph (D) audit report identifies that the
8 customer currently utilizes the best available energy
9 efficient technology, equipment, programs, and
10 operations, the customer may provide a statement that
11 more efficient technology, equipment, programs, and
12 operations are not reasonably available as a means of
13 satisfying this subparagraph (E); and

14 (F) the effective date of the opt out, which will
15 be the next January 1 following notice of the opt out.

16 (3) Upon receipt of a properly and timely noticed
17 request for opt out submitted by an eligible large private
18 energy customer, the retail electric utility shall grant
19 the request, file the request with the Commission and,
20 beginning January 1 of the following year, the opted out
21 customer shall no longer be assessed the costs of the plan
22 and shall be prohibited from participating in that 4-year
23 plan cycle to give the retail utility the certainty to
24 design program plan proposals.

25 (4) Upon a customer's election to opt out under
26 paragraphs (1) and (2) of this subsection (1) and

1 commencing on the effective date of said opt out, the
2 account properly identified in the customer's notice under
3 paragraph (2) shall not be subject to any cost recovery
4 and shall not be eligible to participate in, or directly
5 benefit from, compliance with energy efficiency cumulative
6 persisting savings requirements under subsections (a)
7 through (j).

8 (5) A utility's cumulative persisting annual savings
9 targets will exclude any opted out load.

10 (6) The request to opt out is only valid for the
11 requested plan cycle. An eligible large private energy
12 customer must also request to opt out for future energy
13 plan cycles, otherwise the customer will be included in
14 the future energy plan cycle. ~~For the calendar years~~
15 ~~covered by a multi-year plan commencing after December 31,~~
16 ~~2017, subsections (a) through (j) of this Section do not~~
17 ~~apply to any retail customers of an electric utility that~~
18 ~~serves more than 3,000,000 retail customers in the State~~
19 ~~and whose total highest 30 minute demand was more than~~
20 ~~10,000 kilowatts, or any retail customers of an electric~~
21 ~~utility that serves less than 3,000,000 retail customers~~
22 ~~but more than 500,000 retail customers in the State and~~
23 ~~whose total highest 15 minute demand was more than 10,000~~
24 ~~kilowatts. For purposes of this subsection (1), "retail~~
25 ~~customer" has the meaning set forth in Section 16-102 of~~
26 ~~this Act. A determination of whether this subsection is~~

~~applicable to a customer shall be made for each multi-year plan beginning after December 31, 2017. The criteria for determining whether this subsection (1) is applicable to a retail customer shall be based on the 12 consecutive billing periods prior to the start of the first year of each such multi-year plan.~~

(m) Notwithstanding the requirements of this Section, as part of a proceeding to approve a multi-year plan under subsections (f) and (g) of this Section if the multi-year plan has been designed to maximize savings, but does not meet the cost cap limitations of this Section, the Commission shall reduce the amount of energy efficiency measures implemented for any single year, and whose costs are recovered under subsection (d) of this Section, by an amount necessary to limit the estimated average net increase due to the cost of the measures to no more than

(1) 3.5% for each of the 4 years beginning January 1, 2018,

(2) (blank), ~~3.75% for each of the 4 years beginning January 1, 2022, and~~

(3) 4% for each of the 4 ~~5~~ years beginning January 1, 2022 ~~2026~~,

(4) 4.25% for the 4 years beginning January 1, 2026,
and

(5) 4.25% plus an increase sufficient to account for the rate of inflation between January 1, 2026 and January

1 1 of the first year of each subsequent 4-year plan cycle,
2 of the average amount paid per kilowatthour by residential
3 eligible retail customers during calendar year 2015. An
4 electric utility may plan to spend up to 10% more in any year
5 during an applicable multi-year plan period to
6 cost-effectively achieve additional savings so long as the
7 average over the applicable multi-year plan period does not
8 exceed the percentages defined in items (1) through (5). To
9 determine the total amount that may be spent by an electric
10 utility in any single year, the applicable percentage of the
11 average amount paid per kilowatthour shall be multiplied by
12 the total amount of energy delivered by such electric utility
13 in the calendar year 2015, adjusted to reflect the proportion
14 of the utility's load attributable to customers that have
15 opted out of ~~who are exempt from~~ subsections (a) through (j) of
16 this Section under subsection (l) of this Section. For
17 purposes of this subsection (m), the amount paid per
18 kilowatthour includes, without limitation, estimated amounts
19 paid for supply, transmission, distribution, surcharges, and
20 add-on taxes. For purposes of this Section, "eligible retail
21 customers" shall have the meaning set forth in Section
22 16-111.5 of this Act. Once the Commission has approved a plan
23 under subsections (f) and (g) of this Section, no subsequent
24 rate impact determinations shall be made.

25 (n) A utility shall take advantage of the efficiencies
26 available through existing Illinois Home Weatherization

1 Assistance Program infrastructure and services, such as
2 enrollment, marketing, quality assurance and implementation,
3 which can reduce the need for similar services at a lower cost
4 than utility-only programs, subject to capacity constraints at
5 community action agencies, for both single-family and
6 multifamily weatherization services, to the extent Illinois
7 Home Weatherization Assistance Program community action
8 agencies provide multifamily services. A utility's plan shall
9 demonstrate that in formulating annual weatherization budgets,
10 it has sought input and coordination with community action
11 agencies regarding agencies' capacity to expand and maximize
12 Illinois Home Weatherization Assistance Program delivery using
13 the ratepayer dollars collected under this Section.

14 (Source: P.A. 100-840, eff. 8-13-18; 101-81, eff. 7-12-19.)

15 (220 ILCS 5/8-201.7 new)

16 Sec. 8-201.7. Prohibition on deposits for low-income
17 residential customers or applicants.

18 (a) On and after the effective date of this amendatory Act
19 of the 102nd General Assembly, no electric or gas utility
20 shall, as a condition for standard service, require a
21 low-income residential customer or applicant to provide a
22 deposit as security against potential non-payment for service
23 except when the utility has proof that the customer engaged in
24 tampering of the electric or gas utility equipment during the
25 previous 5 years. Within 60 days after the effective date of

1 this amendatory Act of the 102nd General Assembly, such
2 utility shall refund all deposits collected from low-income
3 customers as security against potential nonpayment for
4 standard service to such residential customers except when the
5 utility has proof that the customer benefited from tampering.
6 Proof that the customer for whom the deposit is being required
7 engaged in tampering shall be the burden of the utility and the
8 utility shall provide the customer the opportunity to contest
9 the finding that the customer engaged in tampering.

10 (b) As used in this Section:

11 "Low-income residential customer or applicant" means: (i)
12 a member of a household at or below 80% of the latest median
13 household income as reported by the United States Census
14 Bureau for the most applicable community or county; (ii) a
15 member of a household at or below 150% of the federal poverty
16 level; (iii) a person who is eligible for the Illinois Low
17 Income Home Energy Assistance Program (LIHEAP) as defined in
18 the Energy Assistance Act; (iv) a person who is eligible to
19 participate in the Percentage of Income Payment Plan (PIPP or
20 PIP Plan) as defined in the Energy Assistance Act; or (v) a
21 person who is eligible to receive Lifeline service as defined
22 in the Universal Service Telephone Service Protection Law of
23 1985.

24 "Tampering" means any unauthorized alteration of electric
25 or gas utility equipment or facilities by which a benefit is
26 achieved for which the utility is not compensated, including

1 customer self-restoration of utility service.

2 (220 ILCS 5/8-201.8 new)

3 Sec. 8-201.8. Prohibition on late payment fees for
4 low-income residential customers or applicants.

5 (a) Notwithstanding any other provision of this Act, as of
6 the effective date of this amendatory Act of the 102nd General
7 Assembly, an electric utility shall not charge a low-income
8 residential customer or applicant a fee, charge, or penalty
9 for late payment of any utility bill or invoice.
10 Notwithstanding any other provision of this Act, as of January
11 1, 2023, a natural gas utility shall not charge a low-income
12 residential customer or applicant a fee, charge, or penalty
13 for late payment of any utility bill or invoice.

14 (b) As used in this Section, "low-income residential
15 customer or applicant" means: (i) a member of a household at or
16 below 80% of the latest median household income as reported by
17 the United States Census Bureau for the most applicable
18 community or county; (ii) a member of a household at or below
19 150% of the federal poverty level; (iii) a person who is
20 eligible for the Illinois Low Income Home Energy Assistance
21 Program (LIHEAP) as defined in the Energy Assistance Act; (iv)
22 a person who is eligible to participate in the Percentage of
23 Income Payment Plan (PIPP or PIP Plan) as defined in the Energy
24 Assistance Act; or (v) a person who is eligible to receive
25 Lifeline service as defined in the Universal Service Telephone

1 Service Protection Law of 1985.

2 (220 ILCS 5/8-201.9 new)

3 Sec. 8-201.9. Prohibition on credit card convenience fees.

4 (a) No electric or natural gas utility shall assess any
5 convenience fee, surcharge, or other fee to any customer who
6 elects to pay for service using a credit card that the electric
7 or natural gas utility would not assess to the customer if the
8 customer paid by other available methods acceptable to the
9 utility. The Commission may consider as an operating expense,
10 for the purpose of determining whether a rate or other charge
11 or classification is sufficient, costs incurred by a utility
12 to process payments described in this Section so long as those
13 costs are determined to be prudent, just, and reasonable.

14 (b) As used in this Section, "credit card" means an
15 instrument or device, whether known as a credit card, bank
16 card, charge card, debit card, automated teller machine card,
17 secured credit card, smart card, electronic purse, prepaid
18 card, affinity card, or by any other name, issued with or
19 without fee by an issuer for the use of the holder to obtain
20 credit, money, goods, services, or anything else of value.

21 (220 ILCS 5/8-201.10 new)

22 Sec. 8-201.10. Disconnection and credit and collections
23 reporting.

24 (a) The Commission shall require all gas, electric, water

1 and sewer public utilities under its authority to submit an
2 annual report by May 1, 2022 and every May 1 thereafter,
3 reporting and making publicly available in executable,
4 electronic spreadsheet format, by zip code, on the number of
5 disconnections for nonpayment and reconnections that occurred
6 in the immediately preceding calendar year, as identified in
7 subsection (b).

8 (b) Each such public utility shall report to the
9 Commission by the 15th day of each month and make publicly
10 available in executable, electronic spreadsheet format the
11 following information, by zip code, for the immediately
12 preceding month:

13 (1) the number of customers, by customer class and
14 type of utility service provided, during each month;

15 (2) the number of customers, by customer class and
16 type of utility service, receiving disconnection notices
17 during each month;

18 (3) the number of customers, by customer class and
19 type of utility service, disconnected for nonpayment
20 during each month;

21 (4) the number of customers, by customer class and
22 type of utility service, reconnected because they have
23 paid in full or set up payment arrangements during each
24 month;

25 (5) the number of new deferred payment agreements, by
26 customer class and type of utility service, each month;

1 (6) the number of customers, by customer class and
2 type of utility service, taking service at the beginning
3 of the month under existing deferred payment arrangements;

4 (7) the number of customers, by customer class and
5 type of utility service, completing deferred payment
6 arrangements during the month;

7 (8) the number of payment agreements, by customer
8 class and type of utility service, that failed during each
9 month;

10 (9) the number of customers, by customer class and
11 type of utility service, renegotiating deferred payment
12 arrangements during the month;

13 (10) the number of customers, by customer class and
14 type of utility service, assessed late payment fees or
15 charges during the month;

16 (11) the number of customers, by customer class and
17 type of utility service, taking service at the beginning
18 of the month under existing medical payment arrangements;

19 (12) the number of customers, by utility service,
20 completing medical payment arrangements during the month;

21 (13) the number of customers, by utility service,
22 enrolling in new medical payment arrangements during the
23 month;

24 (14) the number of customers, by utility service,
25 renegotiating medical payment arrangements plans during
26 the month;

1 (15) the number of customers, by customer class and
2 utility service, with required deposits with the company
3 at the beginning of the month;

4 (16) the number of customers, by customer class and
5 utility service, required to submit new deposits or
6 increased deposits during the month;

7 (17) the number of customers, by customer class and
8 utility service, whose required deposits were reduced in
9 part or forgone during the month;

10 (18) the number of customers, by customer class and
11 utility service, whose deposits were returned in full
12 during the month;

13 (19) the number of customers, by customer class and
14 utility service, with past due amounts greater than 30
15 days past due at the beginning of the month and taking
16 service at the beginning of the month under existing
17 deferred payment arrangements;

18 (20) the dollar volume of past due accounts, by
19 customer class and utility service, for customers with
20 past due amounts greater than 30 days past due at the
21 beginning of the month and taking service at the beginning
22 of the month under existing deferred payment arrangements;

23 (21) the number of customers, by customer class and
24 utility service, with past due amounts greater than 30
25 days past due at the beginning of the month and not taking
26 service at the beginning of the month under existing

1 deferred payment arrangements; and

2 (22) the dollar volume of past due accounts, by
3 customer class and utility service, for customers with
4 past due amounts greater than 30 days past due at the
5 beginning of the month and not taking service at the
6 beginning of the month under existing deferred payment
7 arrangements.

8 (c) The Commission may specify the executable, electronic
9 spreadsheet format that utilities must adhere to when
10 submitting the information required by this Section.
11 Notwithstanding the requirements of this Section, the
12 Commission may establish an online reporting system and
13 require each public utility to report using the online
14 reporting system instead of filing information in executable,
15 electronic spreadsheet format. The Commission shall make each
16 monthly report submitted by each public utility publicly
17 available on its website within 30 days of receipt.

18 (220 ILCS 5/8-218 new)

19 Sec. 8-218. Utility-scale pilot projects.

20 (a) Electric utilities serving greater than 500,000
21 customers but less than 3,000,000 customers may propose, plan
22 for, construct, install, control, own, manage, or operate up
23 to 2 pilot projects consisting of utility-scale photovoltaic
24 energy generation facilities. Energy storage facilities that
25 are planned for, constructed, installed, controlled, owned,

1 managed, or operated may be constructed in connection with the
2 photovoltaic electricity generation pilot projects.

3 (b) Pilot projects shall be sited in equity investment
4 eligible communities in or near the towns of Peoria and East
5 St. Louis and must result in economic benefits for the members
6 of the communities in which the project will be located. The
7 amount paid per pilot project with or without energy storage
8 facilities cannot exceed \$20,000,000. The electric utility's
9 costs of planning for, constructing, installing, controlling,
10 owning, managing, or operating the photovoltaic electricity
11 generation facilities and energy storage facilities may be
12 recovered, on a kilowatt hour basis, via an automatic
13 adjustment clause tariff applicable to all retail customers,
14 with the tariff to be approved by the Commission after
15 opportunity for review, and with an annual reconciliation
16 component; and for purposes of cost recovery, the photovoltaic
17 electricity production facilities may be treated as regulatory
18 assets, using the same ratemaking treatment in paragraph (1)
19 of subsection (h) of Section 16-107.6 of this Act, provided:
20 (1) the Commission shall have the authority to determine the
21 reasonableness of the costs of the facilities, and (2) any
22 monetary value of power and energy from the facilities shall
23 be credited against the delivery services revenue requirement.

24 (c) Any electric utility seeking to propose, plan for,
25 construct, install, control, own, manage, or operate a pilot
26 project pursuant to this Section must commit to using a

1 diverse and equitable workforce and a diverse set of
2 contractors, including minority-owned businesses,
3 disadvantaged businesses, trade unions, graduates of any
4 workforce training programs established by this amendatory Act
5 of the 102nd General Assembly, and small businesses. An
6 electric utility must comply with the equity commitment
7 requirements in subsection (c-10) of Section 1-75 of the
8 Illinois Power Agency Act. The electric utility must certify
9 that not less than the prevailing wage will be paid to
10 employees engaged in construction activities associated with
11 the pilot project. The electric utility must file a project
12 labor agreement, as defined in the Illinois Power Agency Act,
13 with the Commission prior to constructing, installing,
14 controlling, or owning a pilot project authorized by this
15 Section.

16 (220 ILCS 5/8-402.2 new)

17 Sec. 8-402.2. Public Schools Carbon-Free Assessment
18 programs.

19 (a) Within one year after the effective date of this
20 amendatory Act of the 102nd General Assembly, each electric
21 utility serving over 500,000 retail customers in this State
22 shall implement a Public Schools Carbon-Free Assessment
23 program.

24 (b) Each utility's Public Schools Carbon-Free Assessment
25 program shall include the following requirements:

1 (1) Each plan shall be designed to offer within the
2 utility's service territory to assist public schools, as
3 defined by Section 1-3 of the School Code, to increase the
4 efficiency of their energy usage, to reduce the carbon
5 emissions associated with their energy usage, and to move
6 toward a goal of public schools being carbon-free in their
7 energy usage by 2030. The program shall include a target
8 of completing Public Schools Carbon-Free Assessment for
9 all public schools in the utility's service territory by
10 December 31, 2029.

11 (2) The Public Schools Carbon-Free Assessment shall be
12 a generally standardized assessment, but may incorporate
13 flexibility to reflect the circumstances of individual
14 public schools and public school districts.

15 (3) The Public Schools Carbon-Free Assessment shall
16 include, but not be limited to, comprehensive analyses of
17 the following subjects:

18 (A) The top energy efficiency savings
19 opportunities for the public school, by energy saved;

20 (B) The total achievable solar energy potential on
21 or nearby a public school's premises and able to
22 provide power to a school;

23 (C) The infrastructure required to support
24 electrification of the facility's space heating and
25 water heating needs;

26 (D) The infrastructure requirements to support

1 electrification of a school's transportation needs;
2 and

3 (E) The investments required to achieve a WELL
4 Certification or similar certification as determined
5 through methods developed and updated by the
6 International WELL Building Institute or similar or
7 successor organizations.

8 (4) The Public Schools Carbon-Free Assessment also
9 shall include, but not be limited to, mechanical
10 insulation evaluation inspection and inspection of the
11 building envelope(s).

12 (5) With respect to those public school construction
13 projects for public schools within the service territory
14 of a utility serving over 500,000 retail customers in this
15 State and for which a public school district applies for a
16 grant under Section 5-40 of the School Construction Law on
17 or after June 1, 2023, the district must submit a copy of
18 the applicable Public Schools Carbon-Free Assessment
19 report, or, if no such Public Schools Carbon-Free
20 Assessment has been performed, request the applicable
21 utility to perform such a Public Schools Carbon-Free
22 Assessment and submit a copy of the Public Schools
23 Carbon-Free Assessment report promptly when it becomes
24 available. The Public Schools Carbon-Free Assessment
25 report shall include, but not limited to, an energy audit
26 of both the building envelope and the building's

1 mechanical insulation system. It shall also include an
2 inspection of both the building envelope and the
3 mechanical insulation system. The district must
4 demonstrate how the construction project is designed and
5 managed to achieve the goals that all public elementary
6 and secondary school facilities in the State are able to
7 be powered by clean energy by 2030, and for such
8 facilities to achieve carbon-free energy sources for space
9 heat, water heat, and transportation by 2050.

10 (6) The results of each Public Schools Carbon-Free
11 Assessment shall be memorialized by the utility or by a
12 third party acting on behalf of the utility in a usable
13 report form and shall be provided to the applicable public
14 school. Each utility shall be required to retain a copy of
15 each Public Schools Carbon-Free Assessment report and to
16 provide confidential copies of each report to the Illinois
17 Power Agency and the Illinois Capital Development Board
18 within 3 months of its completion.

19 (7) The Public Schools Carbon-Free Assessment shall be
20 conducted in coordination with each utility's energy
21 efficiency and demand-response plans under Sections 8-103,
22 8-103A, and 8-103B of this Act, to the extent applicable.
23 Nothing in this Section is intended to modify or require
24 modification of those plans. However, the utility may
25 request a modification of a plan approved by the
26 Commission, and the Commission may approve the requested

1 modification, if the modification is consistent with the
2 provisions of this Section and Section 8-103B of this Act.

3 (8) If there are no other providers of assessments
4 that are substantively the same as those being performed
5 by utilities pursuant to this Section by 2024, a utility
6 that has a Public Schools Carbon-Free Assessment program
7 may offer assessments to public schools that are not
8 served by a utility subject to this Section at the
9 utility's cost.

10 (9) The Public Schools Carbon-Free Assessment shall be
11 offered to and performed for public schools in the
12 utility's service territory on a complimentary basis by
13 each utility, with no Assessment fee charged to the public
14 schools for the Assessments. Nothing in this Section is
15 intended to prohibit the utility from recovering through
16 rates approved by the Commission the utility's prudent and
17 reasonable costs of complying with this Section.

18 (10) Utilities shall make efforts to prioritize the
19 completion of Public Schools Carbon-Free Assessments for
20 the following school districts by December 31, 2022: East
21 St. Louis School District 189, Harvey School District 152,
22 Thornton Township High School District 205.

23 (220 ILCS 5/8-406) (from Ch. 111 2/3, par. 8-406)
24 Sec. 8-406. Certificate of public convenience and
25 necessity.

1 (a) No public utility not owning any city or village
2 franchise nor engaged in performing any public service or in
3 furnishing any product or commodity within this State as of
4 July 1, 1921 and not possessing a certificate of public
5 convenience and necessity from the Illinois Commerce
6 Commission, the State Public Utilities Commission or the
7 Public Utilities Commission, at the time this amendatory Act
8 of 1985 goes into effect, shall transact any business in this
9 State until it shall have obtained a certificate from the
10 Commission that public convenience and necessity require the
11 transaction of such business.

12 (b) No public utility shall begin the construction of any
13 new plant, equipment, property or facility which is not in
14 substitution of any existing plant, equipment, property or
15 facility or any extension or alteration thereof or in addition
16 thereto, unless and until it shall have obtained from the
17 Commission a certificate that public convenience and necessity
18 require such construction. Whenever after a hearing the
19 Commission determines that any new construction or the
20 transaction of any business by a public utility will promote
21 the public convenience and is necessary thereto, it shall have
22 the power to issue certificates of public convenience and
23 necessity. The Commission shall determine that proposed
24 construction will promote the public convenience and necessity
25 only if the utility demonstrates: (1) that the proposed
26 construction is necessary to provide adequate, reliable, and

1 efficient service to its customers and is the least-cost means
2 of satisfying the service needs of its customers or that the
3 proposed construction will promote the development of an
4 effectively competitive electricity market that operates
5 efficiently, is equitable to all customers, and is the least
6 cost means of satisfying those objectives; (2) that the
7 utility is capable of efficiently managing and supervising the
8 construction process and has taken sufficient action to ensure
9 adequate and efficient construction and supervision thereof;
10 and (3) that the utility is capable of financing the proposed
11 construction without significant adverse financial
12 consequences for the utility or its customers.

13 (b-5) As used in this subsection (b-5):

14 "Qualifying direct current applicant" means an entity that
15 seeks to provide direct current bulk transmission service for
16 the purpose of transporting electric energy in interstate
17 commerce.

18 "Qualifying direct current project" means a high voltage
19 direct current electric service line that crosses at least one
20 Illinois border, the Illinois portion of which is physically
21 located within the region of the Midcontinent Independent
22 System Operator, Inc., or its successor organization, and runs
23 through the counties of Pike, Scott, Greene, Macoupin,
24 Montgomery, Christian, Shelby, Cumberland, and Clark, is
25 capable of transmitting electricity at voltages of 345kv or
26 above, and may also include associated interconnected

1 alternating current interconnection facilities in this State
2 that are part of the proposed project and reasonably necessary
3 to connect the project with other portions of the grid.

4 Notwithstanding any other provision of this Act, a
5 qualifying direct current applicant that does not own,
6 control, operate, or manage, within this State, any plant,
7 equipment, or property used or to be used for the transmission
8 of electricity at the time of its application or of the
9 Commission's order may file an application on or before
10 December 31, 2023 with the Commission pursuant to this Section
11 or Section 8-406.1 for, and the Commission may grant, a
12 certificate of public convenience and necessity to construct,
13 operate, and maintain a qualifying direct current project. The
14 qualifying direct current applicant may also include in the
15 application requests for authority under Section 8-503. The
16 Commission shall grant the application for a certificate of
17 public convenience and necessity and requests for authority
18 under Section 8-503 if it finds that the qualifying direct
19 current applicant and the proposed qualifying direct current
20 project satisfy the requirements of this subsection and
21 otherwise satisfy the criteria of this Section or Section
22 8-406.1 and the criteria of Section 8-503, as applicable to
23 the application and to the extent such criteria are not
24 superseded by the provisions of this subsection. The
25 Commission's order on the application for the certificate of
26 public convenience and necessity shall also include the

1 Commission's findings and determinations on the request or
2 requests for authority pursuant to Section 8-503. Prior to
3 filing its application under either this Section or Section
4 8-406.1, the qualifying direct current applicant shall conduct
5 3 public meetings in accordance with subsection (h) of this
6 Section. If the qualifying direct current applicant
7 demonstrates in its application that the proposed qualifying
8 direct current project is designed to deliver electricity to a
9 point or points on the electric transmission grid in either or
10 both the PJM Interconnection, LLC or the Midcontinent
11 Independent System Operator, Inc., or their respective
12 successor organizations, the proposed qualifying direct
13 current project shall be deemed to be, and the Commission
14 shall find it to be, for public use. If the qualifying direct
15 current applicant further demonstrates in its application that
16 the proposed transmission project has a capacity of 1,000
17 megawatts or larger and a voltage level of 345 kilovolts or
18 greater, the proposed transmission project shall be deemed to
19 satisfy, and the Commission shall find that it satisfies, the
20 criteria stated in item (1) of subsection (b) of this Section
21 or in paragraph (1) of subsection (f) of Section 8-406.1, as
22 applicable to the application, without the taking of
23 additional evidence on these criteria. Prior to the transfer
24 of functional control of any transmission assets to a regional
25 transmission organization, a qualifying direct current
26 applicant shall request Commission approval to join a regional

1 transmission organization in an application filed pursuant to
2 this subsection (b-5) or separately pursuant to Section 7-102
3 of this Act. The Commission may grant permission to a
4 qualifying direct current applicant to join a regional
5 transmission organization if it finds that the membership, and
6 associated transfer of functional control of transmission
7 assets, benefits Illinois customers in light of the attendant
8 costs and is otherwise in the public interest. Nothing in this
9 subsection (b-5) requires a qualifying direct current
10 applicant to join a regional transmission organization.
11 Nothing in this subsection (b-5) requires the owner or
12 operator of a high voltage direct current transmission line
13 that is not a qualifying direct current project to obtain a
14 certificate of public convenience and necessity to the extent
15 it is not otherwise required by this Section 8-406 or any other
16 provision of this Act.

17 (c) After the effective date of this amendatory Act of
18 1987, no construction shall commence on any new nuclear power
19 plant to be located within this State, and no certificate of
20 public convenience and necessity or other authorization shall
21 be issued therefor by the Commission, until the Director of
22 the Illinois Environmental Protection Agency finds that the
23 United States Government, through its authorized agency, has
24 identified and approved a demonstrable technology or means for
25 the disposal of high level nuclear waste, or until such
26 construction has been specifically approved by a statute

1 enacted by the General Assembly.

2 As used in this Section, "high level nuclear waste" means
3 those aqueous wastes resulting from the operation of the first
4 cycle of the solvent extraction system or equivalent and the
5 concentrated wastes of the subsequent extraction cycles or
6 equivalent in a facility for reprocessing irradiated reactor
7 fuel and shall include spent fuel assemblies prior to fuel
8 reprocessing.

9 (d) In making its determination, the Commission shall
10 attach primary weight to the cost or cost savings to the
11 customers of the utility. The Commission may consider any or
12 all factors which will or may affect such cost or cost savings,
13 including the public utility's engineering judgment regarding
14 the materials used for construction.

15 (e) The Commission may issue a temporary certificate which
16 shall remain in force not to exceed one year in cases of
17 emergency, to assure maintenance of adequate service or to
18 serve particular customers, without notice or hearing, pending
19 the determination of an application for a certificate, and may
20 by regulation exempt from the requirements of this Section
21 temporary acts or operations for which the issuance of a
22 certificate will not be required in the public interest.

23 A public utility shall not be required to obtain but may
24 apply for and obtain a certificate of public convenience and
25 necessity pursuant to this Section with respect to any matter
26 as to which it has received the authorization or order of the

1 Commission under the Electric Supplier Act, and any such
2 authorization or order granted a public utility by the
3 Commission under that Act shall as between public utilities be
4 deemed to be, and shall have except as provided in that Act the
5 same force and effect as, a certificate of public convenience
6 and necessity issued pursuant to this Section.

7 No electric cooperative shall be made or shall become a
8 party to or shall be entitled to be heard or to otherwise
9 appear or participate in any proceeding initiated under this
10 Section for authorization of power plant construction and as
11 to matters as to which a remedy is available under The Electric
12 Supplier Act.

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

19 No certificate of public convenience and necessity shall
20 be construed as granting a monopoly or an exclusive privilege,
21 immunity or franchise.

22 (g) A public utility that undertakes any of the actions
23 described in items (1) through (3) of this subsection (g) or
24 that has obtained approval pursuant to Section 8-406.1 of this
25 Act shall not be required to comply with the requirements of
26 this Section to the extent such requirements otherwise would

1 apply. For purposes of this Section and Section 8-406.1 of
2 this Act, "high voltage electric service line" means an
3 electric line having a design voltage of 100,000 or more. For
4 purposes of this subsection (g), a public utility may do any of
5 the following:

6 (1) replace or upgrade any existing high voltage
7 electric service line and related facilities,
8 notwithstanding its length;

9 (2) relocate any existing high voltage electric
10 service line and related facilities, notwithstanding its
11 length, to accommodate construction or expansion of a
12 roadway or other transportation infrastructure; or

13 (3) construct a high voltage electric service line and
14 related facilities that is constructed solely to serve a
15 single customer's premises or to provide a generator
16 interconnection to the public utility's transmission
17 system and that will pass under or over the premises owned
18 by the customer or generator to be served or under or over
19 premises for which the customer or generator has secured
20 the necessary right of way.

21 (h) A public utility seeking to construct a high-voltage
22 electric service line and related facilities (Project) must
23 show that the utility has held a minimum of 2 pre-filing public
24 meetings to receive public comment concerning the Project in
25 each county where the Project is to be located, no earlier than
26 6 months prior to filing an application for a certificate of

1 public convenience and necessity from the Commission. Notice
2 of the public meeting shall be published in a newspaper of
3 general circulation within the affected county once a week for
4 3 consecutive weeks, beginning no earlier than one month prior
5 to the first public meeting. If the Project traverses 2
6 contiguous counties and where in one county the transmission
7 line mileage and number of landowners over whose property the
8 proposed route traverses is one-fifth or less of the
9 transmission line mileage and number of such landowners of the
10 other county, then the utility may combine the 2 pre-filing
11 meetings in the county with the greater transmission line
12 mileage and affected landowners. All other requirements
13 regarding pre-filing meetings shall apply in both counties.
14 Notice of the public meeting, including a description of the
15 Project, must be provided in writing to the clerk of each
16 county where the Project is to be located. A representative of
17 the Commission shall be invited to each pre-filing public
18 meeting.

19 (i) For applications filed after the effective date of
20 this amendatory Act of the 99th General Assembly, the
21 Commission shall by registered mail notify each owner of
22 record of land, as identified in the records of the relevant
23 county tax assessor, included in the right-of-way over which
24 the utility seeks in its application to construct a
25 high-voltage electric line of the time and place scheduled for
26 the initial hearing on the public utility's application. The

1 utility shall reimburse the Commission for the cost of the
2 postage and supplies incurred for mailing the notice.

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

4 (220 ILCS 5/8-512 new)

5 Sec. 8-512. Renewable energy access plan.

6 (a) It is the policy of this State to promote
7 cost-effective transmission system development that ensures
8 reliability of the electric transmission system, lowers carbon
9 emissions, minimizes long-term costs for consumers, and
10 supports the electric policy goals of this State. The General
11 Assembly finds that:

12 (1) Transmission planning, primarily for reliability
13 purposes, but also for economic and public policy reasons
14 is conducted by regional transmission organizations in
15 which transmission-owning Illinois utilities and other
16 stakeholders are members.

17 (2) Order No. 1000 of the Federal Energy Regulatory
18 Commission requires regional transmission organizations to
19 plan for transmission system needs in light of State
20 public policies and to accept input from states during the
21 transmission system planning processes.

22 (3) The State of Illinois does not currently have a
23 comprehensive power and environmental policy planning
24 process to identify transmission infrastructure needs that
25 can serve as a vital input into the regional and

1 interregional transmission organization planning
2 processes conducted under Order No. 1000 and other laws
3 and regulations.

4 (4) This State is an electricity generation and power
5 transmission hub, and can leverage that position to invest
6 in infrastructure that enables new and existing Illinois
7 generators to meet the public policy goals of the State of
8 Illinois and of interconnected states while
9 cost-effectively supporting tens of thousands of jobs in
10 the renewable energy sector in this State.

11 (5) The nation has a need to readily access this
12 State's low-cost, clean electric power, and this State
13 also desires access to clean energy resources in other
14 states to develop and support its low-carbon economy and
15 keep electricity prices low in Illinois and interconnected
16 States.

17 (6) Existing transmission infrastructure may constrain
18 the State's achievement of 100% renewable energy by 2050,
19 the accelerated adoption of electric vehicles in a just
20 and equitable way, and electrification of additional
21 sectors of the Illinois economy.

22 (7) Transmission system congestion within this State
23 and the regional transmission organizations serving this
24 State limits the ability of this State's existing and new
25 electric generation facilities that do not emit carbon
26 dioxide, including renewable energy resources and zero

1 emission facilities, to serve the public policy goals of
2 this State and other states, which constrains investment
3 in this State.

4 (8) Investment in infrastructure to support existing
5 and new electric generation facilities that do not emit
6 carbon dioxide, including renewable energy resources and
7 zero emission facilities, stimulates significant economic
8 development and job growth in this State, as well as
9 creates environmental and public health benefits in this
10 State.

11 (9) Creating a forward-looking plan for this State's
12 electric transmission infrastructure, as opposed to
13 relying on case-by-case development and repeated marginal
14 upgrades, will achieve a lower-cost system for Illinois'
15 electricity customers. A forward-looking plan can also
16 help integrate and achieve a comprehensive set of
17 objectives and multiple state, regional, and national
18 policy goals.

19 (10) Alternatives to overhead electric transmission
20 lines can achieve cost-effective resolution of system
21 impacts and warrant investigation of the circumstances
22 under which those alternatives should be considered and
23 approved. The alternatives are likely to be beneficial as
24 investment in electric transmission infrastructure moves
25 forward.

26 (11) Because transmission planning is conducted

1 primarily by the regional transmission organizations, the
2 Commission should be advocating for the State's interests
3 at the regional transmission organizations to ensure that
4 such planning facilitates the State's policies and goals,
5 including overall consumer savings, power system
6 reliability, economic development, environmental
7 improvement, and carbon reduction.

8 (b) Consistent with the findings identified in subsection
9 (a), the Commission shall open an investigation to develop and
10 adopt a renewable energy access plan no later than December
11 31, 2022. To assist and support the Commission in the
12 development of the plan, the Commission shall retain the
13 services of technical and policy experts with relevant fields
14 of expertise, solicit technical and policy analysis from the
15 public, and provide for a 120-day open public comment period
16 after publication of a draft report, which shall be published
17 no later than 90 days after the comment period ends. The plan
18 shall, at a minimum, do the following:

19 (1) designate renewable energy access plan zones
20 throughout this State in areas in which renewable energy
21 resources and suitable land areas are sufficient for
22 developing generating capacity from renewable energy
23 technologies;

24 (2) develop a plan to achieve transmission capacity
25 necessary to deliver the electric output from renewable
26 energy technologies in the renewable energy access plan

1 zones to customers in Illinois and other states in a
2 manner that is most beneficial and cost-effective to
3 customers;

4 (3) use this State's position as an electricity
5 generation and power transmission hub to create new
6 investment in this State's renewable energy resources;

7 (4) consider programs, policies, and electric
8 transmission projects that can be adopted within this
9 State that promote the cost-effective delivery of power
10 from renewable energy resources interconnected to the bulk
11 electric system to meet the renewable portfolio standard
12 targets under subsection (c) of Section 1-75 of the
13 Illinois Power Agency Act;

14 (5) consider proposals to improve regional
15 transmission organizations' regional and interregional
16 system planning processes, especially proposals that
17 reduce costs and emissions, create jobs, and increase
18 State and regional power system reliability to prevent
19 high-cost outages that can endanger lives, and analyze of
20 how those proposals would improve reliability and
21 cost-effective delivery of electricity in Illinois and the
22 region;

23 (6) make findings and policy recommendations based on
24 technical and policy analysis regarding locations of
25 renewable energy access plan zones and the transmission
26 system developments needed to cost-effectively achieve the

1 public policy goals identified herein; and

2 (7) present the Commission's conclusions and proposed
3 recommendations based on its analysis and use the findings
4 and policy recommendations to determine actions that the
5 Commission should take.

6 (c) No later than December 31, 2025, and every other year
7 thereafter, the Commission shall open an investigation to
8 develop and adopt an updated renewable energy access plan
9 that, at a minimum, evaluates the implementation and
10 effectiveness of the renewable energy access plan, recommends
11 improvements to the renewable energy access plan, and provides
12 changes to transmission capacity necessary to deliver electric
13 output from the renewable energy access plan zones.

14 (220 ILCS 5/9-228 new)

15 Sec. 9-228. Limits on public utility expenses. The
16 Commission shall not consider any of the following as an
17 expense of any public utility company, including any
18 allocation of those costs to the public utility from an
19 affiliate or corporate parent, for the purpose of determining
20 any rate or charge, any amount expended for:

21 (1) the pension or other post-employment benefits for
22 an employee convicted of committing a criminal act in the
23 course of his or her work with the utility;

24 (2) any severance or post-employment costs for an
25 employee convicted of committing a criminal act in the

1 course of his or her work with the utility; or

2 (3) criminal penalties, fines, fees, and costs related
3 to criminal charges, criminal investigations, or deferred
4 prosecution agreements.

5 (220 ILCS 5/9-229)

6 Sec. 9-229. Consideration of attorney and expert
7 compensation as an expense and intervenor compensation fund.

8 (a) The Commission shall specifically assess the justness
9 and reasonableness of any amount expended by a public utility
10 to compensate attorneys or technical experts to prepare and
11 litigate a general rate case filing. This issue shall be
12 expressly addressed in the Commission's final order.

13 (b) The State of Illinois shall create a Consumer
14 Intervenor Compensation Fund subject to the following:

15 (1) Provision of compensation for Consumer Interest
16 Representatives that intervene in Illinois Commerce
17 Commission proceedings will increase public engagement,
18 encourage additional transparency, expand the information
19 available to the Commission, and improve decision-making.

20 (2) As used in this Section, "Consumer interest
21 representative" means:

22 (A) a residential utility customer or group of
23 residential utility customers represented by a
24 not-for-profit group or organization registered with
25 the Illinois Attorney General under the Solicitation

1 of Charity Act;

2 (B) representatives of not-for-profit groups or
3 organizations whose membership is limited to
4 residential utility customers; or

5 (C) representatives of not-for-profit groups or
6 organizations whose membership includes Illinois
7 residents and that address the community, economic,
8 environmental, or social welfare of Illinois
9 residents, except government agencies or intervenors
10 specifically authorized by Illinois law to participate
11 in Commission proceedings on behalf of Illinois
12 consumers.

13 (3) A consumer interest representative is eligible to
14 receive compensation from the consumer intervenor
15 compensation fund if its participation included lay or
16 expert testimony or legal briefing and argument concerning
17 the expenses, investments, rate design, rate impact, or
18 other matters affecting the pricing, rates, costs or other
19 charges associated with utility service, the Commission
20 adopts a material recommendation related to a significant
21 issue in the docket, and participation caused a
22 significant financial hardship to the participant;
23 however, no consumer interest representative shall be
24 eligible to receive an award pursuant to this Section if
25 the consumer interest representative receives any
26 compensation, funding, or donations, directly or

1 indirectly, from parties that have a financial interest in
2 the outcome of the proceeding.

3 (4) Within 30 days after the effective date of this
4 amendatory Act of the 102nd General Assembly, each utility
5 that files a request for an increase in rates under
6 Article IX or Article XVI shall deposit an amount equal to
7 one half of the rate case attorney and expert expense
8 allowed by the Commission, but not to exceed \$500,000,
9 into the fund within 35 days of the date of the
10 Commission's final Order in the rate case or 20 days after
11 the denial of rehearing under Section 10-113 of this Act,
12 whichever is later. The Consumer Intervenor Compensation
13 Fund shall be used to provide payment to consumer interest
14 representatives as described in this Section.

15 (5) An electric public utility with 3,000,000 or more
16 retail customers shall contribute \$450,000 to the Consumer
17 Intervenor Compensation Fund within 60 days after the
18 effective date of this amendatory Act of the 102nd General
19 Assembly. A combined electric and gas public utility
20 serving fewer than 3,000,000 but more than 500,000 retail
21 customers shall contribute \$225,000 to the Consumer
22 Intervenor Compensation Fund within 60 days after the
23 effective date of this amendatory Act of the 102nd General
24 Assembly. A gas public utility with 1,500,000 or more
25 retail customers that is not a combined electric and gas
26 public utility shall contribute \$225,000 to the Consumer

1 Intervenor Compensation Fund within 60 days after the
2 effective date of this amendatory Act of the 102nd General
3 Assembly. A gas public utility with fewer than 1,500,000
4 retail customers but more than 300,000 retail customers
5 that is not a combined electric and gas public utility
6 shall contribute \$80,000 to the Consumer Intervenor
7 Compensation Fund within 60 days after the effective date
8 of this amendatory Act of the 102nd General Assembly. A
9 gas public utility with fewer than 300,000 retail
10 customers that is not a combined electric and gas public
11 utility shall contribute \$20,000 to the Consumer
12 Intervenor Compensation Fund within 60 days after the
13 effective date of this amendatory Act of the 102nd General
14 Assembly. A combined electric and gas public utility
15 serving fewer than 500,000 retail customers shall
16 contribute \$20,000 to the Consumer Intervenor Compensation
17 Fund within 60 days after the effective date of this
18 amendatory Act of the 102nd General Assembly. A water or
19 sewer public utility serving more than 100,000 retail
20 customers shall contribute \$80,000, and a water or sewer
21 public utility serving fewer than 100,000 but more than
22 10,000 retail customers shall contribute \$20,000.

23 (6) (A) Prior to the entry of a Final Order in a
24 docketed case, the Commission Administrator shall provide
25 a payment to a consumer interest representative that
26 demonstrates through a verified application for funding

1 that the consumer interest representative's participation
2 or intervention without an award of fees or costs imposes
3 a significant financial hardship based on a schedule to be
4 developed by the Commission. The Administrator may require
5 verification of costs incurred, including statements of
6 hours spent, as a condition to paying the consumer
7 interest representative prior to the entry of a Final
8 Order in a docketed case.

9 (B) If the Commission adopts a material recommendation
10 related to a significant issue in the docket and
11 participation caused a financial hardship to the
12 participant, then the consumer interest representative
13 shall be allowed payment for some or all of the consumer
14 interest representative's reasonable attorney's or
15 advocate's fees, reasonable expert witness fees, and other
16 reasonable costs of preparation for and participation in a
17 hearing or proceeding. Expenses related to travel or meals
18 shall not be compensable.

19 (C) The consumer interest representative shall submit
20 an itemized request for compensation to the Consumer
21 Intervenor Compensation Fund, including the advocate's or
22 attorney's reasonable fee rate, the number of hours
23 expended, reasonable expert and expert witness fees, and
24 other reasonable costs for the preparation for and
25 participation in the hearing and briefing within 30 days
26 of the Commission's final order after denial or decision

1 on rehearing, if any.

2 (7) Administration of the Fund.

3 (A) The Consumer Intervenor Compensation Fund is
4 created as a special fund in the State treasury. All
5 disbursements from the Consumer Intervenor Compensation
6 Fund shall be made only upon warrants of the Comptroller
7 drawn upon the Treasurer as custodian of the Fund upon
8 vouchers signed by the Executive Director of the
9 Commission or by the person or persons designated by the
10 Director for that purpose. The Comptroller is authorized
11 to draw the warrant upon vouchers so signed. The Treasurer
12 shall accept all warrants so signed and shall be released
13 from liability for all payments made on those warrants.
14 The Consumer Intervenor Compensation Fund shall be
15 administered by an Administrator that is a person or
16 entity that is independent of the Commission. The
17 administrator will be responsible for the prudent
18 management of the Consumer Intervenor Compensation Fund
19 and for recommendations for the award of consumer
20 intervenor compensation from the Consumer Intervenor
21 Compensation Fund. The Commission shall issue a request
22 for qualifications for a third-party program administrator
23 to administer the Consumer Intervenor Compensation Fund.
24 The third-party administrator shall be chosen through a
25 competitive bid process based on selection criteria and
26 requirements developed by the Commission. The Illinois

1 Procurement Code does not apply to the hiring or payment
2 of the Administrator. All Administrator costs may be paid
3 for using monies from the Consumer Intervenor Compensation
4 Fund, but the Program Administrator shall strive to
5 minimize costs in the implementation of the program.

6 (B) The computation of compensation awarded from the
7 fund shall take into consideration the market rates paid
8 to persons of comparable training and experience who offer
9 similar services, but may not exceed the comparable market
10 rate for services paid by the public utility as part of its
11 rate case expense.

12 (C) (1) Recommendations on the award of compensation by
13 the administrator shall include consideration of whether
14 the Commission adopted a material recommendation related
15 to a significant issue in the docket and whether
16 participation caused a financial hardship to the
17 participant and the payment of compensation is fair, just
18 and reasonable.

19 (2) Recommendations on the award of compensation by
20 the administrator shall be submitted to the Commission for
21 approval. Unless the Commission initiates an investigation
22 within 45 days after the notice to the Commission, the
23 award of compensation shall be allowed 45 days after
24 notice to the Commission. Such notice shall be given by
25 filing with the Commission on the Commission's e-docket
26 system, and keeping open for public inspection the award

1 for compensation proposed by the Administrator. The
2 Commission shall have power, and it is hereby given
3 authority, either upon complaint or upon its own
4 initiative without complaint, at once, and if it so
5 orders, without answer or other formal pleadings, but upon
6 reasonable notice, to enter upon a hearing concerning the
7 propriety of the award.

8 (c) The Commission may adopt rules to implement this
9 Section.

10 (Source: P.A. 96-33, eff. 7-10-09.)

11 (220 ILCS 5/9-241) (from Ch. 111 2/3, par. 9-241)

12 Sec. 9-241. No public utility shall, as to rates or other
13 charges, services, facilities or in other respect, make or
14 grant any preference or advantage to any corporation or person
15 or subject any corporation or person to any prejudice or
16 disadvantage. No public utility shall establish or maintain
17 any unreasonable difference as to rates or other charges,
18 services, facilities, or in any other respect, either as
19 between localities or as between classes of service.

20 However, nothing in this Section shall be construed as
21 limiting the authority of the Commission to permit the
22 establishment of economic development rates as incentives to
23 economic development either in enterprise zones as designated
24 by the State of Illinois or in other areas of a utility's
25 service area. Such rates should be available to existing

1 businesses which demonstrate an increase to existing load as
2 well as new businesses which create new load for a utility so
3 as to create a more balanced utilization of generating
4 capacity. The Commission shall ensure that such rates are
5 established at a level which provides a net benefit to
6 customers within a public utility's service area.

7 On or before January 1, 2023, the Commission shall conduct
8 a comprehensive study to assess whether low-income discount
9 rates for electric and natural gas residential customers are
10 appropriate and the potential design and implementation of any
11 such rates. The Commission shall include its findings,
12 together with the appropriate recommendations, in a report to
13 be provided to the General Assembly. Upon completion of the
14 study, the Commission shall have the authority to permit or
15 require electric and natural gas utilities to file a tariff
16 establishing low-income discount rates.

17 Such study shall assess, at a minimum, the following:

18 (1) customer eligibility requirements, including
19 income-based eligibility and eligibility based on
20 participation in or eligibility for certain public
21 assistance programs;

22 (2) appropriate rate structures, including
23 consideration of tiered discounts for different income
24 levels;

25 (3) appropriate recovery mechanisms, including the
26 consideration of volumetric charges and customer charges;

- 1 (4) appropriate verification mechanisms;
2 (5) measures to ensure customer confidentiality and
3 data safeguards;
4 (6) outreach and consumer education procedures; and
5 (7) the impact that a low-income discount rate would
6 have on the affordability of delivery service to
7 low-income customers and customers overall.

8 The Commission shall adopt rules requiring utility
9 companies to produce information, in the form of a mailing,
10 and other approved methods of distribution, to its consumers,
11 to inform the consumers of available rebates, discounts,
12 credits, and other cost-saving mechanisms that can help them
13 lower their monthly utility bills, and send out such
14 information semi-annually, unless otherwise provided by this
15 Article.

16 Prior to October 1, 1989, no public utility providing
17 electrical or gas service shall consider the use of solar or
18 other nonconventional renewable sources of energy by a
19 customer as a basis for establishing higher rates or charges
20 for any service or commodity sold to such customer; nor shall a
21 public utility subject any customer utilizing such energy
22 source or sources to any other prejudice or disadvantage on
23 account of such use. No public utility shall without the
24 consent of the Commission, charge or receive any greater
25 compensation in the aggregate for a lesser commodity, product,
26 or service than for a greater commodity, product or service of

1 like character.

2 The Commission, in order to expedite the determination of
3 rate questions, or to avoid unnecessary and unreasonable
4 expense, or to avoid unjust or unreasonable discrimination
5 between classes of customers, or, whenever in the judgment of
6 the Commission public interest so requires, may, for rate
7 making and accounting purposes, or either of them, consider
8 one or more municipalities either with or without the adjacent
9 or intervening rural territory as a regional unit where the
10 same public utility serves such region under substantially
11 similar conditions, and may within such region prescribe
12 uniform rates for consumers or patrons of the same class.

13 Any public utility, with the consent and approval of the
14 Commission, may as a basis for the determination of the
15 charges made by it classify its service according to the
16 amount used, the time when used, the purpose for which used,
17 and other relevant factors.

18 (Source: P.A. 91-357, eff. 7-29-99.)

19 (220 ILCS 5/16-105.5 new)

20 Sec. 16-105.5. Rate case filing and revenue-neutral rate
21 design.

22 (a) An electric utility that files a general rate case
23 pursuant to Section 9-201 of this Act or a Multi-Year Rate Plan
24 pursuant to Section 16-108.18 of this Act may omit the rate
25 design component of such filing and subsequently separately

1 file this component with the Commission, subject to the
2 requirements of subsections (b) and (c) of this Section.

3 (b) If the electric utility makes the election described
4 in this Section, then the filing shall be consistent with the
5 rate design and cost allocation across customer classes
6 approved in the Commission's most recent order regarding the
7 electric utility's request for a general adjustment to its
8 rates entered under Section 9-201, subsection (e) of Section
9 16-108.5, or Section 16-108.18 of this Act, as applicable.

10 (c) If the electric utility makes the election described
11 in this Section, then the following provisions apply to the
12 separate filing of the revenue-neutral rate design component:

13 (1) No later than one year after the tariffs
14 implementing the general rate case filing or Multi-year
15 Rate Plan filing, as described in subsection (b) of this
16 Section, are placed into effect, the electric utility
17 shall make a filing with the Commission that proposes
18 changes to the tariffs to incorporate the findings of any
19 final rate design orders of the Commission applicable to
20 the electric utility and entered subsequent to the
21 Commission's approval of the tariffs. If no such orders
22 have been entered, then the electric utility must submit
23 its separate revenue-neutral rate design filing no later
24 than 3 years after the date on which the Commission's most
25 recent final rate design order was entered for the
26 electric utility. The electric utility's separate

1 revenue-neutral rate design filing may either propose
2 revenue-neutral tariff changes or refile the existing
3 tariffs without change, which shall present the Commission
4 with an opportunity to suspend the tariffs and consider
5 revenue-neutral tariff changes related to rate design. The
6 Commission shall, after notice and hearing, enter its
7 order approving, or approving with modification, the
8 proposed changes to the tariffs within 240 days after the
9 electric utility's filing. Any changes ordered by the
10 Commission shall become effective at the commencement of
11 the first January monthly billing period that begins no
12 earlier than 30 days after the Commission issues its order
13 adopting such changes.

14 (2) Following Commission approval under paragraph (1)
15 of this subsection (c), the electric utility shall make a
16 filing with the Commission during each subsequent 3-year
17 period that either proposes revenue-neutral tariff changes
18 or refiles the existing tariffs without change, which
19 shall present the Commission with an opportunity to
20 suspend the tariffs and consider revenue-neutral tariff
21 changes related to rate design. The requirements of this
22 paragraph (2) shall terminate at the time that the
23 electric utility files a general rate case or Multi-Year
24 Rate Plan that includes the rate design component.

25 (220 ILCS 5/16-105.6 new)

1 Sec. 16-105.6. Amortization of charges or credits.

2 (a) It is in the public interest to mitigate the customer
3 bill impacts of large expenses incurred by electric utilities
4 by directing that expenses exceeding the applicable threshold
5 specified in this Section be amortized over the prescribed
6 period. Such amortization will levelize customer bill impacts
7 and, in many instances, better align the period of cost
8 recovery with the period over which customers receive the
9 benefit of the expenditure. Accordingly, an electric utility
10 that files a general rate increase under Section 9-201 of this
11 Act or a Multi-Year Rate Plan under Section 16-108.18 of this
12 Act shall amortize, over a 5-year period, each charge or
13 credit that exceeds the applicable amount identified in
14 subsection (b) of this Section and that relates to (1) a
15 workforce reduction program's severance costs; (2) changes in
16 accounting rules; (3) changes in law; (4) compliance with any
17 Commission-initiated audit; and (5) a single storm or weather
18 system, or other similar expense.

19 Any unamortized balance shall be reflected in rate base.

20 In this Section, "changes in law" includes any enactment,
21 repeal, or amendment in a law, ordinance, rule, regulation,
22 interpretation, permit, license, consent, or order, including
23 those relating to taxes, accounting, or environmental matters,
24 or in the interpretation or application thereof by any
25 governmental authority occurring after the effective date of
26 this amendatory Act of the 102nd General Assembly.

1 Nothing in this Section is intended to prohibit the
2 Commission from reviewing the prudence and reasonableness of
3 the costs amortized pursuant to this Section.

4 (b) An electric utility that serves more than 3,000,000
5 customers in the State shall amortize the full amount of each
6 charge or credit described in subsection (a) of this Section
7 that exceeds \$10,000,000 in the applicable calendar year, and
8 an electric utility that serves less than 3,000,000 customers
9 in the State shall amortize the full amount of each such charge
10 or credit that exceeds \$3,700,000 in the applicable calendar
11 year.

12 (220 ILCS 5/16-105.7 new)

13 Sec. 16-105.7. Revenue balancing adjustments.

14 (a) It is in the public interest to decouple electric
15 utility sales and revenues, to mitigate the impact on
16 utilities of energy savings goals, to mitigate a utility's
17 disincentive to promote energy efficiency, and to recognize
18 changes in sales attributable to weather, electric vehicles
19 and other electrification, adoption of distributed energy
20 resources, and other volatile or uncontrollable factors
21 without adversely affecting utility customers.

22 (b) For the purposes of this Section, "reconciliation
23 period" means a period beginning with the January monthly
24 billing period and extending through the December monthly
25 billing period of the same calendar year.

1 (c) As set forth in subsection (d) of this Section, the
2 Commission shall approve a tariff by which distribution
3 revenues shall be compared annually to the revenue requirement
4 or requirements approved by the Commission on which the rates
5 giving rise to those revenues were based to prevent
6 undercollections or overcollections. An electric utility shall
7 submit an annual revenue balancing reconciliation report to
8 the Commission reflecting the difference between the actual
9 delivery service revenue and multi-year rate case revenue
10 requirement for the applicable reconciliation and identifying
11 the charges or credits to be applied thereafter. Such
12 reconciliation and calculation of associated charges or
13 credits shall be conducted on a customer class basis. The
14 annual revenue balancing reconciliation report shall be filed
15 with the Commission no later than March 20 of the year
16 following a reconciliation period. The Commission may initiate
17 a review of the revenue balancing reconciliation report each
18 year to determine if any subsequent adjustment is necessary to
19 align actual delivery service revenue and rate case revenue
20 requirement. If the Commission elects to initiate such review,
21 the Commission shall, after notice and hearing, enter an order
22 approving, or approving as modified, such revenue balancing
23 reconciliation report no later than 120 days after the utility
24 files its report with the Commission. If the Commission does
25 not initiate such a review, the revenue balancing
26 reconciliation report and the identified charges or credits

1 shall be deemed accepted and approved 120 days after the
2 utility files the report and shall not be subject to review in
3 any other proceeding. Any balancing adjustment shall take
4 effect during the following January monthly billing period.

5 (d) Each electric utility shall file a tariff in
6 compliance with the provisions of this Section within 120 days
7 after the effective date of this amendatory Act of the 102nd
8 General Assembly. The Commission shall approve the tariff if
9 it finds that it is consistent with the provisions of the
10 Section. If the Commission does not so find, it shall approve
11 the tariff with modification to conform it to the requirements
12 of this Section or otherwise reject the tariff and explain how
13 the utility can modify the tariff and refile to comply with the
14 requirements of this Section.

15 (220 ILCS 5/16-105.10 new)

16 Sec. 16-105.10. Independent baseline assessment.

17 (a) Prior to the filing of the initial Multi-Year
18 Integrated Grid Plan described in Section 16-105.17 of this
19 Act, the General Assembly finds that an independent audit of
20 the current state of the grid, and of the expenditures made
21 since 2012, will need to be made.

22 Specifically, the General Assembly finds:

23 (1) Pursuant to the Energy Infrastructure
24 Modernization Act and subsequent clarifying legislation,
25 electric utilities in this State that serve over 300,000

1 retail customers have made substantial investments in the
2 grid and advanced metering infrastructure.

3 (2) Before a Multi-Year Integrated Grid Plan is filed
4 under Section 16-105.17, it is necessary to understand the
5 benefits of these investments to the grid and to customers
6 and to evaluate the current condition of the distribution
7 grid.

8 (3) It is also necessary for electric utilities, the
9 Commission, and stakeholders to have an independently
10 verified set of data to establish the baseline for future
11 distribution grid spending.

12 (4) The Commission has authority to order and
13 implement the requirements of this Section under Section
14 8-102 of this Act.

15 (b) Terms used in this Section have the meanings given to
16 those terms in Sections 16-102, 16-107.6, and 16-108 of this
17 Act.

18 (c) Within 30 days after the effective date of this
19 amendatory Act of the 102nd General Assembly, the Commission
20 shall issue an order initiating an audit of each electric
21 utility serving over 300,000 retail customers in the State,
22 which shall examine the following:

23 (1) An assessment of the distribution grid, as
24 described in paragraph (2) of subsection (a) of this
25 Section. The Commission shall have the authority to
26 require additional items which it deems necessary.

1 (2) An analysis of the utility's capital projects
2 placed into service in the preceding 9 years, including,
3 but not limited to, assessing the value of deploying
4 advanced metering infrastructure to modernize and optimize
5 the grid and deliver value to customers.

6 (3) An analysis of the utility's initiatives to
7 optimize the reliability and resiliency of the grid, other
8 than through capital spending.

9 (4) Creation of a data baseline to inform the
10 beginning of the multi-year integrated grid planning
11 process described in Section 16-105.17 of this Act.

12 (5) Identification of any deficiencies in data which
13 may impact the planning process.

14 (d) It is contemplated that the auditor will utilize
15 materials filed with the Commission by the utilities with
16 respect to their expenditures in the preceding 9 years;
17 however, the auditor may also, with Commission approval,
18 assess other information deemed necessary to make its report.

19 (e) The results of the audit described in this Section
20 shall be reflected in a report delivered to the Commission,
21 describing the information specified in this Section. Such
22 report is to be delivered no later than 180 days after the
23 Commission enters its order pursuant to subsection (c) of this
24 Section. It is understood that any public report may not
25 contain items that are confidential or proprietary.

26 (f) The costs of an electric utility's audit described in

1 this Section shall not exceed \$500,000 and shall be paid for by
2 the electric utility that is the subject of the audit. Such
3 costs shall be a recoverable expense.

4 (g) The Commission shall have the authority to retain the
5 services of an auditor to assist with the distribution
6 planning process, as well as in docketed proceedings. Such
7 expenses for these activities shall also be borne by the
8 Commission.

9 (220 ILCS 5/16-105.17 new)

10 Sec. 16-105.17. Multi-Year Integrated Grid Plan.

11 (a) The General Assembly finds that ensuring alignment of
12 regulated utility operations, expenditures, and investments
13 with public benefit goals, including safety, reliability,
14 resiliency, affordability, equity, emissions reductions, and
15 expansion of clean distributed energy resources, is critical
16 to maximizing the benefits of the interconnected utility grid
17 and cost-effective utility expenditures on the grid. It is the
18 policy of the State to promote inclusive, comprehensive,
19 transparent, cost-effective distribution system planning and
20 disclosures processes that minimize long-term costs for
21 Illinois customers and support the achievement of State
22 renewable energy development and other clean energy, public
23 health, and environmental policy goals. Utility distribution
24 system expenditures, programs, investments, and policies must
25 be evaluated in coordination with these goals. In particular,

1 the General Assembly finds that:

2 (1) Investment in infrastructure to support and enable
3 existing and new distributed energy resources creates
4 significant economic development, environmental, and
5 public health benefits in the State.

6 (2) Illinois' electricity distribution system must
7 cost-effectively integrate renewable energy resources,
8 including utility-scale renewable energy resources,
9 community renewable generation, and distributed renewable
10 energy resources, support beneficial electrification,
11 including electric vehicle use and adoption, promote
12 opportunities for third-party investment in
13 nontraditional, grid-related technologies and resources
14 such as batteries, solar photovoltaic panels, and smart
15 thermostats, reduce energy usage generally and especially
16 during times of greatest reliance on fossil fuels, and
17 enhance customer engagement opportunities.

18 (3) Inclusive distribution system planning is an
19 essential tool for the Commission, public utilities, and
20 stakeholders to effectively coordinate environmental,
21 consumer, reliability, and equity goals at fair and
22 reasonable costs, and for ensuring transparent utility
23 accountability for meeting those goals.

24 (4) Any planning process should advance Illinois
25 energy policy goals while ensuring utility investments are
26 cost-effective. Such a process should maximize the sharing

1 of information, minimize overlap with existing filing
2 requirements to ensure robust stakeholder participation,
3 and recognize the responsibility of the utility to manage
4 the grid in a safe, reliable manner.

5 (5) The General Assembly is concerned that, in the
6 absence of a transparent, meaningful distribution system
7 planning process, utility investments may not always serve
8 customers' best interests, appropriately promote the
9 expansion of clean distributed energy resources, and
10 advance equity and environmental justice.

11 (6) The General Assembly is also encouraged by the
12 opportunities presented by nontraditional solutions to
13 utility, customer, and grid needs that may be more
14 efficient and cost-effective, and less environmentally
15 harmful than traditional solutions. Nontraditional
16 solutions include distributed energy resources owned or
17 implemented by customers and independent third parties,
18 controllable load, beneficial electrification, or rate
19 design that encourages efficient energy use.

20 (7) The General Assembly finds that Illinois
21 utilities' current processes for planning their
22 distribution system should be made more accessible and
23 transparent to individuals and communities, and that more
24 inclusive and accessible distribution system planning
25 processes would be in the interests of all Illinois
26 residents.

1 (8) The General Assembly finds it would be beneficial
2 to require utilities to demonstrate how their spending
3 promotes identified State clean energy goals, such as
4 integrating renewable energy, empowering customers to make
5 informed choices, supporting electric vehicles, beneficial
6 electrification, and energy storage, achieving equity
7 goals, enhancing resilience, and maintaining reliability.

8 The General Assembly therefore directs the utilities to
9 implement distribution system planning as described in this
10 Section in order to accelerate progress on Illinois clean
11 energy and environmental goals and hold electric utilities
12 publicly accountable for their performance.

13 (b) Unless otherwise specified, the terms used in this
14 Section shall have the same meanings as defined in Sections
15 16-102 and 16-107.6. As used in this Section:

16 "Demand response" means measures that decrease peak
17 electricity demand or shift demand from peak to off-peak
18 periods.

19 "Distributed energy resources" or "DER" means a wide range
20 of technologies that are connected to the grid, including
21 those that are located on the customer side of the customer's
22 electric meter and can provide value to the distribution
23 system, including, but not limited to, distributed generation,
24 energy storage, electric vehicles, and demand response
25 technologies.

26 "Environmental justice communities" means the definition

1 of that term based on existing methodologies and findings,
2 used and as may be updated by the Illinois Power Agency and its
3 Program Administrator in the Illinois Solar for All Program.

4 (c) This Section applies to electric utilities serving
5 more than 500,000 retail customers in the State.

6 (d) The Multi-Year Integrated Grid Plan ("the Plan") shall
7 be designed to:

8 (1) ensure coordination of the State's renewable
9 energy goals, climate and environmental goals with the
10 utility's distribution system investments, and programs
11 and policies over a 5-year planning horizon to maximize
12 the benefits of each while ensuring utility expenditures
13 are cost-effective;

14 (2) optimize utilization of electricity grid assets
15 and resources to minimize total system costs;

16 (3) support efforts to bring the benefits of grid
17 modernization and clean energy, including, but not limited
18 to, deployment of distributed energy resources, to all
19 retail customers, and support efforts to bring at least
20 40% of the benefits of those benefits to Equity Investment
21 Eligible Communities. Nothing in this paragraph is meant
22 to require a specific amount of spending in a particular
23 geographic area;

24 (4) enable greater customer engagement, empowerment,
25 and options for energy services;

26 (5) reduce grid congestion, minimize the time and

1 expense associated with interconnection, and increase the
2 capacity of the distribution grid to host increasing
3 levels of distributed energy resources, to facilitate
4 availability and development of distributed energy
5 resources, particularly in locations that enhance consumer
6 and environmental benefits;

7 (6) ensure opportunities for robust public
8 participation through open, transparent planning
9 processes.

10 (7) provide for the analysis of the cost-effectiveness
11 of proposed system investments, which takes into account
12 environmental costs and benefits;

13 (8) to the maximum extent practicable, achieve or
14 support the achievement of Illinois environmental goals,
15 including those described in Section 9.10 of the
16 Environmental Protection Act and Section 1-75 of the
17 Illinois Power Agency Act, and emissions reductions
18 required to improve the health, safety, and prosperity of
19 all Illinois residents;

20 (9) support existing Illinois policy goals promoting
21 the long-term growth of energy efficiency, demand
22 response, and investments in renewable energy resources;

23 (10) provide sufficient public information to the
24 Commission, stakeholders, and market participants in order
25 to enable nonemitting customer-owned or third-party
26 distributed energy resources, acting individually or in

1 aggregate, to seamlessly and easily connect to the grid,
2 provide grid benefits, support grid services, and achieve
3 environmental outcomes, without necessarily requiring
4 utility ownership or controlling interest over those
5 resources, and enable those resources to act as
6 alternatives to utility capital investments; and

7 (11) provide delivery services at rates that are
8 affordable to all customers, including low-income
9 customers.

10 (e) Plan Development Stakeholder Process.

11 (1) To promote the transparency of utility
12 distributions system planned investments and the planning
13 process for those investments, the Commission shall
14 convene a workshop process, over a period of no less than 5
15 months, for each such utility for the purpose of
16 establishing an open, inclusive, and cooperative forum
17 regarding such investments. The workshops shall be
18 facilitated by an independent, third-party facilitator
19 selected by the Commission. Data and projections provided
20 through the workshop process shall be designed to provide
21 participants with information about the electric utility's

22 (i) historic distribution system investments for at least
23 the 5 years prior to the year in which the workshop is held
24 and (ii) planned investments for the 5-year period
25 following the year in which the workshop is held. The
26 workshop process shall recognize that estimates for later

1 years will be less reliable and indicative of future
2 conduct than estimates for earlier years and that the
3 electric utility is subject to financial and system
4 planning processes. No later than January 1, 2022, the
5 facilitator shall initiate a series of workshops for each
6 electric utility subject to this Section. The series of
7 workshops shall include no fewer than 6 workshops and
8 shall conclude no later than June 1, 2022.

9 (2) The workshops shall be designed to achieve the
10 following objectives:

11 (A) review utilities' planned capital investments
12 and supporting data;

13 (B) review how utilities plan to invest in their
14 distribution system in order to meet the system's
15 projected needs;

16 (C) review system and locational data on
17 reliability, resiliency, DER, and service quality
18 provided by the utilities;

19 (D) solicit and consider input from diverse
20 stakeholders, including representatives from
21 environmental justice communities, geographically
22 diverse communities, low-income representatives,
23 consumer representatives, environmental
24 representatives, organized labor representatives,
25 third-party technology providers, and utilities;

26 (E) consider proposals from utilities and

1 stakeholders on programs and policies necessary to
2 achieve the objectives in subsection (d) of this
3 Section;

4 (F) consider proposals applicable to each
5 component of the utilities' Multi-Year Integrated Grid
6 Plan filings under paragraph (2) of subsection (f) of
7 this Section;

8 (G) educate and equip interested stakeholders so
9 that they can effectively and efficiently provide
10 feedback and input to the electric utility; and

11 (H) review planned capital investment to ensure
12 that delivery services are provided at rates that are
13 affordable to all customers, including low-income
14 customers.

15 (3) To the extent any of the information in
16 subparagraphs (A) through (H) of paragraph (2) of this
17 subsection is designated as confidential and proprietary
18 under the Commission's rules, the proponent of the
19 designation shall have the burden of making the requisite
20 showing under the Commission's rules. For data that is
21 determined to be confidential or that includes personally
22 identifiable information, the Commission may develop
23 procedures and processes to enable data sharing with
24 parties and stakeholders while ensuring the
25 confidentiality of the information.

26 (4) Workshops should be organized and facilitated in a

1 manner that encourages representation from diverse
2 stakeholders, ensuring equitable opportunities for
3 participation, without requiring formal intervention or
4 representation by an attorney. Workshops should be held
5 during both day and evening hours, in a variety of
6 locations within each electric utility's service
7 territory, and should allow remote participation.

8 (5) It is a goal of the State that this workshop
9 process will provide a forum for interested stakeholders
10 to effectively and efficiently provide feedback and input
11 to the electric utility. It is also a goal of the State
12 that stakeholder participation in this process will
13 prepare stakeholders to more capably participate in
14 Multi-Year Rate Plan proceedings conducted pursuant to
15 Section 16-108.18 of this Act, if they so elect. As part of
16 the workshop process, the electric utility shall submit to
17 the Commission the electric utility's capital investments
18 proposal, and supporting data described in subparagraphs
19 (A) through (C) of paragraph (2) of this subsection (e)
20 before the start of workshops to allow interested
21 stakeholders to reasonably review data before attending
22 workshops. The Commission shall make public the utility
23 capital investments proposal by posting it on the
24 Commission's website and set the location and time of any
25 workshop to be held as part of the workshop process, and
26 establish a data request process, consistent with the

1 Commission's rules, that affords workshop participants
2 opportunities to submit data requests to the utility, and
3 receive responses in accordance with the utility's
4 obligations under the law, prior to the workshop,
5 regarding the information described in this paragraph (5).
6 Upon the written request of a workshop participant, the
7 utility shall also present at a given workshop at least
8 one appropriate company representative who can address the
9 specific written questions or written categories of
10 questions identified in advance by the workshop
11 participant regarding issues related to the utility's
12 Multi-Year Integrated Grid Plan. To facilitate public
13 feedback, the administrator facilitating the workshops
14 shall, throughout the workshop process, develop questions
15 for stakeholder input on topics being considered. This may
16 include, but is not limited to: design of the workshop
17 process, locational data and information provided by
18 utilities, alignment of plans, programs, investments and
19 objectives, and other topics as deemed appropriate by the
20 Commission facilitation staff. Stakeholder feedback shall
21 not be limited to these questions. The information
22 provided as part of the workshop process pursuant to this
23 subsection (e) is intended to be informational and to
24 provide a preliminary view of costs and investments, which
25 may change. Accordingly, the information provided pursuant
26 to this subsection (e) shall not be binding on the utility

1 and shall not be the sole basis for a finding in any
2 Commission proceeding of imprudence, unreasonableness, or
3 lack of use or usefulness of any individual or aggregate
4 level of utility plant or other investment or expenditure
5 addressed; however, information contained in the plan may
6 be used in a proceeding before the Commission, with weight
7 of such evidence to be determined by the Commission.

8 (6) Workshops shall not be considered settlement
9 negotiations, compromise negotiations, or offers to
10 compromise for the purposes of Illinois Rule of Evidence
11 408. All materials shared as a part of the workshop
12 process, and that are not determined to be confidential as
13 described in paragraph (3) of this subsection (e), shall
14 be made publicly available on a website made available by
15 the Commission.

16 (7) On conclusion of the workshops, the Commission
17 shall open a comment period that allows interested and
18 diverse stakeholders to submit comments and
19 recommendations regarding the utility's Multi-Year
20 Integrated Grid Plan filing. Based on the workshop process
21 and stakeholder comments and recommendations offered
22 verbally or in writing during the workshops and in writing
23 during the comment period following the workshops, the
24 independent third-party facilitator shall prepare a
25 report, to be submitted to the Commission no later than
26 July 1, 2022, describing the stakeholders, discussions,

1 proposals, and areas of consensus and disagreement from
2 the workshop process, and making recommendations to the
3 Commission regarding the utility's Multi-Year Integrated
4 Grid Plan. Interested stakeholders shall have an
5 opportunity to provide comment on the independent
6 third-party facilitator report.

7 (8) Based on discussions in the workshops, the
8 independent third-party facilitator report, and
9 stakeholder comments and recommendations made during and
10 following the workshop process, the Commission shall issue
11 initiating orders no later than August 1, 2022, requiring
12 the electric utilities subject to this Section to file the
13 first Multi-Year Integrated Grid Plan no later than
14 January 20, 2023. The initiating orders shall specify the
15 requirements applicable to the utilities' Multi-Year
16 Integrated Grid Plans, which shall supplement and not
17 replace those requirements described in subsection (f) of
18 this Section.

19 (f) Multi-Year Integrated Grid Plan.

20 (1) Pursuant to this subsection (f) and the initiating
21 orders of the Commission, each electric utility subject to
22 this Section shall, no later than January 20, 2023, submit
23 its first Multi-Year Integrated Grid Plan. No later than
24 January 20, 2026, and every 4 years thereafter, the
25 utility shall submit its subsequent Plan. Each Plan shall:

26 (A) incorporate requirements established by the

1 Commission in its initiating order; and

2 (B) propose distribution system investment
3 programs, policies, and plans designed to optimize
4 achievement of the objectives set forth in subsection
5 (d) of this Section and achieve the metrics approved
6 by the Commission pursuant to Section 16-108.18 of
7 this Act.

8 To the extent practicable and reasonable, all
9 programs, policies, and initiatives proposed by the
10 utility in its plan should be informed by stakeholder
11 input received during the workshop process pursuant to
12 subsection (e) of this Section. Where specific stakeholder
13 input has not been incorporated in proposed programs,
14 policies, and plans, the electric utility shall provide an
15 explanation as to why that input was not incorporated.

16 (2) In order to ensure electric utilities' ability to
17 meet the goals and objectives set forth in this Section,
18 the Multi-Year Integrated Grid Plans must include, at
19 minimum, the following information:

20 (A) A description of the utility's distribution
21 system planning process, including:

22 (i) the overview of the process, including
23 frequency and duration of the process, roles, and
24 responsibilities of utility personnel and
25 departments involved;

26 (ii) a summary of the meetings with

1 stakeholders conducted prior to filing of the plan
2 with the Commission.

3 (iii) the description of any coordination of
4 the processes with any other planning process
5 internal or external to the utility, including
6 those required by a regional transmission
7 operator.

8 (B) A detailed description of the current
9 operating conditions for the distribution system
10 separately presented for each of the utility's
11 operating areas, where possible, including a detailed
12 description, with supporting data, of system
13 conditions, including baseline data regarding the
14 utility's distribution system from the utility's
15 annual report to the Commission, total distribution
16 system substation capacity in kVa, total miles of
17 primary overhead distribution wire, and total miles of
18 primary underground distribution cable, distributed
19 energy resource deployment by type, size, customer
20 class, and geographic dispersion as to those DERs that
21 have completed the interconnection process, the most
22 current distribution line loss study, current and
23 expected System Average Interruption Frequency Index
24 and Customer Average Interruption Duration Index data
25 for the system, identification of the system model
26 software currently used and planned software

1 deployments, and other data needs as requested by the
2 Commission or as determined through Commission rules.
3 The description shall also include the utility's most
4 recent system load and peak demand forecast for at
5 least the next 5 years, and up to 10 years if
6 available, a discussion of how the forecast was
7 prepared and how distributed energy resources and
8 energy efficiency were factored into the forecast, and
9 identification of the forecasting software currently
10 used and planned software deployments.

11 (C) Financial Data.

12 (i) For each of the preceding 5 years, the
13 utility's distribution system investments by the
14 investment categories tracked by the utility,
15 including, but not limited to, new business,
16 facility relocation, capacity expansion, system
17 performance, preventive maintenance, corrective
18 maintenance, the total amount of investments
19 associated with the integration of DERs, the total
20 amount of charges to DER developers and retail
21 customers for interconnection of DERs to the
22 distribution system, and a list of each major
23 investment category the utility used to maintain
24 its routine standing operational activities and
25 the associated plant in service amount for each
26 category in which the plant in service amount is

1 at least \$2,000,000;

2 (ii) For each of the preceding 5 years, data
3 on and a discussion of the utility's distribution
4 system operation and maintenance expenses;

5 (iii) A 5-year long-range forecast of
6 distribution system capital investments and
7 operational and maintenance expenses, including a
8 discussion of any projections for expenses for the
9 categories listed in subparagraph (i) of this item

10 (C).

11 (D) System data on DERs on the utility's
12 distribution system, including the total number and
13 nameplate capacity of DERs that completed
14 interconnection in the prior year, current DER
15 deployment by type, size, and geographic dispersion,
16 to the extent that granular geographic information
17 does not disclose personally identifiable information,
18 and other data as requested by the Commission or
19 determined by Commission rules.

20 (E) Hosting Capacity and Interconnection
21 Requirements.

22 (i) The utility shall make available on its
23 website the hosting capacity analysis results that
24 shall include mapping and GIS capability, as well
25 as any other requirements requested by the
26 Commission or determined through Commission rules.

1 The plan shall identify where the hosting capacity
2 analysis results shall be made publicly available.
3 This shall also include an assessment of the
4 impact of utility investments over the next 5
5 years on hosting capacity and a narrative
6 discussion of how the hosting capacity analysis
7 advances customer-sited distributed energy
8 resources, including electric vehicles, energy
9 storage systems, and photovoltaic resources, and
10 how the identification of interconnection points
11 on the distribution system will support the
12 continued development of distributed energy
13 resources.

14 (ii) Discussion of the utility's
15 interconnection requirements and how they comply
16 with the Commission's applicable regulations.

17 (F) Identification and discussion of the scenarios
18 considered in the development of the utility's
19 Multi-Year Integrated Grid Plan, including DER
20 scenarios, and discussion of base-case and alternative
21 scenarios, how the scenarios were developed and
22 selected, and how the scenarios include a reasonable
23 mix of DERs scenarios, types, and geographic
24 dispersion. Scenarios shall at least consider the
25 5-year forecast horizon of the Multi-Year Integrated
26 Grid Plan, but may also consider longer-term scenarios

1 where data is available. The plan shall also include
2 requirements requested by the Commission or determined
3 through Commission rules.

4 (G) An evaluation of the short-term and long-run
5 benefits and costs of distributed energy resources
6 located on the distribution system, including, but not
7 limited to, the locational, temporal, and
8 performance-based benefits and costs of distributed
9 energy resources. The utility shall use the results of
10 this evaluation to inform its analysis of Solution
11 Sourcing Opportunities, including nonwires
12 alternatives, under subparagraph (K) of paragraph (2)
13 subsection (f) of this Section. The Commission may use
14 the data produced through this evaluation to, among
15 other use-cases, inform the Commission's investigation
16 and establishment of tariffs and compensation for
17 distributed energy resources interconnecting to the
18 utility's distribution system, including rebates
19 provided by the electric utility pursuant to Section
20 16-107.6 of this Act.

21 (H) Long-term Distribution System Investment Plan.

22 (i) The utility's planned distribution capital
23 investments for the period covered by the planning
24 process required by this Section, by the
25 investment categories used by the utility, and
26 with discussion of any individual planned projects

1 with a planned total investment gross amount of
2 \$3,000,000 or more and of the alternatives
3 considered by the utility to such individual
4 projects including any non-traditional
5 alternatives and DER alternatives, and supporting
6 data. This shall provide sufficiently detailed
7 explanations of how the planned investments shall
8 support the goals in subsection (d) of this
9 Section.

10 (ii) Discussion of how the utility's capital
11 investments plan is consistent with Commission
12 orders regarding the procurement of renewable
13 resources as discussed in Section 16-111.5 of this
14 Act, energy efficiency plans as discussed in
15 Section 8-103B, distributed generation rebates as
16 discussed in Section 16-107.6, and any other
17 Commission order affecting the goals described in
18 subsection (d) of this Section.

19 (iii) A plan for achieving the applicable
20 metrics that were approved by the Commission for
21 the utility pursuant to subsection (e) of Section
22 16-108.18 of this Act.

23 (iv) A narrative discussion of the utility's
24 vision for the distribution system over the next 5
25 years.

26 (v) Any additional information requested by

1 the Commission or determined through Commission
2 rules.

3 (I) A detailed description of historic
4 distribution system operations and maintenance
5 expenditures for the preceding 5 years and of planned
6 or projected operations and maintenance expenditures
7 for the period covered by the planning process
8 required by this Section, as well as the data,
9 reasoning and explanation supporting planned or
10 projected expenditures. Any additional information
11 requested by the Commission or determined through
12 Commission rules.

13 (J) A detailed plan for achieving the applicable
14 metrics that were approved by the Commission for the
15 utility pursuant to subsection (e) of Section
16 16-108.18 of this Act, including, but not limited to,
17 the following:

18 (i) A description of, exclusive of low-income
19 rate relief programs and other income-qualified
20 programs, how the utility is supporting efforts to
21 bring 40% of benefits from programs, policies, and
22 initiatives proposed in their Multi-Year
23 Integrated Grid Plan to ratepayers in low-income
24 and environmental justice communities. This shall
25 also include any information requested by the
26 Commission or determined through Commission rules.

1 Nothing in this subparagraph is meant to require a
2 specific amount of spending in a particular
3 geographic area.

4 (ii) A detailed analysis of current and
5 projected flexible resources, including resource
6 type, size (in MW and MWh), location and
7 environmental impact, as well as anticipated needs
8 that can be met using flexible resources, to meet
9 the goals described in subsection (d) of this
10 Section, to meet the applicable metrics that were
11 approved by the Commission for the utility
12 pursuant to subsection (e) of Section 16-108.18 of
13 this Act, and any other Commission order affecting
14 the goals described in subsection (d) of this
15 Section.

16 (iii) Any additional information requested by
17 the Commission or determined through Commission
18 rules.

19 (K) Identification of potential cost-effective
20 solutions from nontraditional and third-party owned
21 investments that could meet anticipated grid needs,
22 including, but not limited to, distributed energy
23 resources procurements, tariffs or contracts,
24 programmatic solutions, rate design options,
25 technologies or programs that facilitate load
26 flexibility, nonwires alternatives, and other

1 solutions that are intended to meet the objectives
2 described at subsection (d). It is the policy of this
3 State that cost-effective third-party or
4 customer-owned distributed energy resources create
5 robust competition and customer choice and shall be
6 considered as appropriate. The Commission shall
7 establish rules determining data or methods for
8 Solution Sourcing Opportunities.

9 (L) A detailed description of the utility's
10 interoperability plan, which must describe the manner
11 in which the electric utility's current and planned
12 distribution system investments will work together and
13 exchange information and data, the extent to which the
14 utility is implementing open standards and interfaces
15 with third-party distributed energy resource owners
16 and aggregators, and the utility's plan for
17 interoperability testing and certification.

18 (3) To the extent any information in utilities'
19 Multi-Year Integrated Grid Plans is designated as
20 confidential and proprietary under the Commission's rules,
21 the proponent of the designation shall have the burden of
22 making the requisite showing under the Commission's rules.
23 For data that is determined to be confidential or that
24 includes personally identifiable information, the
25 Commission may develop procedures and processes to enable
26 data sharing with parties and stakeholders while ensuring

1 the confidentiality of the information. All confidential
2 information exchanged, submitted, or shared by a utility
3 pursuant to this Section shall be protected from
4 intentional and accidental dissemination. The Commission
5 shall have authority to supervise, protect, and restrict
6 access to all confidential, commercially sensitive, or
7 system security related information and data, and shall be
8 authorized to take all necessary steps to protect that
9 information from unauthorized disclosure. This paragraph
10 shall not be interpreted to require a utility to make
11 publicly available any information or data that could
12 compromise the physical or cyber security of a utility's
13 distribution system. Any party that accidentally
14 disseminates confidential information obtained pursuant to
15 a proceeding initiated in accordance with this Section, or
16 is the victim of a cyber-security breach, must notify the
17 affected utility, the Illinois Attorney General, and the
18 Commission staff with 24 hours of knowledge of such
19 dissemination or breach. Any party that fails to provide
20 required notification of such a breach shall be subject to
21 remedies available to the Commission and the Illinois
22 Attorney General.

23 (4) It is the policy of this State that holistic
24 consideration of all related investments, planning
25 processes, tariffs, rate design options, programs, and
26 other utility policies and plans shall be required. To

1 that end, the Commission shall consider, comprehensively,
2 the impact of all related plans, tariffs, programs, and
3 policies on the Plan and on each other, including:

4 (A) time-of-use pricing program pursuant to
5 Section 16-107.7 of this Act, hourly pricing program
6 pursuant to Section 16-107 of this Act, and any other
7 time-variant or dynamic pricing program;

8 (B) distributed generation rebate pursuant to
9 Section 16-107.6 of this Act;

10 (C) net electricity metering, pursuant to Section
11 16-107.5 of this Act;

12 (D) energy efficiency programs pursuant to Section
13 8-103B of this Act;

14 (E) beneficial electrification programs pursuant
15 to Section 16-107.8 of this Act;

16 (F) Equitable Energy Upgrade Program pursuant to
17 Section 16-111.10 of this Act;

18 (G) renewable energy programs and procurements set
19 forth in the Illinois Power Agency Act, including, but
20 not limited to, those set forth in the long-term
21 renewable resources procurement plan developed
22 pursuant to Section 1-20 of that Act; and

23 (H) other plans, programs, and policies that are
24 relevant to distribution grid investments, costs,
25 planning, and other categories as requested by the
26 Commission.

1 The Plan shall comprehensively detail the relationship
2 between these plans, tariffs, and programs and to the
3 electric utility's achievement of the objectives in
4 subsection (d). The Plan shall be designed to coordinate
5 each of these plans, programs, and tariffs with the
6 electric utility's long-term distribution system
7 investment planning in order to maximize the benefits of
8 each.

9 (5) The initiating order for the initial Multi-Year
10 Integrated Grid Plan, as well as each electric utility's
11 subsequent Integrated Grid Plans under subsection (g),
12 shall begin a contested proceeding as described in
13 subsection (d) of Section 10-101.1 of this Act.

14 (A) In evaluating a utility's Plan, the Commission
15 shall consider, at minimum, whether the Plan:

16 (1) meets the objectives of this Section;

17 (2) includes the components in paragraph (2)
18 of subsection (f) of this Section;

19 (3) considers and incorporates, where
20 practicable, input from interested stakeholders,
21 including parties and people who offer public
22 comment without legal representation;

23 (4) considers nontraditional, including
24 third-party owned, investment alternatives that
25 can meet grid needs and provide additional
26 benefits (including consumer, economic, and

1 environmental benefits) beyond comparable,
2 traditional utility-planned capital investments;

3 (5) equitably benefits environmental justice
4 communities; and

5 (6) maximizes consumer, environmental,
6 economic, and community benefits over a 10-year
7 horizon.

8 (B) The Commission, after notice and hearing,
9 shall modify each electric utility's Plan as necessary
10 to comply with the objectives of this Section. The
11 Commission may approve, or modify and approve, a Plan
12 only if it finds that the Plan is reasonable, complies
13 with the objectives and requirements of this Section,
14 and reasonably incorporates input from parties. The
15 Commission may reject each electric utility's Plan if
16 it finds that the Plan does not comply with the
17 objectives and requirements of this Section. If the
18 Commission enters an order rejecting a Plan, the
19 utility must refile a Plan within 3 months after that
20 order, and until the Commission approves a Plan, the
21 utility's existing Plan will remain in effect.

22 (C) For the initial Integrated Grid Plan filings,
23 the Commission shall enter an order approving,
24 modifying, or rejecting the Plan no later than
25 December 15, 2023. For subsequent Integrated Grid Plan
26 filings, the Commission shall enter an order

1 approving, modifying, or rejecting the Plan no later
2 than December 15 of the year in which it was filed.

3 (D) Each electric utility shall file its proposed
4 Initial Multi-Year Integrated Grid Plan no later than
5 January 20, 2023. Prior to that date and following the
6 initiating order, the Commission shall initiate a case
7 management conference and shall take any appropriate
8 steps to begin meaningful consideration of issues,
9 including enabling interested parties to begin
10 conducting discovery.

11 (6) As part of its order approving a utility's
12 Multi-Year Integrated Grid Plan, including any
13 modifications required, the Commission may create a
14 subsequent implementation plan docket, or multiple
15 implementation plan dockets, if the Commission determines
16 that multiple dockets would be preferable, to consider a
17 utility's detailed plan or plans, as directed in the
18 Commission's order.

19 (g) No later than January 20, 2026 and every 4 years
20 thereafter, each electric utility subject to this Section
21 shall file a new Multi-Year Integrated Grid Plan for the
22 subsequent 4 delivery years after the completion of the
23 then-effective Plan. Each Plan shall meet the requirements
24 described in subsection (f) of this Section, and shall be
25 preceded by a workshop process which meets the same
26 requirements described in subsection (e). If appropriate, the

1 Commission may require additional implementation dockets to
2 follow Subsequent Multi-Year Integrated Grid Plan filings.

3 (h) During the period leading to approval of the first
4 Multi-Year Integrated Grid Plan, each electric utility will
5 necessarily continue to invest in its distribution grid. Those
6 investments will be subject to a determination of prudence and
7 reasonableness consistent with Commission practice and law.
8 Any failure of such investments to conform to the Multi-Year
9 Integrated Grid Plan ultimately approved shall not imply
10 imprudence or unreasonableness.

11 (i) The Commission shall adopt rules to carry out the
12 provisions of this Section under the emergency rulemaking
13 provisions set forth in Section 5-45 of the Illinois
14 Administrative Procedure Act, and such emergency rules may be
15 effective no later than 90 days after the effective date of
16 this amendatory Act of the 102nd General Assembly.

17 (220 ILCS 5/16-107.5)

18 Sec. 16-107.5. Net electricity metering.

19 (a) The General Assembly ~~Legislature~~ finds and declares
20 that a program to provide net electricity metering, as defined
21 in this Section, for eligible customers can encourage private
22 investment in renewable energy resources, stimulate economic
23 growth, enhance the continued diversification of Illinois'
24 energy resource mix, and protect the Illinois environment.
25 Further, to achieve the goals of this Act that robust options

1 for customer-site distributed generation continue to thrive in
2 Illinois, the General Assembly finds that a predictable
3 transition must be ensured for customers between full net
4 metering at the retail electricity rate to the distribution
5 generation rebate described in Section 16-107.6.

6 (b) As used in this Section, (i) "community renewable
7 generation project" shall have the meaning set forth in
8 Section 1-10 of the Illinois Power Agency Act; (ii) "eligible
9 customer" means a retail customer that owns, hosts, or
10 operates, including any third-party owned systems, a solar,
11 wind, or other eligible renewable electrical generating
12 facility ~~with a rated capacity of not more than 2,000~~
13 ~~kilowatts~~ that is located on the customer's premises or
14 customer's side of the billing meter and is intended primarily
15 to offset the customer's own current or future electrical
16 requirements; (iii) "electricity provider" means an electric
17 utility or alternative retail electric supplier; (iv)
18 "eligible renewable electrical generating facility" means a
19 generator, which may include the co-location of an energy
20 storage system, that is interconnected under rules adopted by
21 the Commission and is powered by solar electric energy, wind,
22 dedicated crops grown for electricity generation, agricultural
23 residues, untreated and unadulterated wood waste, ~~landscape~~
24 ~~trimmings,~~ livestock manure, anaerobic digestion of livestock
25 or food processing waste, fuel cells or microturbines powered
26 by renewable fuels, or hydroelectric energy; (v) "net

1 electricity metering" (or "net metering") means the
2 measurement, during the billing period applicable to an
3 eligible customer, of the net amount of electricity supplied
4 by an electricity provider to the customer ~~customer's premises~~
5 or provided to the electricity provider by the customer or
6 subscriber; (vi) "subscriber" shall have the meaning as set
7 forth in Section 1-10 of the Illinois Power Agency Act; ~~and~~
8 (vii) "subscription" shall have the meaning set forth in
9 Section 1-10 of the Illinois Power Agency Act; (viii) "energy
10 storage system" means commercially available technology that
11 is capable of absorbing energy and storing it for a period of
12 time for use at a later time, including, but not limited to,
13 electrochemical, thermal, and electromechanical technologies,
14 and may be interconnected behind the customer's meter or
15 interconnected behind its own meter; and (ix) "future
16 electrical requirements" means modeled electrical requirements
17 upon occupation of a new or vacant property, and other
18 reasonable expectations of future electrical use, as well as,
19 for occupied properties, a reasonable approximation of the
20 annual load of 2 electric vehicles and, for non-electric
21 heating customers, a reasonable approximation of the
22 incremental electric load associated with fuel switching. The
23 approximations shall be applied to the appropriate net
24 metering tariff and do not need to be unique to each individual
25 eligible customer. The utility shall submit these
26 approximations to the Commission for review, modification, and

1 approval.

2 (c) A net metering facility shall be equipped with
3 metering equipment that can measure the flow of electricity in
4 both directions at the same rate.

5 (1) For eligible customers whose electric service has
6 not been declared competitive pursuant to Section 16-113
7 of this Act as of July 1, 2011 and whose electric delivery
8 service is provided and measured on a kilowatt-hour basis
9 and electric supply service is not provided based on
10 hourly pricing, this shall typically be accomplished
11 through use of a single, bi-directional meter. If the
12 eligible customer's existing electric revenue meter does
13 not meet this requirement, the electricity provider shall
14 arrange for the local electric utility or a meter service
15 provider to install and maintain a new revenue meter at
16 the electricity provider's expense, which may be the smart
17 meter described by subsection (b) of Section 16-108.5 of
18 this Act.

19 (2) For eligible customers whose electric service has
20 not been declared competitive pursuant to Section 16-113
21 of this Act as of July 1, 2011 and whose electric delivery
22 service is provided and measured on a kilowatt demand
23 basis and electric supply service is not provided based on
24 hourly pricing, this shall typically be accomplished
25 through use of a dual channel meter capable of measuring
26 the flow of electricity both into and out of the

1 customer's facility at the same rate and ratio. If such
2 customer's existing electric revenue meter does not meet
3 this requirement, then the electricity provider shall
4 arrange for the local electric utility or a meter service
5 provider to install and maintain a new revenue meter at
6 the electricity provider's expense, which may be the smart
7 meter described by subsection (b) of Section 16-108.5 of
8 this Act.

9 (3) For all other eligible customers, until such time
10 as the local electric utility installs a smart meter, as
11 described by subsection (b) of Section 16-108.5 of this
12 Act, the electricity provider may arrange for the local
13 electric utility or a meter service provider to install
14 and maintain metering equipment capable of measuring the
15 flow of electricity both into and out of the customer's
16 facility at the same rate and ratio, typically through the
17 use of a dual channel meter. If the eligible customer's
18 existing electric revenue meter does not meet this
19 requirement, then the costs of installing such equipment
20 shall be paid for by the customer.

21 (d) An electricity provider shall measure and charge or
22 credit for the net electricity supplied to eligible customers
23 or provided by eligible customers whose electric service has
24 not been declared competitive pursuant to Section 16-113 of
25 this Act as of July 1, 2011 and whose electric delivery service
26 is provided and measured on a kilowatt-hour basis and electric

1 supply service is not provided based on hourly pricing in the
2 following manner:

3 (1) If the amount of electricity used by the customer
4 during the billing period exceeds the amount of
5 electricity produced by the customer, the electricity
6 provider shall charge the customer for the net electricity
7 supplied to and used by the customer as provided in
8 subsection (e-5) of this Section.

9 (2) If the amount of electricity produced by a
10 customer during the billing period exceeds the amount of
11 electricity used by the customer during that billing
12 period, the electricity provider supplying that customer
13 shall apply a 1:1 kilowatt-hour credit to a subsequent
14 bill for service to the customer for the net electricity
15 supplied to the electricity provider. The electricity
16 provider shall continue to carry over any excess
17 kilowatt-hour credits earned and apply those credits to
18 subsequent billing periods to offset any
19 customer-generator consumption in those billing periods
20 until all credits are used or until the end of the
21 annualized period.

22 (3) At the end of the year or annualized over the
23 period that service is supplied by means of net metering,
24 or in the event that the retail customer terminates
25 service with the electricity provider prior to the end of
26 the year or the annualized period, any remaining credits

1 in the customer's account shall expire.

2 (d-5) An electricity provider shall measure and charge or
3 credit for the net electricity supplied to eligible customers
4 or provided by eligible customers whose electric service has
5 not been declared competitive pursuant to Section 16-113 of
6 this Act as of July 1, 2011 and whose electric delivery service
7 is provided and measured on a kilowatt-hour basis and electric
8 supply service is provided based on hourly pricing or
9 time-of-use rates in the following manner:

10 (1) If the amount of electricity used by the customer
11 during any hourly period or time-of-use period exceeds the
12 amount of electricity produced by the customer, the
13 electricity provider shall charge the customer for the net
14 electricity supplied to and used by the customer according
15 to the terms of the contract or tariff to which the same
16 customer would be assigned to or be eligible for if the
17 customer was not a net metering customer.

18 (2) If the amount of electricity produced by a
19 customer during any hourly period or time-of-use period
20 exceeds the amount of electricity used by the customer
21 during that hourly period or time-of-use period, the
22 energy provider shall apply a credit for the net
23 kilowatt-hours produced in such period. The credit shall
24 consist of an energy credit and a delivery service credit.
25 The energy credit shall be valued at the same price per
26 kilowatt-hour as the electric service provider would

1 charge for kilowatt-hour energy sales during that same
2 hourly period or time-of-use period. The delivery credit
3 shall be equal to the net kilowatt-hours produced in such
4 hourly period or time-of-use period times a credit that
5 reflects all kilowatt-hour based charges in the customer's
6 electric service rate, excluding energy charges.

7 (e) An electricity provider shall measure and charge or
8 credit for the net electricity supplied to eligible customers
9 whose electric service has not been declared competitive
10 pursuant to Section 16-113 of this Act as of July 1, 2011 and
11 whose electric delivery service is provided and measured on a
12 kilowatt demand basis and electric supply service is not
13 provided based on hourly pricing in the following manner:

14 (1) If the amount of electricity used by the customer
15 during the billing period exceeds the amount of
16 electricity produced by the customer, then the electricity
17 provider shall charge the customer for the net electricity
18 supplied to and used by the customer as provided in
19 subsection (e-5) of this Section. The customer shall
20 remain responsible for all taxes, fees, and utility
21 delivery charges that would otherwise be applicable to the
22 net amount of electricity used by the customer.

23 (2) If the amount of electricity produced by a
24 customer during the billing period exceeds the amount of
25 electricity used by the customer during that billing
26 period, then the electricity provider supplying that

1 customer shall apply a 1:1 kilowatt-hour credit that
2 reflects the kilowatt-hour based charges in the customer's
3 electric service rate to a subsequent bill for service to
4 the customer for the net electricity supplied to the
5 electricity provider. The electricity provider shall
6 continue to carry over any excess kilowatt-hour credits
7 earned and apply those credits to subsequent billing
8 periods to offset any customer-generator consumption in
9 those billing periods until all credits are used or until
10 the end of the annualized period.

11 (3) At the end of the year or annualized over the
12 period that service is supplied by means of net metering,
13 or in the event that the retail customer terminates
14 service with the electricity provider prior to the end of
15 the year or the annualized period, any remaining credits
16 in the customer's account shall expire.

17 (e-5) An electricity provider shall provide electric
18 service to eligible customers who utilize net metering at
19 non-discriminatory rates that are identical, with respect to
20 rate structure, retail rate components, and any monthly
21 charges, to the rates that the customer would be charged if not
22 a net metering customer. An electricity provider shall not
23 charge net metering customers any fee or charge or require
24 additional equipment, insurance, or any other requirements not
25 specifically authorized by interconnection standards
26 authorized by the Commission, unless the fee, charge, or other

1 requirement would apply to other similarly situated customers
2 who are not net metering customers. The customer will remain
3 responsible for all taxes, fees, and utility delivery charges
4 that would otherwise be applicable to the net amount of
5 electricity used by the customer. Subsections (c) through (e)
6 of this Section shall not be construed to prevent an
7 arms-length agreement between an electricity provider and an
8 eligible customer that sets forth different prices, terms, and
9 conditions for the provision of net metering service,
10 including, but not limited to, the provision of the
11 appropriate metering equipment for non-residential customers.

12 (f) Notwithstanding the requirements of subsections (c)
13 through (e-5) of this Section, an electricity provider must
14 require dual-channel metering for customers operating eligible
15 renewable electrical generating facilities ~~with a nameplate~~
16 ~~rating up to 2,000 kilowatts and~~ to whom the provisions of
17 neither subsection (d), (d-5), nor (e) of this Section apply.
18 In such cases, electricity charges and credits shall be
19 determined as follows:

20 (1) The electricity provider shall assess and the
21 customer remains responsible for all taxes, fees, and
22 utility delivery charges that would otherwise be
23 applicable to the gross amount of kilowatt-hours supplied
24 to the eligible customer by the electricity provider.

25 (2) Each month that service is supplied by means of
26 dual-channel metering, the electricity provider shall

1 compensate the eligible customer for any excess
2 kilowatt-hour credits at the electricity provider's
3 avoided cost of electricity supply over the monthly period
4 or as otherwise specified by the terms of a power-purchase
5 agreement negotiated between the customer and electricity
6 provider.

7 (3) For all eligible net metering customers taking
8 service from an electricity provider under contracts or
9 tariffs employing hourly or time-of-use ~~time-of-use~~ rates,
10 any monthly consumption of electricity shall be calculated
11 according to the terms of the contract or tariff to which
12 the same customer would be assigned to or be eligible for
13 if the customer was not a net metering customer. When
14 those same customer-generators are net generators during
15 any discrete hourly or time-of-use ~~time-of-use~~ period, the
16 net kilowatt-hours produced shall be valued at the same
17 price per kilowatt-hour as the electric service provider
18 would charge for retail kilowatt-hour sales during that
19 same time-of-use ~~time-of-use~~ period.

20 (g) For purposes of federal and State laws providing
21 renewable energy credits or greenhouse gas credits, the
22 eligible customer shall be treated as owning and having title
23 to the renewable energy attributes, renewable energy credits,
24 and greenhouse gas emission credits related to any electricity
25 produced by the qualified generating unit. The electricity
26 provider may not condition participation in a net metering

1 program on the signing over of a customer's renewable energy
2 credits; provided, however, this subsection (g) shall not be
3 construed to prevent an arms-length agreement between an
4 electricity provider and an eligible customer that sets forth
5 the ownership or title of the credits.

6 (h) Within 120 days after the effective date of this
7 amendatory Act of the 95th General Assembly, the Commission
8 shall establish standards for net metering and, if the
9 Commission has not already acted on its own initiative,
10 standards for the interconnection of eligible renewable
11 generating equipment to the utility system. The
12 interconnection standards shall address any procedural
13 barriers, delays, and administrative costs associated with the
14 interconnection of customer-generation while ensuring the
15 safety and reliability of the units and the electric utility
16 system. The Commission shall consider the Institute of
17 Electrical and Electronics Engineers (IEEE) Standard 1547 and
18 the issues of (i) reasonable and fair fees and costs, (ii)
19 clear timelines for major milestones in the interconnection
20 process, (iii) nondiscriminatory terms of agreement, and (iv)
21 any best practices for interconnection of distributed
22 generation.

23 (h-5) Within 90 days after the effective date of this
24 amendatory Act of the 102nd General Assembly, the Commission
25 shall:

26 (1) establish an Interconnection Working Group. The

1 working group shall include representatives from electric
2 utilities, developers of renewable electric generating
3 facilities, other industries that regularly apply for
4 interconnection with the electric utilities,
5 representatives of distributed generation customers, the
6 Commission Staff, and such other stakeholders with a
7 substantial interest in the topics addressed by the
8 Interconnection Working Group. The Interconnection Working
9 Group shall address at least the following issues:

10 (A) cost and best available technology for
11 interconnection and metering, including the
12 standardization and publication of standard costs;

13 (B) transparency, accuracy and use of the
14 distribution interconnection queue and hosting
15 capacity maps;

16 (C) distribution system upgrade cost avoidance
17 through use of advanced inverter functions;

18 (D) predictability of the queue management process
19 and enforcement of timelines;

20 (E) benefits and challenges associated with group
21 studies and cost sharing;

22 (F) minimum requirements for application to the
23 interconnection process and throughout the
24 interconnection process to avoid queue clogging
25 behavior;

26 (G) process and customer service for

1 interconnecting customers adopting distributed energy
2 resources, including energy storage;

3 (H) options for metering distributed energy
4 resources, including energy storage;

5 (I) interconnection of new technologies, including
6 smart inverters and energy storage;

7 (J) collect, share, and examine data on Level 1
8 interconnection costs, including cost and type of
9 upgrades required for interconnection, and use this
10 data to inform the final standardized cost of Level 1
11 interconnection; and

12 (K) such other technical, policy, and tariff
13 issues related to and affecting interconnection
14 performance and customer service as determined by the
15 Interconnection Working Group.

16 The Commission may create subcommittees of the
17 Interconnection Working Group to focus on specific issues
18 of importance, as appropriate. The Interconnection Working
19 Group shall report to the Commission on recommended
20 improvements to interconnection rules and tariffs and
21 policies as determined by the Interconnection Working
22 Group at least every 6 months. Such reports shall include
23 consensus recommendations of the Interconnection Working
24 Group and, if applicable, additional recommendations for
25 which consensus was not reached. The Commission shall use
26 the report from the Interconnection Working Group to

1 determine whether processes should be commenced to
2 formally codify or implement the recommendations;

3 (2) create or contract for an Ombudsman to resolve
4 interconnection disputes through non-binding arbitration.
5 The Ombudsman may be paid in full or in part through fees
6 levied on the initiators of the dispute; and

7 (3) determine a single standardized cost for Level 1
8 interconnections, which shall not exceed \$200.

9 (i) All electricity providers shall begin to offer net
10 metering no later than April 1, 2008.

11 (j) An electricity provider shall provide net metering to
12 eligible customers according to subsections (d), (d-5), and
13 (e). Eligible renewable electrical generating facilities for
14 which eligible customers registered for net metering before
15 January 1, 2025 shall continue to receive net metering
16 services according to subsections (d), (d-5), and (e) of this
17 Section for the lifetime of the system, regardless of whether
18 those retail customers change electricity providers or whether
19 the retail customer benefiting from the system changes. On and
20 after January 1, 2025, any eligible customer that applies for
21 net metering and previously would have qualified under
22 subsections (d), (d-5), or (e) shall only be eligible for net
23 metering as described in subsection (n). ~~until the load of its~~
24 ~~net metering customers equals 5% of the total peak demand~~
25 ~~supplied by that electricity provider during the previous~~
26 ~~year. After such time as the load of the electricity~~

~~provider's net metering customers equals 5% of the total peak demand supplied by that electricity provider during the previous year, eligible customers that begin taking net metering shall only be eligible for netting of energy.~~

(k) Each electricity provider shall maintain records and report annually to the Commission the total number of net metering customers served by the provider, as well as the type, capacity, and energy sources of the generating systems used by the net metering customers. Nothing in this Section shall limit the ability of an electricity provider to request the redaction of information deemed by the Commission to be confidential business information.

(l)(1) Notwithstanding the definition of "eligible customer" in item (ii) of subsection (b) of this Section, each electricity provider shall allow net metering as set forth in this subsection (l) and for the following projects, provided that only electric utilities serving more than 200,000 customers as of January 1, 2021 shall provide net metering for projects that are eligible for subparagraph (C) of this paragraph (1) and have energized after the effective date of this amendatory Act of the 102nd General Assembly:

(A) properties owned or leased by multiple customers that contribute to the operation of an eligible renewable electrical generating facility through an ownership or leasehold interest of at least 200 watts in such facility, such as a community-owned wind project, a community-owned

1 biomass project, a community-owned solar project, or a
2 community methane digester processing livestock waste from
3 multiple sources, provided that the facility is also
4 located within the utility's service territory;

5 (B) individual units, apartments, or properties
6 located in a single building that are owned or leased by
7 multiple customers and collectively served by a common
8 eligible renewable electrical generating facility, such as
9 an office or apartment building, a shopping center or
10 strip mall served by photovoltaic panels on the roof; and

11 (C) subscriptions to community renewable generation
12 projects, including community renewable generation
13 projects on the customer's side of the billing meter of a
14 host facility and partially used for the customer's own
15 load.

16 In addition, the nameplate capacity of the eligible
17 renewable electric generating facility that serves the demand
18 of the properties, units, or apartments identified in
19 paragraphs (1) and (2) of this subsection (1) shall not exceed
20 5,000 ~~2,000~~ kilowatts in nameplate capacity in total. Any
21 eligible renewable electrical generating facility or community
22 renewable generation project that is powered by photovoltaic
23 electric energy and installed after the effective date of this
24 amendatory Act of the 99th General Assembly must be installed
25 by a qualified person in compliance with the requirements of
26 Section 16-128A of the Public Utilities Act and any rules or

1 regulations adopted thereunder.

2 (2) Notwithstanding anything to the contrary, an
3 electricity provider shall provide credits for the electricity
4 produced by the projects described in paragraph (1) of this
5 subsection (1). The electricity provider shall provide credits
6 that include at least energy supply, capacity, transmission,
7 and, if applicable, the purchased energy adjustment ~~at the~~
8 ~~subscriber's energy supply rate~~ on the subscriber's monthly
9 bill equal to the subscriber's share of the production of
10 electricity from the project, as determined by paragraph (3)
11 of this subsection (1). For customers with transmission or
12 capacity charges not charged on a kilowatt-hour basis, the
13 electricity provider shall prepare a reasonable approximation
14 of the kilowatt-hour equivalent value and provide that value
15 as a monetary credit. The electricity provider shall submit
16 these approximation methodologies to the Commission for
17 review, modification, and approval. Notwithstanding anything
18 to the contrary, customers on payment plans or participating
19 in budget billing programs shall have credits applied on a
20 monthly basis.

21 (3) Notwithstanding anything to the contrary and
22 regardless of whether a subscriber to an eligible community
23 renewable generation project receives power and energy service
24 from the electric utility or an alternative retail electric
25 supplier, for projects eligible under paragraph (C) of
26 subparagraph (1) of this subsection (1), electric utilities

1 servicing more than 200,000 customers as of January 1, 2021
2 shall provide the monetary credits to a subscriber's
3 subsequent bill for the electricity produced by community
4 renewable generation projects. The electric utility shall
5 provide monetary credits to a subscriber's subsequent bill at
6 the utility's total price to compare equal to the subscriber's
7 share of the production of electricity from the project, as
8 determined by paragraph (5) of this subsection (1). For the
9 purposes of this subsection, "total price to compare" means
10 the rate or rates published by the Illinois Commerce
11 Commission for energy supply for eligible customers receiving
12 supply service from the electric utility, and shall include
13 energy, capacity, transmission, and the purchased energy
14 adjustment. Notwithstanding anything to the contrary,
15 customers on payment plans or participating in budget billing
16 programs shall have credits applied on a monthly basis. Any
17 applicable credit or reduction in load obligation from the
18 production of the community renewable generating projects
19 receiving a credit under this subsection shall be credited to
20 the electric utility to offset the cost of providing the
21 credit. To the extent that the credit or load obligation
22 reduction does not completely offset the cost of providing the
23 credit to subscribers of community renewable generation
24 projects as described in this subsection, the electric utility
25 may recover the remaining costs through its Multi-Year Rate
26 Plan. All electric utilities serving 200,000 or fewer

1 customers as of January 1, 2021 shall only provide the
2 monetary credits to a subscriber's subsequent bill for the
3 electricity produced by community renewable generation
4 projects if the subscriber receives power and energy service
5 from the electric utility. Alternative retail electric
6 suppliers providing power and energy service to a subscriber
7 located within the service territory of an electric utility
8 not subject to Sections 16-108.18 and 16-118 shall provide the
9 monetary credits to the subscriber's subsequent bill for the
10 electricity produced by community renewable generation
11 projects.

12 (4) If requested by the owner or operator of a community
13 renewable generating project, an electric utility serving more
14 than 200,000 customers as of January 1, 2021 shall enter into a
15 net crediting agreement with the owner or operator to include
16 a subscriber's subscription fee on the subscriber's monthly
17 electric bill and provide the subscriber with a net credit
18 equivalent to the total bill credit value for that generation
19 period minus the subscription fee, provided the subscription
20 fee is structured as a fixed percentage of bill credit value.
21 The net crediting agreement shall set forth payment terms from
22 the electric utility to the owner or operator of the community
23 renewable generating project, and the electric utility may
24 charge a net crediting fee to the owner or operator of a
25 community renewable generating project that may not exceed 2%
26 of the bill credit value. Notwithstanding anything to the

1 contrary, an electric utility serving 200,000 customers or
2 fewer as of January 1, 2021 shall not be obligated to enter
3 into a net crediting agreement with the owner or operator of a
4 community renewable generating project.

5 (5) ~~(3)~~ For the purposes of facilitating net metering, the
6 owner or operator of the eligible renewable electrical
7 generating facility or community renewable generation project
8 shall be responsible for determining the amount of the credit
9 that each customer or subscriber participating in a project
10 under this subsection (1) is to receive in the following
11 manner:

12 (A) The owner or operator shall, on a monthly basis,
13 provide to the electric utility the kilowatthours of
14 generation attributable to each of the utility's retail
15 customers and subscribers participating in projects under
16 this subsection (1) in accordance with the customer's or
17 subscriber's share of the eligible renewable electric
18 generating facility's or community renewable generation
19 project's output of power and energy for such month. The
20 owner or operator shall electronically transmit such
21 calculations and associated documentation to the electric
22 utility, in a format or method set forth in the applicable
23 tariff, on a monthly basis so that the electric utility
24 can reflect the monetary credits on customers' and
25 subscribers' electric utility bills. The electric utility
26 shall be permitted to revise its tariffs to implement the

1 provisions of this amendatory Act of the 102nd General
2 Assembly ~~this amendatory Act of the 99th General Assembly.~~

3 The owner or operator shall separately provide the
4 electric utility with the documentation detailing the
5 calculations supporting the credit in the manner set forth
6 in the applicable tariff.

7 (B) For those participating customers and subscribers
8 who receive their energy supply from an alternative retail
9 electric supplier, the electric utility shall remit to the
10 applicable alternative retail electric supplier the
11 information provided under subparagraph (A) of this
12 paragraph (3) for such customers and subscribers in a
13 manner set forth in such alternative retail electric
14 supplier's net metering program, or as otherwise agreed
15 between the utility and the alternative retail electric
16 supplier. The alternative retail electric supplier shall
17 then submit to the utility the amount of the charges for
18 power and energy to be applied to such customers and
19 subscribers, including the amount of the credit associated
20 with net metering.

21 (C) A participating customer or subscriber may provide
22 authorization as required by applicable law that directs
23 the electric utility to submit information to the owner or
24 operator of the eligible renewable electrical generating
25 facility or community renewable generation project to
26 which the customer or subscriber has an ownership or

1 leasehold interest or a subscription. Such information
2 shall be limited to the components of the net metering
3 credit calculated under this subsection (l), including the
4 bill credit rate, total kilowatthours, and total monetary
5 credit value applied to the customer's or subscriber's
6 bill for the monthly billing period.

7 (l-5) Within 90 days after the effective date of this
8 amendatory Act of the 102nd General Assembly ~~this amendatory~~
9 ~~Act of the 99th General Assembly~~, each electric utility
10 subject to this Section shall file a tariff or tariffs to
11 implement the provisions of subsection (l) of this Section,
12 which shall, consistent with the provisions of subsection (l),
13 describe the terms and conditions under which owners or
14 operators of qualifying properties, units, or apartments may
15 participate in net metering. The Commission shall approve, or
16 approve with modification, the tariff within 120 days after
17 the effective date of this amendatory Act of the 102nd General
18 Assembly ~~this amendatory Act of the 99th General Assembly~~.

19 (m) Nothing in this Section shall affect the right of an
20 electricity provider to continue to provide, or the right of a
21 retail customer to continue to receive service pursuant to a
22 contract for electric service between the electricity provider
23 and the retail customer in accordance with the prices, terms,
24 and conditions provided for in that contract. Either the
25 electricity provider or the customer may require compliance
26 with the prices, terms, and conditions of the contract.

1 (n) On and after January 1, 2025 ~~At such time, if any, that~~
2 ~~the load of the electricity provider's net metering customers~~
3 ~~equals 5% of the total peak demand supplied by that~~
4 ~~electricity provider during the previous year, as specified in~~
5 ~~subsection (j) of this Section,~~ the net metering services
6 described in subsections (d), (d-5), and (e), ~~(e-5), and (f)~~
7 of this Section shall no longer be offered, except as to those
8 eligible renewable electrical generating facilities for which
9 retail customers ~~that~~ are receiving net metering service under
10 these subsections at the time the net metering services under
11 those subsections are no longer offered; those systems shall
12 continue to receive net metering services described in
13 subsections (d), (d-5), and (e) of this Section for the
14 lifetime of the system, regardless of if those retail
15 customers change electricity providers or whether the retail
16 customer benefiting from the system changes. The electric
17 utility serving more than 200,000 customers as of January 1,
18 2021 is responsible for ensuring the billing credits continue
19 without lapse for the lifetime of systems, as required in
20 subsection (o). Those retail customers that begin taking net
21 metering service after the date that net metering services are
22 no longer offered under such subsections shall be subject to
23 the provisions set forth in the following paragraphs (1)
24 through (3) of this subsection (n):

25 (1) An electricity provider shall charge or credit for
26 the net electricity supplied to eligible customers or

1 provided by eligible customers whose electric supply
2 service is not provided based on hourly pricing in the
3 following manner:

4 (A) If the amount of electricity used by the
5 customer during the monthly billing period exceeds the
6 amount of electricity produced by the customer, then
7 the electricity provider shall charge the customer for
8 the net kilowatt-hour based electricity charges
9 reflected in the customer's electric service rate
10 supplied to and used by the customer as provided in
11 paragraph (3) of this subsection (n).

12 (B) If the amount of electricity produced by a
13 customer during the monthly billing period exceeds the
14 amount of electricity used by the customer during that
15 billing period, then the electricity provider
16 supplying that customer shall apply a 1:1
17 kilowatt-hour energy or monetary credit kilowatt-hour
18 supply charges to the customer's subsequent bill. The
19 customer shall choose between 1:1 kilowatt-hour or
20 monetary credit at the time of application. For the
21 purposes of this subsection, "kilowatt-hour supply
22 charges" means the kilowatt-hour equivalent values for
23 energy, capacity, transmission, and the purchased
24 energy adjustment, if applicable. Notwithstanding
25 anything to the contrary, customers on payment plans
26 or participating in budget billing programs shall have

1 ~~credits applied on a monthly basis. that reflects the~~
2 ~~kilowatt-hour based energy charges in the customer's~~
3 ~~electric service rate to a subsequent bill for service~~
4 ~~to the customer for the net electricity supplied to~~
5 ~~the electricity provider.~~ The electricity provider
6 shall continue to carry over any excess kilowatt-hour
7 or monetary energy credits earned and apply those
8 credits to subsequent billing periods. For customers
9 with transmission or capacity charges not charged on a
10 kilowatt-hour basis, the electricity provider shall
11 prepare a reasonable approximation of the
12 kilowatt-hour equivalent value and provide that value
13 as a monetary credit. The electricity provider shall
14 submit these approximation methodologies to the
15 Commission for review, modification, and approval. ~~to~~
16 ~~offset any customer generator consumption in those~~
17 ~~billing periods until all credits are used or until~~
18 ~~the end of the annualized period.~~

19 (C) (Blank). ~~At the end of the year or annualized~~
20 ~~over the period that service is supplied by means of~~
21 ~~net metering, or in the event that the retail customer~~
22 ~~terminates service with the electricity provider prior~~
23 ~~to the end of the year or the annualized period, any~~
24 ~~remaining credits in the customer's account shall~~
25 ~~expire.~~

26 (2) An electricity provider shall charge or credit for

1 the net electricity supplied to eligible customers or
2 provided by eligible customers whose electric supply
3 service is provided based on hourly pricing in the
4 following manner:

5 (A) If the amount of electricity used by the
6 customer during any hourly period exceeds the amount
7 of electricity produced by the customer, then the
8 electricity provider shall charge the customer for the
9 net electricity supplied to and used by the customer
10 as provided in paragraph (3) of this subsection (n).

11 (B) If the amount of electricity produced by a
12 customer during any hourly period exceeds the amount
13 of electricity used by the customer during that hourly
14 period, the energy provider shall calculate an energy
15 credit for the net kilowatt-hours produced in such
16 period, and shall apply that credit as a monetary
17 credit to the customer's subsequent bill. The value of
18 the energy credit shall be calculated using the same
19 price per kilowatt-hour as the electric service
20 provider would charge for kilowatt-hour energy sales
21 during that same hourly period and shall also include
22 values for capacity and transmission. For customers
23 with transmission or capacity charges not charged on a
24 kilowatt-hour basis, the electricity provider shall
25 prepare a reasonable approximation of the
26 kilowatt-hour equivalent value and provide that value

1 as a monetary credit. The electricity provider shall
2 submit these approximation methodologies to the
3 Commission for review, modification, and approval.
4 Notwithstanding anything to the contrary, customers on
5 payment plans or participating in budget billing
6 programs shall have credits applied on a monthly
7 basis.

8 (3) An electricity provider shall provide electric
9 service to eligible customers who utilize net metering at
10 non-discriminatory rates that are identical, with respect
11 to rate structure, retail rate components, and any monthly
12 charges, to the rates that the customer would be charged
13 if not a net metering customer. An electricity provider
14 shall charge the customer for the net electricity supplied
15 to and used by the customer according to the terms of the
16 contract or tariff to which the same customer would be
17 assigned or be eligible for if the customer was not a net
18 metering customer. An electricity provider shall not
19 charge net metering customers any fee or charge or require
20 additional equipment, insurance, or any other requirements
21 not specifically authorized by interconnection standards
22 authorized by the Commission, unless the fee, charge, or
23 other requirement would apply to other similarly situated
24 customers who are not net metering customers. ~~The charge~~
25 ~~or credit that the customer receives for net electricity~~
26 ~~shall be at a rate equal to the customer's energy supply~~

1 ~~rate.~~ The customer remains responsible for the gross
2 amount of delivery services charges, supply-related
3 charges that are kilowatt based, and all taxes and fees
4 related to such charges. The customer also remains
5 responsible for all taxes and fees that would otherwise be
6 applicable to the net amount of electricity used by the
7 customer. Paragraphs (1) and (2) of this subsection (n)
8 shall not be construed to prevent an arms-length agreement
9 between an electricity provider and an eligible customer
10 that sets forth different prices, terms, and conditions
11 for the provision of net metering service, including, but
12 not limited to, the provision of the appropriate metering
13 equipment for non-residential customers. Nothing in this
14 paragraph (3) shall be interpreted to mandate that a
15 utility that is only required to provide delivery services
16 to a given customer must also sell electricity to such
17 customer.

18 (o) Within 90 days after the effective date of this
19 amendatory Act of the 102nd General Assembly, each electric
20 utility subject to this Section shall file a tariff, which
21 shall, consistent with the provisions of this Section, propose
22 the terms and conditions under which a customer may
23 participate in net metering. The tariff for electric utilities
24 serving more than 200,000 customers as of January 1, 2021
25 shall also provide a streamlined and transparent bill
26 crediting system for net metering to be managed by the

1 electric utilities. The terms and conditions shall include,
2 but are not limited to, that an electric utility shall manage
3 and maintain billing of net metering credits and charges
4 regardless of if the eligible customer takes net metering
5 under an electric utility or alternative retail electric
6 supplier. The electric utility serving more than 200,000
7 customers as of January 1, 2021 shall process and approve all
8 net metering applications, even if an eligible customer is
9 served by an alternative retail electric supplier; and the
10 utility shall forward application approval to the appropriate
11 alternative retail electric supplier. Eligibility for net
12 metering shall remain with the owner of the utility billing
13 address such that, if an eligible renewable electrical
14 generating facility changes ownership, the net metering
15 eligibility transfers to the new owner. The electric utility
16 serving more than 200,000 customers as of January 1, 2021
17 shall manage net metering billing for eligible customers to
18 ensure full crediting occurs on electricity bills, including,
19 but not limited to, ensuring net metering crediting begins
20 upon commercial operation date, net metering billing transfers
21 immediately if an eligible customer switches from an electric
22 utility to alternative retail electric supplier or vice versa,
23 and net metering billing transfers between ownership of a
24 valid billing address. All transfers referenced in the
25 preceding sentence shall include transfer of all banked
26 credits. All electric utilities serving 200,000 or fewer

1 customers as of January 1, 2021 shall manage net metering
2 billing for eligible customers receiving power and energy
3 service from the electric utility to ensure full crediting
4 occurs on electricity bills, ensuring net metering crediting
5 begins upon commercial operation date, net metering billing
6 transfers immediately if an eligible customer switches from an
7 electric utility to alternative retail electric supplier or
8 vice versa, and net metering billing transfers between
9 ownership of a valid billing address. Alternative retail
10 electric suppliers providing power and energy service to
11 eligible customers located within the service territory of an
12 electric utility serving 200,000 or fewer customers as of
13 January 1, 2021 shall manage net metering billing for eligible
14 customers to ensure full crediting occurs on electricity
15 bills, including, but not limited to, ensuring net metering
16 crediting begins upon commercial operation date, net metering
17 billing transfers immediately if an eligible customer switches
18 from an electric utility to alternative retail electric
19 supplier or vice versa, and net metering billing transfers
20 between ownership of a valid billing address.

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

22 (220 ILCS 5/16-107.6)

23 Sec. 16-107.6. Distributed generation rebate.

24 (a) In this Section:

25 "Additive services" means the services that distributed

1 energy resources provide to the energy system and society that
2 are not (1) already included in the base rebates for
3 system-wide grid services; or (2) otherwise already
4 compensated. Additive services may reflect, but shall not be
5 limited to, any geographic, time-based, performance-based, and
6 other benefits of distributed energy resources, as well as the
7 present and future technological capabilities of distributed
8 energy resources and present and future grid needs.

9 "Distributed energy resource" means a wide range of
10 technologies that are located on the customer side of the
11 customer's electric meter, including, but not limited to,
12 distributed generation, energy storage, electric vehicles, and
13 demand response technologies.

14 "Energy storage system" means commercially available
15 technology that is capable of absorbing energy and storing it
16 for a period of time for use at a later time, including, but
17 not limited to, electrochemical, thermal, and
18 electromechanical technologies, and may be interconnected
19 behind the customer's meter or interconnected behind its own
20 meter.

21 "Smart inverter" means a device that converts direct
22 current into alternating current and meets the IEEE 1547-2018
23 equipment standards. Until devices that meet the IEEE
24 1547-2018 standard are available, devices that meet the UL
25 1741 SA standard are acceptable. ~~can autonomously contribute~~
26 ~~to grid support during excursions from normal operating~~

1 ~~voltage and frequency conditions by providing each of the~~
2 ~~following: dynamic reactive and real power support, voltage~~
3 ~~and frequency ride-through, ramp rate controls, communication~~
4 ~~systems with ability to accept external commands, and other~~
5 ~~functions from the electric utility.~~

6 "Subscriber" has the meaning set forth in Section 1-10 of
7 the Illinois Power Agency Act.

8 "Subscription" has the meaning set forth in Section 1-10
9 of the Illinois Power Agency Act.

10 "System-wide grid services" means the benefits that a
11 distributed energy resource provides to the distribution grid
12 for a period of no less than 25 years. System-wide grid
13 services do not vary by location, time, or the performance
14 characteristics of the distributed energy resource.
15 System-wide grid services include, but are not limited to,
16 avoided or deferred distribution capacity costs, resilience
17 and reliability benefits, avoided or deferred distribution
18 operation and maintenance costs, distribution voltage and
19 power quality benefits, and line loss reductions.

20 "Threshold date" means December 31, 2024 or the date on
21 which the utility's tariff or tariffs setting the new
22 compensation values established under subsection (e) take
23 effect, whichever is later. ~~the load of an electricity~~
24 ~~provider's net metering customers equals 5% of the total peak~~
25 ~~demand supplied by that electricity provider during the~~
26 ~~previous year, as specified under subsection (j) of Section~~

1 ~~16-107.5 of this Act.~~

2 (b) An electric utility that serves more than 200,000
3 customers in the State shall file a petition with the
4 Commission requesting approval of the utility's tariff to
5 provide a rebate to the owner or operator of ~~a retail customer~~
6 ~~who owns or operates~~ distributed generation, including
7 third-party owned systems, that meets the following criteria:

8 (1) has a nameplate generating capacity no greater
9 than 5,000 ~~2,000~~ kilowatts and is primarily used to offset
10 a ~~that~~ customer's electricity load;

11 (2) is located on the customer's side of the billing
12 meter and ~~premises,~~ for the customer's own use, ~~and not~~
13 ~~for commercial use or sales, including, but not limited~~
14 ~~to, wholesale sales of electric power and energy;~~

15 ~~(3) is located in the electric utility's service~~
16 ~~territory; and~~

17 (3) ~~(4)~~ is interconnected to electric distribution
18 facilities owned by the electric utility under rules
19 adopted by the Commission by means of the inverter or
20 smart inverter required by this Section, as applicable.

21 For purposes of this Section, "distributed generation"
22 shall satisfy the definition of distributed renewable energy
23 generation device set forth in Section 1-10 of the Illinois
24 Power Agency Act to the extent such definition is consistent
25 with the requirements of this Section.

26 In addition, any new photovoltaic distributed generation

1 that is installed after June 1, 2017 (the effective date of
2 Public Act 99-906) ~~this amendatory Act of the 99th General~~
3 ~~Assembly~~ must be installed by a qualified person, as defined
4 by subsection (i) of Section 1-56 of the Illinois Power Agency
5 Act.

6 The tariff shall include a base rebate that compensates
7 distributed generation for the system-wide grid services
8 associated with distributed generation and, after the
9 proceeding described in subsection (e) of this Section, an
10 additional payment or payments for the additive services. The
11 tariff shall provide that the smart inverter associated with
12 the distributed generation shall provide autonomous response
13 to grid conditions through its default settings as approved by
14 the Commission. Default settings may not be changed after the
15 execution of the interconnection agreement except by mutual
16 agreement between the utility and the owner or operator of the
17 distributed generation. ~~provide that the utility shall be~~
18 ~~permitted to operate and control the smart inverter associated~~
19 ~~with the distributed generation that is the subject of the~~
20 ~~rebate for the purpose of preserving reliability during~~
21 ~~distribution system reliability events and shall address the~~
22 ~~terms and conditions of the operation and the compensation~~
23 ~~associated with the operation.~~ Nothing in this Section shall
24 negate or supersede Institute of Electrical and Electronics
25 Engineers equipment interconnection requirements or standards
26 or other similar standards or requirements. The tariff shall

1 not limit the ability of the smart inverter or other
2 distributed energy resource to provide wholesale market
3 products such as regulation, demand response, or other
4 services, or limit the ability of the owner of the smart
5 inverter or the other distributed energy resource to receive
6 compensation for providing those wholesale market products or
7 services. ~~The tariff shall also provide for additional uses of~~
8 ~~the smart inverter that shall be separately compensated and~~
9 ~~which may include, but are not limited to, voltage and VAR~~
10 ~~support, regulation, and other grid services. As part of the~~
11 ~~proceeding described in subsection (c) of this Section, the~~
12 ~~Commission shall review and determine whether smart inverters~~
13 ~~can provide any additional uses or services. If the Commission~~
14 ~~determines that an additional use or service would be~~
15 ~~beneficial, the Commission shall determine the terms and~~
16 ~~conditions of the operation and how the use or service should~~
17 ~~be separately compensated.~~

18 (b-5) Within 30 days after the effective date of this
19 amendatory Act of the 102nd General Assembly, each electric
20 public utility with 3,000,000 or more retail customers shall
21 file a tariff with the Commission that further compensates any
22 retail customer that installs or has installed photovoltaic
23 facilities paired with energy storage facilities on or
24 adjacent to its premises for the benefits the facilities
25 provide to the distribution grid. The tariff shall provide
26 that, in addition to the other rebates identified in this

1 Section, the electric utility shall rebate to such retail
2 customer (i) the previously incurred and future costs of
3 installing interconnection facilities and related
4 infrastructure to enable full participation in the PJM
5 Interconnection, LLC or its successor organization frequency
6 regulation market; and (ii) all wholesale demand charges
7 incurred after the effective date of this amendatory Act of
8 the 102nd General Assembly. The Commission shall approve, or
9 approve with modification, the tariff within 120 days after
10 the utility's filing.

11 (c) The proposed tariff authorized by subsection (b) of
12 this Section shall include the following participation terms
13 for and formulae to calculate the value of the rebates to be
14 applied under this Section for distributed generation that
15 satisfies the criteria set forth in subsection (b) of this
16 Section:

17 (1) The owner or operator of distributed generation
18 that services ~~(1) Until the utility files its tariff or~~
19 ~~tariffs to place into effect the rebate values established~~
20 ~~by the Commission under subsection (c) of this Section,~~
21 ~~non-residential~~ customers not eligible for net metering
22 under subsection (d), (d-5), or (e) of Section 16-107.5 of
23 this Act that are taking service under a net metering
24 program offered by an electricity provider under the terms
25 of Section 16-107.5 of this Act may apply for a rebate as
26 provided for in this Section. Until the threshold date,

1 ~~the~~ ~~The~~ value of the rebate shall be \$250 per kilowatt of
2 nameplate generating capacity, measured as nominal DC
3 power output, of that a non-residential customer's
4 distributed generation. To the extent the distributed
5 generation also has an associated energy storage, then the
6 energy storage system shall be separately compensated with
7 a base rebate of \$250 per kilowatt-hour of nameplate
8 capacity. Any distributed generation device that is
9 compensated for storage in this subsection (1) before the
10 threshold date shall participate in one or more programs
11 determined through the Multi-Year Integrated Grid Planning
12 process that are designed to meet peak reduction and
13 flexibility. After the threshold date, the value of the
14 base rebate and additional compensation for any additive
15 services shall be as determined by the Commission in the
16 proceeding described in subsection (e) of this Section,
17 provided that the value of the base rebate for system-wide
18 grid services shall not be lower than \$250 per kilowatt of
19 nameplate generating capacity of distributed generation or
20 community renewable generation project.

21 (2) The owner or operator of distributed generation
22 that, before the threshold date, would have been eligible
23 for net metering under subsection (d), (d-5), or (e) of
24 Section 16-107.5 of this Act and that has not previously
25 received a distributed generation rebate, may apply for a
26 rebate as provided for in this Section. Until the

1 threshold date, the value of the base rebate shall be \$300
2 per kilowatt of nameplate generating capacity, measured as
3 nominal DC power output, of the distributed generation.
4 The owner or operator of distributed generation that,
5 before the threshold date, is eligible for net metering
6 under subsection (d), (d-5), or (e) of Section 16-107.5 of
7 this Act may apply for a base rebate for an energy storage
8 device that uses the same smart inverter as the
9 distributed generation, regardless of whether the
10 distributed generation applies for a rebate for the
11 distributed generation device. The energy storage system
12 shall be separately compensated at a base payment of \$300
13 per kilowatt-hour of nameplate capacity. Any distributed
14 generation device that is compensated for storage in this
15 subsection (2) before the threshold date shall participate
16 in a peak time rebate program, hourly pricing program, or
17 time-of-use rate program offered by the applicable
18 electric utility. After the threshold date, the value of
19 the base rebate and additional compensation for any
20 additive services shall be as determined by the Commission
21 in the proceeding described in subsection (e) of this
22 Section, provided that, prior to December 31, 2029, the
23 value of the base rebate for system-wide services shall
24 not be lower than \$300 per kilowatt of nameplate
25 generating capacity of distributed generation, after which
26 it shall not be lower than \$250 per kilowatt of nameplate

1 capacity.

2 ~~(2) After the utility's tariff or tariffs setting the~~
3 ~~new rebate values established under subsection (d) of this~~
4 ~~Section take effect, retail customers may, as applicable,~~
5 ~~make the following elections:~~

6 ~~(A) Residential customers that are taking service~~
7 ~~under a net metering program offered by an electricity~~
8 ~~provider under the terms of Section 16-107.5 of this~~
9 ~~Act on the threshold date may elect to either continue~~
10 ~~to take such service under the terms of such program as~~
11 ~~in effect on such threshold date for the useful life of~~
12 ~~the customer's eligible renewable electric generating~~
13 ~~facility as defined in such Section, or file an~~
14 ~~application to receive a rebate under the terms of~~
15 ~~this Section, provided that such application must be~~
16 ~~submitted within 6 months after the effective date of~~
17 ~~the tariff approved under subsection (d) of this~~
18 ~~Section. The value of the rebate shall be the amount~~
19 ~~established by the Commission and reflected in the~~
20 ~~utility's tariff pursuant to subsection (c) of this~~
21 ~~Section.~~

22 ~~(B) Non-residential customers that are taking~~
23 ~~service under a net metering program offered by an~~
24 ~~electricity provider under the terms of Section~~
25 ~~16-107.5 of this Act on the threshold date may apply~~
26 ~~for a rebate as provided for in this Section. The value~~

1 ~~of the rebate shall be the amount established by the~~
2 ~~Commission and reflected in the utility's tariff~~
3 ~~pursuant to subsection (c) of this Section.~~

4 (3) Upon approval of a rebate application submitted
5 under this subsection (c), the retail customer shall no
6 longer be entitled to receive any delivery service credits
7 for the excess electricity generated by its facility and
8 shall be subject to the provisions of subsection (n) of
9 Section 16-107.5 of this Act.

10 (4) To be eligible for a rebate described in this
11 subsection (c), the owner or operator of the distributed
12 generation ~~customers who begin taking service after the~~
13 ~~effective date of this amendatory Act of the 99th General~~
14 ~~Assembly under a net metering program offered by an~~
15 ~~electricity provider under the terms of Section 16-107.5~~
16 ~~of this Act~~ must have a smart inverter installed and in
17 operation on the ~~associated with the customer's~~
18 distributed generation.

19 (d) The Commission shall review the proposed tariff
20 authorized by subsection ~~submitted under subsections~~ (b) ~~and~~
21 ~~(c)~~ of this Section and may make changes to the tariff that are
22 consistent with this Section and with the Commission's
23 authority under Article IX of this Act, subject to notice and
24 hearing. Following notice and hearing, the Commission shall
25 issue an order approving, or approving with modification, such
26 tariff no later than 240 days after the utility files its

1 tariff. Upon the effective date of this amendatory Act of the
2 102nd General Assembly, an electric utility shall file a
3 petition with the Commission to amend and update any existing
4 tariffs to comply with subsections (b) and (c).

5 (e) By no later than June 30, 2023, ~~When the total~~
6 ~~generating capacity of the electricity provider's net metering~~
7 ~~customers is equal to 3%,~~ the Commission shall open an
8 independent, statewide investigation into the value of, and
9 compensation for, distributed energy resources. The Commission
10 shall conduct the investigation, but may arrange for experts
11 or consultants independent of the utilities and selected by
12 the Commission to assist with the investigation. The cost of
13 the investigation shall be shared by the utilities filing
14 tariffs under subsection (b) of this Section but may be
15 recovered as an expense through normal ratemaking procedures.
16 ~~an annual process and formula for calculating the value of~~
17 ~~rebates for the retail customers described in subsections (b)~~
18 ~~and (f) of this Section that submit rebate applications after~~
19 ~~the threshold date for an electric utility that elected to~~
20 ~~file a tariff pursuant to this Section.~~

21 (1) The Commission shall ensure that the investigation
22 includes, at minimum, diverse sets of stakeholders; a
23 review of best practices in calculating the value of
24 distributed energy resource benefits; a review of the full
25 value of the distributed energy resources and the manner
26 in which each component of that value is or is not

1 otherwise compensated; and assessments of how the value of
2 distributed energy resources may evolve based on the
3 present and future technological capabilities of
4 distributed energy resources and based on present and
5 future grid needs.

6 (2) The Commission's final order concluding this
7 investigation shall establish an annual process and
8 formula for the compensation of distributed generation and
9 energy storage systems, and an initial set of inputs for
10 that formula. The Commission's final order concluding this
11 investigation shall establish base rebates that compensate
12 distributed generation, community renewable generation
13 projects and energy storage systems for the system-wide
14 grid services that they provide. Those base rebate values
15 shall be consistent across the state, and shall not vary
16 by customer, customer class, customer location, or any
17 other variable. With respect to rebates for distributed
18 generation or community renewable generation projects,
19 that rebate shall not be lower than \$250 per kilowatt of
20 nameplate generating capacity of the distributed
21 generation or community renewable generation project. The
22 Commission's final order concluding this proceeding shall
23 also direct the utilities to update the formula, on an
24 annual basis, with inputs derived from their integrated
25 grid plans developed pursuant to Section 16-105.17. The
26 base rebate shall be updated annually based on the annual

1 updates to the formula inputs, but, with respect to
2 rebates for distributed generation or community renewable
3 generation projects, shall be no lower than \$250 per
4 kilowatt of nameplate generating capacity of the
5 distributed generation or community renewable generation
6 project.

7 (3) The Commission shall also determine, as a part of
8 its investigation under this subsection, whether
9 distributed energy resources can provide any additive
10 services. Those additive services may include services
11 that are provided through utility-controlled responses to
12 grid conditions. If the Commission determines that
13 distributed energy resources can provide additive grid
14 services, the Commission shall determine the terms and
15 conditions for the operation and compensation of those
16 services. That compensation shall be above and beyond the
17 base rebate that the distributed energy generation,
18 community renewable generation project and energy storage
19 system receives. Compensation for additive services may
20 vary by location, time, performance characteristics,
21 technology types, or other variables.

22 (4) The Commission shall ensure that compensation for
23 distributed energy resources, including base rebates and
24 any payments for additive services, shall reflect all
25 reasonably known and measurable values of the distributed
26 generation over its full expected useful life.

1 Compensation for additive services shall reflect, but
2 shall not be limited to, any geographic, time-based,
3 performance-based, and other benefits of distributed
4 generation, as well as the present and future
5 technological capabilities of distributed energy resources
6 and present and future grid needs.

7 (5) The Commission shall consider the electric
8 utility's integrated grid plan developed pursuant to
9 Section 16-105.17 of this Act to help identify the value
10 of distributed energy resources for the purpose of
11 calculating the compensation described in this subsection.

12 (6) The Commission shall determine additional
13 compensation for distributed energy resources that creates
14 savings and value on the distribution system by being
15 co-located or in close proximity to electric vehicle
16 charging infrastructure in use by medium-duty and
17 heavy-duty vehicles, primarily serving environmental
18 justice communities, as outlined in the utility integrated
19 grid planning process under Section 16-105.17 of this Act.

20 No later than 60 days after the Commission enters its
21 final order under this subsection (e), each utility shall file
22 its updated tariff or tariffs in compliance with the order,
23 including new tariffs for the recovery of costs incurred under
24 this subsection (e) that shall provide for volumetric-based
25 cost recovery, and the Commission shall approve, or approve
26 with modification, the tariff or tariffs within 240 days after

1 the utility's filing.

2 ~~The investigation shall include diverse sets of~~
3 ~~stakeholders, calculations for valuing distributed energy~~
4 ~~resource benefits to the grid based on best practices, and~~
5 ~~assessments of present and future technological capabilities~~
6 ~~of distributed energy resources. The value of such rebates~~
7 ~~shall reflect the value of the distributed generation to the~~
8 ~~distribution system at the location at which it is~~
9 ~~interconnected, taking into account the geographic,~~
10 ~~time based, and performance based benefits, as well as~~
11 ~~technological capabilities and present and future grid needs.~~
12 ~~No later than 10 days after the Commission enters its final~~
13 ~~order under this subsection (c), the utility shall file its~~
14 ~~tariff or tariffs in compliance with the order, and the~~
15 ~~Commission shall approve, or approve with modification, the~~
16 ~~tariff or tariffs within 45 days after the utility's filing.~~
17 ~~For those rebate applications filed after the threshold date~~
18 ~~but before the utility's tariff or tariffs filed pursuant to~~
19 ~~this subsection (c) take effect, the value of the rebate shall~~
20 ~~remain at the value established in subsection (c) of this~~
21 ~~Section until the tariff is approved.~~

22 (f) Notwithstanding any provision of this Act to the
23 contrary, the owner or operator, ~~developer, or subscriber~~ of
24 a community renewable generation project as defined in Section
25 1-10 of the Illinois Power Agency Act ~~facility that is part of~~
26 ~~a net metering program provided under subsection (1) of~~

1 ~~Section 16-107.5~~ shall also be eligible to apply for the
2 rebate described in this Section. The owner or operator of the
3 community renewable ~~A subscriber to the generation project~~
4 ~~facility~~ may apply for a rebate ~~in the amount of the~~
5 ~~subscriber's subscription~~ only if the owner or operator, or
6 previous owner or operator, of the community renewable
7 generation project, developer, or previous subscriber to the
8 ~~same panel or panels~~ has not already submitted an application,
9 and, regardless of whether the subscriber is a residential or
10 non-residential customer, may be allowed the amount identified
11 in paragraph (1) of subsection (c) ~~or in subsection (e) of this~~
12 ~~Section~~ applicable ~~to such customer~~ on the date that the
13 application is submitted. ~~An application for a rebate for a~~
14 ~~portion of a project described in this subsection (f) may be~~
15 ~~submitted at or after the time that a related request for net~~
16 ~~metering is made.~~

17 (g) The owner of the distributed generation or community
18 renewable generation project may apply for the rebate or
19 rebates approved under this Section at the time of execution
20 of an interconnection agreement with the distribution utility
21 and shall receive the value available at that time of
22 execution of the interconnection agreement, provided the
23 project reaches mechanical completion within 24 months after
24 execution of the interconnection agreement. If the project has
25 not reached mechanical completion within 24 months after
26 execution, the owner may reapply for the rebate or rebates

1 approved under this Section available at the time of
2 application and shall receive the value available at the time
3 of application. The utility shall issue the rebate no ~~no~~ later
4 than 60 days after the project is energized. ~~utility receives~~
5 ~~an application for a rebate under its tariff approved under~~
6 ~~subsection (d) or (e) of this Section, the utility shall issue~~
7 ~~a rebate to the applicant under the terms of the tariff.~~ In the
8 event the application is incomplete or the utility is
9 otherwise unable to calculate the payment based on the
10 information provided by the owner, the utility shall issue the
11 payment no later than 60 days after the application is
12 complete or all requested information is received.

13 (h) An electric utility shall recover from its retail
14 customers all of the costs of the rebates made under a tariff
15 or tariffs approved under subsection (d) of ~~placed into effect~~
16 ~~under~~ this Section, including, but not limited to, the value
17 of the rebates and all costs incurred by the utility to comply
18 with and implement subsections (b) and (c) of this Section,
19 but not including costs incurred by the utility to comply with
20 and implement subsection (e) of this Section, consistent with
21 the following provisions:

22 (1) The utility shall defer the full amount of its
23 costs ~~incurred under this Section~~ as a regulatory asset.
24 The total costs deferred as a regulatory asset shall be
25 amortized over a 15-year period. The unamortized balance
26 shall be recognized as of December 31 for a given year. The

1 utility shall also earn a return on the total of the
2 unamortized balance of the regulatory assets, less any
3 deferred taxes related to the unamortized balance, at an
4 annual rate equal to the utility's weighted average cost
5 of capital that includes, based on a year-end capital
6 structure, the utility's actual cost of debt for the
7 applicable calendar year and a cost of equity, which shall
8 be calculated as the sum of (i) the average for the
9 applicable calendar year of the monthly average yields of
10 30-year U.S. Treasury bonds published by the Board of
11 Governors of the Federal Reserve System in its weekly H.15
12 Statistical Release or successor publication; and (ii) 580
13 basis points, including a revenue conversion factor
14 calculated to recover or refund all additional income
15 taxes that may be payable or receivable as a result of that
16 return.

17 When an electric utility creates a regulatory asset
18 under the provisions of this paragraph (1) of subsection
19 (h) Section, the costs are recovered over a period during
20 which customers also receive a benefit, which is in the
21 public interest. Accordingly, it is the intent of the
22 General Assembly that an electric utility that elects to
23 create a regulatory asset under the provisions of this
24 paragraph (1) Section shall recover all of the associated
25 costs, including, but not limited to, its cost of capital
26 as set forth in this paragraph (1) Section. After the

1 Commission has approved the prudence and reasonableness of
2 the costs that comprise the regulatory asset, the electric
3 utility shall be permitted to recover all such costs, and
4 the value and recoverability through rates of the
5 associated regulatory asset shall not be limited, altered,
6 impaired, or reduced. To enable the financing of the
7 incremental capital expenditures, including regulatory
8 assets, for electric utilities that serve less than
9 3,000,000 retail customers but more than 500,000 retail
10 customers in the State, the utility's actual year-end
11 capital structure that includes a common equity ratio,
12 excluding goodwill, of up to and including 50% of the
13 total capital structure shall be deemed reasonable and
14 used to set rates.

15 (2) The utility, at its election, may recover all of
16 the costs ~~it incurs under this Section~~ as part of a filing
17 for a general increase in rates under Article IX of this
18 Act, as part of an annual filing to update a
19 performance-based formula rate under subsection (d) of
20 Section 16-108.5 of this Act, or through an automatic
21 adjustment clause tariff, provided that nothing in this
22 paragraph (2) permits the double recovery of such costs
23 from customers. If the utility elects to recover the costs
24 it incurs under subsections (b) and (c) ~~this Section~~
25 through an automatic adjustment clause tariff, the utility
26 may file its proposed tariff together with the tariff it

1 files under subsection (b) of this Section or at a later
2 time. The proposed tariff shall provide for an annual
3 reconciliation, less any deferred taxes related to the
4 reconciliation, with interest at an annual rate of return
5 equal to the utility's weighted average cost of capital as
6 calculated under paragraph (1) of this subsection (h),
7 including a revenue conversion factor calculated to
8 recover or refund all additional income taxes that may be
9 payable or receivable as a result of that return, of the
10 revenue requirement reflected in rates for each calendar
11 year, beginning with the calendar year in which the
12 utility files its automatic adjustment clause tariff under
13 this subsection (h), with what the revenue requirement
14 would have been had the actual cost information for the
15 applicable calendar year been available at the filing
16 date. The Commission shall review the proposed tariff and
17 may make changes to the tariff that are consistent with
18 this Section and with the Commission's authority under
19 Article IX of this Act, subject to notice and hearing.
20 Following notice and hearing, the Commission shall issue
21 an order approving, or approving with modification, such
22 tariff no later than 240 days after the utility files its
23 tariff.

24 (i) An electric utility shall recover from its retail
25 customers, on a volumetric basis, all of the costs of the
26 rebates made under a tariff or tariffs placed into effect

1 under subsection (e) of this Section, including, but not
2 limited to, the value of the rebates and all costs incurred by
3 the utility to comply with and implement subsection (e) of
4 this Section, consistent with the following provisions:

5 (1) The utility may defer a portion of its costs as a
6 regulatory asset. The Commission shall determine the
7 portion that may be appropriately deferred as a regulatory
8 asset. Factors that the Commission shall consider in
9 determining the portion of costs that shall be deferred as
10 a regulatory asset include, but are not limited to: (i)
11 whether and the extent to which a cost effectively
12 deferred or avoided other distribution system operating
13 costs or capital expenditures; (ii) the extent to which a
14 cost provides environmental benefits; (iii) the extent to
15 which a cost improves system reliability or resilience;
16 (iv) the electric utility's distribution system plan
17 developed pursuant to Section 16-105.17 of this Act; (v)
18 the extent to which a cost advances equity principles; and
19 (vi) such other factors as the Commission deems
20 appropriate. The remainder of costs shall be deemed an
21 operating expense and shall be recoverable if found
22 prudent and reasonable by the Commission.

23 The total costs deferred as a regulatory asset shall be
24 amortized over a 15-year period. The unamortized balance shall
25 be recognized as of December 31 for a given year. The utility
26 shall also earn a return on the total of the unamortized

1 balance of the regulatory assets, less any deferred taxes
2 related to the unamortized balance, at an annual rate equal to
3 the utility's weighted average cost of capital that includes,
4 based on a year-end capital structure, the utility's actual
5 cost of debt for the applicable calendar year and a cost of
6 equity, which shall be calculated as the sum of: (I) the
7 average for the applicable calendar year of the monthly
8 average yields of 30-year U.S. Treasury bonds published by the
9 Board of Governors of the Federal Reserve System in its weekly
10 H.15 Statistical Release or successor publication; and (II)
11 580 basis points, including a revenue conversion factor
12 calculated to recover or refund all additional income taxes
13 that may be payable or receivable as a result of that return.

14 (2) The utility may recover all of the costs through
15 an automatic adjustment clause tariff, on a volumetric
16 basis. The utility may file its proposed cost-recovery
17 tariff together with the tariff it files under subsection
18 (e) of this Section or at a later time. The proposed tariff
19 shall provide for an annual reconciliation, less any
20 deferred taxes related to the reconciliation, with
21 interest at an annual rate of return equal to the
22 utility's weighted average cost of capital as calculated
23 under paragraph (1) of this subsection (i), including a
24 revenue conversion factor calculated to recover or refund
25 all additional income taxes that may be payable or
26 receivable as a result of that return, of the revenue

1 requirement reflected in rates for each calendar year,
2 beginning with the calendar year in which the utility
3 files its automatic adjustment clause tariff under this
4 subsection (i), with what the revenue requirement would
5 have been had the actual cost information for the
6 applicable calendar year been available at the filing
7 date. The Commission shall review the proposed tariff and
8 may make changes to the tariff that are consistent with
9 this Section and with the Commission's authority under
10 Article IX of this Act, subject to notice and hearing.
11 Following notice and hearing, the Commission shall issue
12 an order approving, or approving with modification, such
13 tariff no later than 240 days after the utility files its
14 tariff.

15 (j) ~~(i)~~ No later than 90 days after the Commission enters
16 an order, or order on rehearing, whichever is later, approving
17 an electric utility's proposed tariff under ~~subsection (d) of~~
18 this Section, the electric utility shall provide notice of the
19 availability of rebates under this Section. ~~Subsequent to the~~
20 ~~utility's notice, any entity that offers in the State, for~~
21 ~~sale or lease, distributed generation and estimates the dollar~~
22 ~~saving attributable to such distributed generation shall~~
23 ~~provide estimates based on both delivery service credits and~~
24 ~~the rebates available under this Section.~~

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

1 (220 ILCS 5/16-108)

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

4 (a) An electric utility shall file a delivery services
5 tariff with the Commission at least 210 days prior to the date
6 that it is required to begin offering such services pursuant
7 to this Act. An electric utility shall provide the components
8 of delivery services that are subject to the jurisdiction of
9 the Federal Energy Regulatory Commission at the same prices,
10 terms and conditions set forth in its applicable tariff as
11 approved or allowed into effect by that Commission. The
12 Commission shall otherwise have the authority pursuant to
13 Article IX to review, approve, and modify the prices, terms
14 and conditions of those components of delivery services not
15 subject to the jurisdiction of the Federal Energy Regulatory
16 Commission, including the authority to determine the extent to
17 which such delivery services should be offered on an unbundled
18 basis. In making any such determination the Commission shall
19 consider, at a minimum, the effect of additional unbundling on
20 (i) the objective of just and reasonable rates, (ii) electric
21 utility employees, and (iii) the development of competitive
22 markets for electric energy services in Illinois.

23 (b) The Commission shall enter an order approving, or
24 approving as modified, the delivery services tariff no later
25 than 30 days prior to the date on which the electric utility
26 must commence offering such services. The Commission may

1 subsequently modify such tariff pursuant to this Act.

2 (c) The electric utility's tariffs shall define the
3 classes of its customers for purposes of delivery services
4 charges. Delivery services shall be priced and made available
5 to all retail customers electing delivery services in each
6 such class on a nondiscriminatory basis regardless of whether
7 the retail customer chooses the electric utility, an affiliate
8 of the electric utility, or another entity as its supplier of
9 electric power and energy. Charges for delivery services shall
10 be cost based, and shall allow the electric utility to recover
11 the costs of providing delivery services through its charges
12 to its delivery service customers that use the facilities and
13 services associated with such costs. Such costs shall include
14 the costs of owning, operating and maintaining transmission
15 and distribution facilities. The Commission shall also be
16 authorized to consider whether, and if so to what extent, the
17 following costs are appropriately included in the electric
18 utility's delivery services rates: (i) the costs of that
19 portion of generation facilities used for the production and
20 absorption of reactive power in order that retail customers
21 located in the electric utility's service area can receive
22 electric power and energy from suppliers other than the
23 electric utility, and (ii) the costs associated with the use
24 and redispatch of generation facilities to mitigate
25 constraints on the transmission or distribution system in
26 order that retail customers located in the electric utility's

1 service area can receive electric power and energy from
2 suppliers other than the electric utility. Nothing in this
3 subsection shall be construed as directing the Commission to
4 allocate any of the costs described in (i) or (ii) that are
5 found to be appropriately included in the electric utility's
6 delivery services rates to any particular customer group or
7 geographic area in setting delivery services rates.

8 (d) The Commission shall establish charges, terms and
9 conditions for delivery services that are just and reasonable
10 and shall take into account customer impacts when establishing
11 such charges. In establishing charges, terms and conditions
12 for delivery services, the Commission shall take into account
13 voltage level differences. A retail customer shall have the
14 option to request to purchase electric service at any delivery
15 service voltage reasonably and technically feasible from the
16 electric facilities serving that customer's premises provided
17 that there are no significant adverse impacts upon system
18 reliability or system efficiency. A retail customer shall also
19 have the option to request to purchase electric service at any
20 point of delivery that is reasonably and technically feasible
21 provided that there are no significant adverse impacts on
22 system reliability or efficiency. Such requests shall not be
23 unreasonably denied.

24 (e) Electric utilities shall recover the costs of
25 installing, operating or maintaining facilities for the
26 particular benefit of one or more delivery services customers,

1 including without limitation any costs incurred in complying
2 with a customer's request to be served at a different voltage
3 level, directly from the retail customer or customers for
4 whose benefit the costs were incurred, to the extent such
5 costs are not recovered through the charges referred to in
6 subsections (c) and (d) of this Section.

7 (f) An electric utility shall be entitled but not required
8 to implement transition charges in conjunction with the
9 offering of delivery services pursuant to Section 16-104. If
10 an electric utility implements transition charges, it shall
11 implement such charges for all delivery services customers and
12 for all customers described in subsection (h), but shall not
13 implement transition charges for power and energy that a
14 retail customer takes from cogeneration or self-generation
15 facilities located on that retail customer's premises, if such
16 facilities meet the following criteria:

17 (i) the cogeneration or self-generation facilities
18 serve a single retail customer and are located on that
19 retail customer's premises (for purposes of this
20 subparagraph and subparagraph (ii), an industrial or
21 manufacturing retail customer and a third party contractor
22 that is served by such industrial or manufacturing
23 customer through such retail customer's own electrical
24 distribution facilities under the circumstances described
25 in subsection (vi) of the definition of "alternative
26 retail electric supplier" set forth in Section 16-102,

1 shall be considered a single retail customer);

2 (ii) the cogeneration or self-generation facilities
3 either (A) are sized pursuant to generally accepted
4 engineering standards for the retail customer's electrical
5 load at that premises (taking into account standby or
6 other reliability considerations related to that retail
7 customer's operations at that site) or (B) if the facility
8 is a cogeneration facility located on the retail
9 customer's premises, the retail customer is the thermal
10 host for that facility and the facility has been designed
11 to meet that retail customer's thermal energy requirements
12 resulting in electrical output beyond that retail
13 customer's electrical demand at that premises, comply with
14 the operating and efficiency standards applicable to
15 "qualifying facilities" specified in title 18 Code of
16 Federal Regulations Section 292.205 as in effect on the
17 effective date of this amendatory Act of 1999;

18 (iii) the retail customer on whose premises the
19 facilities are located either has an exclusive right to
20 receive, and corresponding obligation to pay for, all of
21 the electrical capacity of the facility, or in the case of
22 a cogeneration facility that has been designed to meet the
23 retail customer's thermal energy requirements at that
24 premises, an identified amount of the electrical capacity
25 of the facility, over a minimum 5-year period; and

26 (iv) if the cogeneration facility is sized for the

1 retail customer's thermal load at that premises but
2 exceeds the electrical load, any sales of excess power or
3 energy are made only at wholesale, are subject to the
4 jurisdiction of the Federal Energy Regulatory Commission,
5 and are not for the purpose of circumventing the
6 provisions of this subsection (f).

7 If a generation facility located at a retail customer's
8 premises does not meet the above criteria, an electric utility
9 implementing transition charges shall implement a transition
10 charge until December 31, 2006 for any power and energy taken
11 by such retail customer from such facility as if such power and
12 energy had been delivered by the electric utility. Provided,
13 however, that an industrial retail customer that is taking
14 power from a generation facility that does not meet the above
15 criteria but that is located on such customer's premises will
16 not be subject to a transition charge for the power and energy
17 taken by such retail customer from such generation facility if
18 the facility does not serve any other retail customer and
19 either was installed on behalf of the customer and for its own
20 use prior to January 1, 1997, or is both predominantly fueled
21 by byproducts of such customer's manufacturing process at such
22 premises and sells or offers an average of 300 megawatts or
23 more of electricity produced from such generation facility
24 into the wholesale market. Such charges shall be calculated as
25 provided in Section 16-102, and shall be collected on each
26 kilowatt-hour delivered under a delivery services tariff to a

1 retail customer from the date the customer first takes
2 delivery services until December 31, 2006 except as provided
3 in subsection (h) of this Section. Provided, however, that an
4 electric utility, other than an electric utility providing
5 service to at least 1,000,000 customers in this State on
6 January 1, 1999, shall be entitled to petition for entry of an
7 order by the Commission authorizing the electric utility to
8 implement transition charges for an additional period ending
9 no later than December 31, 2008. The electric utility shall
10 file its petition with supporting evidence no earlier than 16
11 months, and no later than 12 months, prior to December 31,
12 2006. The Commission shall hold a hearing on the electric
13 utility's petition and shall enter its order no later than 8
14 months after the petition is filed. The Commission shall
15 determine whether and to what extent the electric utility
16 shall be authorized to implement transition charges for an
17 additional period. The Commission may authorize the electric
18 utility to implement transition charges for some or all of the
19 additional period, and shall determine the mitigation factors
20 to be used in implementing such transition charges; provided,
21 that the Commission shall not authorize mitigation factors
22 less than 110% of those in effect during the 12 months ended
23 December 31, 2006. In making its determination, the Commission
24 shall consider the following factors: the necessity to
25 implement transition charges for an additional period in order
26 to maintain the financial integrity of the electric utility;

1 the prudence of the electric utility's actions in reducing its
2 costs since the effective date of this amendatory Act of 1997;
3 the ability of the electric utility to provide safe, adequate
4 and reliable service to retail customers in its service area;
5 and the impact on competition of allowing the electric utility
6 to implement transition charges for the additional period.

7 (g) The electric utility shall file tariffs that establish
8 the transition charges to be paid by each class of customers to
9 the electric utility in conjunction with the provision of
10 delivery services. The electric utility's tariffs shall define
11 the classes of its customers for purposes of calculating
12 transition charges. The electric utility's tariffs shall
13 provide for the calculation of transition charges on a
14 customer-specific basis for any retail customer whose average
15 monthly maximum electrical demand on the electric utility's
16 system during the 6 months with the customer's highest monthly
17 maximum electrical demands equals or exceeds 3.0 megawatts for
18 electric utilities having more than 1,000,000 customers, and
19 for other electric utilities for any customer that has an
20 average monthly maximum electrical demand on the electric
21 utility's system of one megawatt or more, and (A) for which
22 there exists data on the customer's usage during the 3 years
23 preceding the date that the customer became eligible to take
24 delivery services, or (B) for which there does not exist data
25 on the customer's usage during the 3 years preceding the date
26 that the customer became eligible to take delivery services,

1 if in the electric utility's reasonable judgment there exists
2 comparable usage information or a sufficient basis to develop
3 such information, and further provided that the electric
4 utility can require customers for which an individual
5 calculation is made to sign contracts that set forth the
6 transition charges to be paid by the customer to the electric
7 utility pursuant to the tariff.

8 (h) An electric utility shall also be entitled to file
9 tariffs that allow it to collect transition charges from
10 retail customers in the electric utility's service area that
11 do not take delivery services but that take electric power or
12 energy from an alternative retail electric supplier or from an
13 electric utility other than the electric utility in whose
14 service area the customer is located. Such charges shall be
15 calculated, in accordance with the definition of transition
16 charges in Section 16-102, for the period of time that the
17 customer would be obligated to pay transition charges if it
18 were taking delivery services, except that no deduction for
19 delivery services revenues shall be made in such calculation,
20 and usage data from the customer's class shall be used where
21 historical usage data is not available for the individual
22 customer. The customer shall be obligated to pay such charges
23 on a lump sum basis on or before the date on which the customer
24 commences to take service from the alternative retail electric
25 supplier or other electric utility, provided, that the
26 electric utility in whose service area the customer is located

1 shall offer the customer the option of signing a contract
2 pursuant to which the customer pays such charges ratably over
3 the period in which the charges would otherwise have applied.

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

12 (i-5) An electric utility required to impose the Coal to
13 Solar and Energy Storage Initiative Charge provided for in
14 subsection (c-5) of Section 1-75 of the Illinois Power Agency
15 Act shall add such charge to the bills of its delivery services
16 customers pursuant to the terms of a tariff conforming to the
17 requirements of subsection (c-5) of Section 1-75 of the
18 Illinois Power Agency Act and this subsection (i-5) and filed
19 with and approved by the Commission. The electric utility
20 shall file its proposed tariff with the Commission on or
21 before July 1, 2022 to be effective, after review and approval
22 or modification by the Commission, beginning January 1, 2023.
23 On or before December 1, 2022, the Commission shall review the
24 electric utility's proposed tariff, including by conducting a
25 docketed proceeding if deemed necessary by the Commission, and
26 shall approve the proposed tariff or direct the electric

1 utility to make modifications the Commission finds necessary
2 for the tariff to conform to the requirements of subsection
3 (c-5) of Section 1-75 of the Illinois Power Agency Act and this
4 subsection (i-5). The electric utility's tariff shall provide
5 for imposition of the Coal to Solar and Energy Storage
6 Initiative Charge on a per-kilowatthour basis to all
7 kilowatthours delivered by the electric utility to its
8 delivery services customers. The tariff shall provide for the
9 calculation of the Coal to Solar and Energy Storage Initiative
10 Charge to be in effect for the year beginning January 1, 2023
11 and each year beginning January 1 thereafter, sufficient to
12 collect the electric utility's estimated payment obligations
13 for the delivery year beginning the following June 1 under
14 contracts for purchase of renewable energy credits entered
15 into pursuant to subsection (c-5) of Section 1-75 of the
16 Illinois Power Agency Act and the obligations of the
17 Department of Commerce and Economic Opportunity, or any
18 successor department or agency, which for purposes of this
19 subsection (i-5) shall be referred to as the Department, to
20 make grant payments during such delivery year from the Coal to
21 Solar and Energy Storage Initiative Fund pursuant to grant
22 contracts entered into pursuant to subsection (c-5) of Section
23 1-75 of the Illinois Power Agency Act, and using the electric
24 utility's kilowatthour deliveries to its delivery services
25 customers during the delivery year ended May 31 of the
26 preceding calendar year. On or before November 1 of each year

1 beginning November 1, 2022, the Department shall notify the
2 electric utilities of the amount of the Department's estimated
3 obligations for grant payments during the delivery year
4 beginning the following June 1 pursuant to grant contracts
5 entered into pursuant to subsection (c-5) of Section 1-75 of
6 the Illinois Power Agency Act; and each electric utility shall
7 incorporate in the calculation of its Coal to Solar and Energy
8 Storage Initiative Charge the fractional portion of the
9 Department's estimated obligations equal to the electric
10 utility's kilowatthour deliveries to its delivery services
11 customers in the delivery year ended the preceding May 31
12 divided by the aggregate deliveries of both electric utilities
13 to delivery services customers in such delivery year. The
14 electric utility shall remit on a monthly basis to the State
15 Treasurer, for deposit in the Coal to Solar and Energy Storage
16 Initiative Fund provided for in subsection (c-5) of Section
17 1-75 of the Illinois Power Agency Act, the electric utility's
18 collections of the Coal to Solar and Energy Storage Initiative
19 Charge estimated to be needed by the Department for grant
20 payments pursuant to grant contracts entered into pursuant to
21 subsection (c-5) of Section 1-75 of the Illinois Power Agency
22 Act. The initial charge under the electric utility's tariff
23 shall be effective for kilowatthours delivered beginning
24 January 1, 2023, and thereafter shall be revised to be
25 effective January 1, 2024 and each January 1 thereafter, based
26 on the payment obligations for the delivery year beginning the

1 following June 1. The tariff shall provide for the electric
2 utility to make an annual filing with the Commission on or
3 before November 15 of each year, beginning in 2023, setting
4 forth the Coal to Solar and Energy Storage Initiative Charge
5 to be in effect for the year beginning the following January 1.
6 The electric utility's tariff shall also provide that the
7 electric utility shall make a filing with the Commission on or
8 before August 1 of each year beginning in 2024 setting forth a
9 reconciliation, for the delivery year ended the preceding May
10 31, of the electric utility's collections of the Coal to Solar
11 and Energy Storage Initiative Charge against actual payments
12 for renewable energy credits pursuant to contracts entered
13 into, and the actual grant payments by the Department pursuant
14 to grant contracts entered into, pursuant to subsection (c-5)
15 of Section 1-75 of the Illinois Power Agency Act. The tariff
16 shall provide that any excess or shortfall of collections to
17 payments shall be deducted from or added to, on a
18 per-kilowatthour basis, the Coal to Solar and Energy Storage
19 Initiative Charge, over the 6-month period beginning October 1
20 of that calendar year.

21 (j) If a retail customer that obtains electric power and
22 energy from cogeneration or self-generation facilities
23 installed for its own use on or before January 1, 1997,
24 subsequently takes service from an alternative retail electric
25 supplier or an electric utility other than the electric
26 utility in whose service area the customer is located for any

1 portion of the customer's electric power and energy
2 requirements formerly obtained from those facilities
3 (including that amount purchased from the utility in lieu of
4 such generation and not as standby power purchases, under a
5 cogeneration displacement tariff in effect as of the effective
6 date of this amendatory Act of 1997), the transition charges
7 otherwise applicable pursuant to subsections (f), (g), or (h)
8 of this Section shall not be applicable in any year to that
9 portion of the customer's electric power and energy
10 requirements formerly obtained from those facilities,
11 provided, that for purposes of this subsection (j), such
12 portion shall not exceed the average number of kilowatt-hours
13 per year obtained from the cogeneration or self-generation
14 facilities during the 3 years prior to the date on which the
15 customer became eligible for delivery services, except as
16 provided in subsection (f) of Section 16-110.

17 (k) The electric utility shall be entitled to recover
18 through tariffed charges all of the costs associated with the
19 purchase of zero emission credits from zero emission
20 facilities to meet the requirements of subsection (d-5) of
21 Section 1-75 of the Illinois Power Agency Act and all of the
22 costs associated with the purchase of carbon mitigation
23 credits from carbon-free energy resources to meet the
24 requirements of subsection (d-10) of Section 1-75 of the
25 Illinois Power Agency Act. Such costs shall include the costs
26 of procuring the zero emission credits and carbon mitigation

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

1 associated with the self-direct renewable portfolio standard
2 compliance program described in subparagraph (R) of paragraph
3 (1) of subsection (c) of Section 1-75 of the Illinois Power
4 Agency Act shall be allocated to approved eligible self-direct
5 customers by the utility in a cents per kilowatt-hour credit,
6 cost, or penalty, which shall appear as a separate line item on
7 each such customer's bill.

8 Notwithstanding whether the Commission has approved the
9 initial long-term renewable resources procurement plan as of
10 June 1, 2017, an electric utility shall place new tariffed
11 charges into effect beginning with the June 2017 monthly
12 billing period, to the extent practicable, to begin recovering
13 the costs of procuring renewable energy resources, as those
14 charges are calculated under the limitations described in
15 subparagraph (E) of paragraph (1) of subsection (c) of Section
16 1-75 of the Illinois Power Agency Act. Notwithstanding the
17 date on which the utility places such new tariffed charges
18 into effect, the utility shall be permitted to collect the
19 charges under such tariff as if the tariff had been in effect
20 beginning with the first day of the June 2017 monthly billing
21 period. For the delivery years commencing June 1, 2017, June
22 1, 2018, ~~and~~ June 1, 2019, and each delivery year thereafter,
23 the electric utility shall deposit into a separate interest
24 bearing account of a financial institution the monies
25 collected under the tariffed charges. Money collected from
26 customers for the procurement of renewable energy resources in

1 a given delivery year may be spent by the utility for the
2 procurement of renewable resources over any of the following 5
3 delivery years, after which unspent money shall be credited
4 back to retail customers. The electric utility shall spend all
5 money collected in earlier delivery years that has not yet
6 been returned to customers, first, before spending money
7 collected in later delivery years. Any interest earned shall
8 be credited back to retail customers under the reconciliation
9 proceeding provided for in this subsection (k), provided that
10 the electric utility shall first be reimbursed from the
11 interest for the administrative costs that it incurs to
12 administer and manage the account. Any taxes due on the funds
13 in the account, or interest earned on it, will be paid from the
14 account or, if insufficient monies are available in the
15 account, from the monies collected under the tariffed charges
16 to recover the costs of procuring renewable energy resources.
17 Monies deposited in the account shall be subject to the
18 review, reconciliation, and true-up process described in this
19 subsection (k) that is applicable to the funds collected and
20 costs incurred for the procurement of renewable energy
21 resources.

22 The electric utility shall be entitled to recover all of
23 the costs identified in this subsection (k) through automatic
24 adjustment clause tariffs applicable to all of the utility's
25 retail customers that allow the electric utility to adjust its
26 tariffed charges consistent with this subsection (k). The

1 determination as to whether any excess funds were collected
2 during a given delivery year for the purchase of renewable
3 energy resources, and the crediting of any excess funds back
4 to retail customers, shall not be made until after the close of
5 the delivery year, which will ensure that the maximum amount
6 of funds is available to implement the approved long-term
7 renewable resources procurement plan during a given delivery
8 year. The amount of excess funds eligible to be credited back
9 to retail customers shall be reduced by an amount equal to the
10 payment obligations required by any contracts entered into by
11 an electric utility under contracts described in subsection
12 (b) of Section 1-56 and subsection (c) of Section 1-75 of the
13 Illinois Power Agency Act, even if such payments have not yet
14 been made and regardless of the delivery year in which those
15 payment obligations were incurred. Notwithstanding anything to
16 the contrary, including in tariffs authorized by this
17 subsection (k) in effect before the effective date of this
18 amendatory Act of the 102nd General Assembly, all unspent
19 funds as of May 31, 2021, excluding any funds credited to
20 customers during any utility billing cycle that commences
21 prior to the effective date of this amendatory Act of the 102nd
22 General Assembly, shall remain in the utility account and
23 shall on a first in, first out basis be used toward utility
24 payment obligations under contracts described in subsection
25 (b) of Section 1-56 and subsection (c) of Section 1-75 of the
26 Illinois Power Agency Act. The electric utility's collections

1 under such automatic adjustment clause tariffs to recover the
2 costs of renewable energy resources, ~~and~~ zero emission credits
3 from zero emission facilities, and carbon mitigation credits
4 from carbon-free energy resources shall be subject to separate
5 annual review, reconciliation, and true-up against actual
6 costs by the Commission under a procedure that shall be
7 specified in the electric utility's automatic adjustment
8 clause tariffs and that shall be approved by the Commission in
9 connection with its approval of such tariffs. The procedure
10 shall provide that any difference between the electric
11 utility's collections for zero emission credits and carbon
12 mitigation credits under the automatic adjustment charges for
13 an annual period and the electric utility's actual costs of
14 ~~renewable energy resources and~~ zero emission credits from zero
15 emission facilities and carbon mitigation credits from
16 carbon-free energy resources for that same annual period shall
17 be refunded to or collected from, as applicable, the electric
18 utility's retail customers in subsequent periods.

19 Nothing in this subsection (k) is intended to affect,
20 limit, or change the right of the electric utility to recover
21 the costs associated with the procurement of renewable energy
22 resources for periods commencing before, on, or after June 1,
23 2017, as otherwise provided in the Illinois Power Agency Act.

24 ~~Notwithstanding anything to the contrary, the Commission~~
25 ~~shall not conduct an annual review, reconciliation, and~~
26 ~~true up associated with renewable energy resources!~~

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

14 ~~If the amount of funds collected during the delivery year~~
15 ~~commencing June 1, 2017, exceeds the costs incurred during~~
16 ~~that 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~~
20 ~~under that subsection (b). However, any amount identified~~
21 ~~under this subsection (k) to fund programs under subsection~~
22 ~~(b) of Section 1-56 of the Illinois Power Agency Act shall be~~
23 ~~reduced if it exceeds the funding shortfall. For purposes of~~
24 ~~this Section, "funding shortfall" means the difference between~~
25 ~~\$200,000,000 and the amount appropriated by the General~~
26 ~~Assembly to the Illinois Power Agency Renewable Energy~~

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

4 ~~If the amount of funds collected during the delivery year~~
5 ~~commencing June 1, 2018, exceeds the costs incurred during~~
6 ~~that 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~~
10 ~~under that subsection (b). However, any amount identified~~
11 ~~under this subsection (k) to fund programs under subsection~~
12 ~~(b) of Section 1-56 of the Illinois Power Agency Act shall be~~
13 ~~reduced if it 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~~
16 ~~that 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~~
20 ~~under that subsection (b). However, any amount identified~~
21 ~~under this subsection (k) to fund programs under subsection~~
22 ~~(b) of Section 1-56 of the Illinois Power Agency Act shall be~~
23 ~~reduced if it exceeds the funding shortfall.~~

24 The funding available under this subsection (k), if any,
25 for the programs described under subsection (b) of Section
26 1-56 of the Illinois Power Agency Act shall not reduce the

1 amount of funding for the programs described in subparagraph
2 (O) of paragraph (1) of subsection (c) of Section 1-75 of the
3 Illinois Power Agency Act. If funding is available under this
4 subsection (k) for programs described under subsection (b) of
5 Section 1-56 of the Illinois Power Agency Act, then the
6 long-term renewable resources plan shall provide for the
7 Agency to procure contracts in an amount that does not exceed
8 the funding, and the contracts approved by the Commission
9 shall be executed by the applicable utility or utilities.

10 (l) A utility that has terminated any contract executed
11 under subsection (d-5) or (d-10) of Section 1-75 of the
12 Illinois Power Agency Act shall be entitled to recover any
13 remaining balance associated with the purchase of zero
14 emission credits prior to such termination, and such utility
15 shall also apply a credit to its retail customer bills in the
16 event of any over-collection.

17 (m)(1) An electric utility that recovers its costs of
18 procuring zero emission credits from zero emission facilities
19 through a cents-per-kilowatthour charge under ~~to~~ subsection
20 (k) of this Section shall be subject to the requirements of
21 this subsection (m). Notwithstanding anything to the contrary,
22 such electric utility shall, beginning on April 30, 2018, and
23 each April 30 thereafter until April 30, 2026, calculate
24 whether any reduction must be applied to such
25 cents-per-kilowatthour charge that is paid by retail customers
26 of the electric utility that have opted out of ~~are exempt from~~

1 subsections (a) through (j) of Section 8-103B of this Act
2 under subsection (1) of Section 8-103B. Such charge shall be
3 reduced for such customers for the next delivery year
4 commencing on June 1 based on the amount necessary, if any, to
5 limit the annual estimated average net increase for the prior
6 calendar year due to the future energy investment costs to no
7 more than 1.3% of 5.98 cents per kilowatt-hour, which is the
8 average amount paid per kilowatthour for electric service
9 during the year ending December 31, 2015 by Illinois
10 industrial retail customers, as reported to the Edison
11 Electric Institute.

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

15 (2) For purposes of this Section, "future energy
16 investment costs" shall be calculated by subtracting the
17 cents-per-kilowatthour charge identified in subparagraph (A)
18 of this paragraph (2) from the sum of the
19 cents-per-kilowatthour charges identified in subparagraph (B)
20 of this paragraph (2):

21 (A) The cents-per-kilowatthour charge identified in
22 the electric utility's tariff placed into effect under
23 Section 8-103 of the Public Utilities Act that, on
24 December 1, 2016, was applicable to those retail customers
25 that have opted out of ~~are exempt from~~ subsections (a)
26 through (j) of Section 8-103B of this Act under subsection

1 (1) of Section 8-103B.

2 (B) The sum of the following cents-per-kilowatthour
3 charges applicable to those retail customers that have
4 opted out of ~~are exempt from~~ subsections (a) through (j)
5 of Section 8-103B of this Act under subsection (1) of
6 Section 8-103B, provided that if one or more of the
7 following charges has been in effect and applied to such
8 customers for more than one calendar year, then each
9 charge shall be equal to the average of the charges
10 applied over a period that commences with the calendar
11 year ending December 31, 2017 and ends with the most
12 recently completed calendar year prior to the calculation
13 required by this subsection (m):

14 (i) the cents-per-kilowatthour charge to recover
15 the costs incurred by the utility under subsection
16 (d-5) of Section 1-75 of the Illinois Power Agency
17 Act, adjusted for any reductions required under this
18 subsection (m); and

19 (ii) the cents-per-kilowatthour charge to recover
20 the costs incurred by the utility under Section
21 16-107.6 of the Public Utilities Act.

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

25 (3) If a reduction is required by the calculation
26 performed under this subsection (m), then the amount of the

1 reduction shall be multiplied by the number of years reflected
2 in the averages calculated under subparagraph (B) of paragraph
3 (2) of this subsection (m). Such reduction shall be applied to
4 the cents-per-kilowatthour charge that is applicable to those
5 retail customers that have opted out of ~~are exempt from~~
6 subsections (a) through (j) of Section 8-103B of this Act
7 under subsection (l) of Section 8-103B beginning with the next
8 delivery year commencing after the date of the calculation
9 required by this subsection (m).

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

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

21 (220 ILCS 5/16-108.18 new)

22 Sec. 16-108.18. Performance-based ratemaking.

23 (a) The General Assembly finds:

24 (1) That improving the alignment of utility customer
25 and company interests is critical to ensuring equity,

1 rapid growth of distributed energy resources, electric
2 vehicles, and other new technologies that substantially
3 change the makeup of the grid and protect Illinois
4 residents and businesses from potential economic and
5 environmental harm from the State's energy systems.

6 (2) There is urgency around addressing increasing
7 threats from climate change and assisting communities that
8 have borne disproportionate impacts from climate change,
9 including air pollution, greenhouse gas emissions, and
10 energy burdens. Addressing this problem requires changes
11 to the business model under which utilities in Illinois
12 have traditionally functioned.

13 (3) Providing targeted incentives to support change
14 through a new performance-based structure to enhance
15 ratemaking is intended to enable alignment of utility,
16 customer, community, and environmental goals.

17 (4) Though Illinois has taken some measures to move
18 utilities to performance-based ratemaking through the
19 establishment of performance incentives and a
20 performance-based formula rate under the Energy
21 Infrastructure Modernization Act, these measures have not
22 been sufficiently transformative in urgently moving
23 electric utilities toward the State's ambitious energy
24 policy goals: protecting a healthy environment and
25 climate, improving public health, and creating quality
26 jobs and economic opportunities, including wealth

1 building, especially in economically disadvantaged
2 communities and communities of color.

3 (5) These measures were not developed through a
4 process to understand first what performance measures and
5 penalties would help drive the sought-after behavior by
6 the utilities.

7 (6) While the General Assembly has not made a finding
8 that the spending related to the Energy Infrastructure and
9 Modernization Act and its performance metrics was not
10 reasonable, it is important to address concerns that these
11 measures may have resulted in excess utility spending and
12 guaranteed profits without meaningful improvements in
13 customer experience, rate affordability, or equity.

14 (7) Discussions of performance incentive mechanisms
15 must always take into account the affordability of
16 customer rates and bills for all customers, including
17 low-income customers.

18 (8) The General Assembly therefore directs the
19 Illinois Commerce Commission to complete a transition that
20 includes a comprehensive performance-based regulation
21 framework for electric utilities serving more than 500,000
22 customers. The breadth of this framework should revise
23 existing utility regulations to position Illinois electric
24 utilities to effectively and efficiently achieve current
25 and anticipated future energy needs of this State, while
26 ensuring affordability for consumers.

1 (b) As used in this Section:

2 "Commission" means the Illinois Commerce Commission.

3 "Demand response" means measures that decrease peak
4 electricity demand or shift demand from peak to off-peak
5 periods.

6 "Distributed energy resources" or "DER" means a wide range
7 of technologies that are connected to the grid including those
8 that are located on the customer side of the customer's
9 electric meter and can provide value to the distribution
10 system, including, but not limited to, distributed generation,
11 energy storage, electric vehicles, and demand response
12 technologies.

13 "Economically disadvantaged communities" means areas of
14 one or more census tracts where average household income does
15 not exceed 80% of area median income.

16 "Environmental justice communities" means the definition
17 of that term as used and as may be updated in the long-term
18 renewable resources procurement plan by the Illinois Power
19 Agency and its Program Administrator in the Illinois Solar for
20 All Program.

21 "Equity investment eligible community" means the
22 geographic areas throughout Illinois which would most benefit
23 from equitable investments by the State designed to combat
24 discrimination. Specifically, the equity investment eligible
25 communities shall be defined as the following areas:

26 (1) R3 Areas as established pursuant to Section 10-40

1 of the Cannabis Regulation and Tax Act, where residents
2 have historically been excluded from economic
3 opportunities, including opportunities in the energy
4 sector; and

5 (2) Environmental justice communities, as defined by
6 the Illinois Power Agency pursuant to the Illinois Power
7 Agency Act, where residents have historically been subject
8 to disproportionate burdens of pollution, including
9 pollution from the energy sector.

10 "Performance incentive mechanism" means an instrument by
11 which utility performance is incentivized, which could include
12 a monetary performance incentive.

13 "Performance metric" means a manner of measurement for a
14 particular utility activity.

15 (c) Through coordinated, comprehensive system planning,
16 ratemaking, and performance incentives, the performance-based
17 ratemaking framework should be designed to accomplish the
18 following objectives:

19 (1) maintain and improve service reliability and
20 safety, including and particularly in environmental
21 justice, low-income and equity investment eligible
22 communities;

23 (2) decarbonize utility systems at a pace that meets
24 or exceeds State climate goals, while also ensuring the
25 affordability of rates for all customers, including
26 low-income customers;

1 (3) direct electric utilities to make cost-effective
2 investments that support achievement of Illinois' clean
3 energy policies, including, at a minimum, investments
4 designed to integrate distributed energy resources, comply
5 with critical infrastructure protection standards, plans,
6 and industry best practices, and support and take
7 advantage of potential benefits from the electric vehicle
8 charging and other electrification, while mitigating the
9 impacts;

10 (4) choose cost-effective assets and services, whether
11 utility-supplied or through third-party contracting,
12 considering both economic and environmental costs and the
13 effects on utility rates, to deliver high-quality service
14 to customers at least cost;

15 (5) maintain the affordability of electric delivery
16 services for all customers, including low-income
17 customers;

18 (6) maintain and grow a diverse workforce, diverse
19 supplier procurement base and, for relevant programs,
20 diverse approved-vendor pools, including increased
21 opportunities for minority-owned, female-owned,
22 veteran-owned, and disability-owned business enterprises;

23 (7) improve customer service performance and
24 engagement;

25 (8) address the particular burdens faced by consumers
26 in environmental justice and equity investment eligible

1 communities, including shareholder, consumer, and publicly
2 funded bill payment assistance and credit and collection
3 policies, and ensure equitable disconnections, late fees,
4 or arrearages as a result of utility credit and collection
5 practices, which may include consideration of impact by
6 zip code; and

7 (9) implement or otherwise enhance current supplier
8 diversity programs to increase diverse contractor
9 participation in professional services, subcontracting,
10 and prime contracting opportunities with programs that
11 address barriers to access. Supplier diversity programs
12 shall address specific barriers related to RFP and
13 contract access, access to capital, information technology
14 and cyber security access and costs, administrative
15 burdens, and quality control with specific metrics,
16 outcomes, and demographic data reported.

17 (d) Multi-Year Rate Plan.

18 (1) If an electric utility had a performance-based
19 formula rate in effect under Section 16-108.5 as of
20 December 31, 2020, then the utility may file a petition
21 proposing tariffs implementing a 4-year Multi-Year Rate
22 Plan as provided in this Section no later than, January
23 20, 2023, for delivery service rates to be effective for
24 the billing periods January 1, 2024 through December 31,
25 2027. The Commission shall issue an order approving or
26 approving as modified the utility's plan no later than

1 December 20, 2023. The term "Multi-Year Rate Plan" refers
2 to a plan establishing the base rates the utility shall
3 charge for each delivery year of the 4-year period to be
4 covered by the plan, which shall be subject to
5 modification only as expressly allowed in this Section.

6 (2) A utility proposing a Multi-Year Rate Plan shall
7 provide a 4-year investment plan and a description of the
8 utility's major planned investments, including, at a
9 minimum, all investments of \$2,000,000 or greater over the
10 plan period for an electric utility that serves more than
11 3,000,000 retail customers in the State or \$500,000 for an
12 electric utility that serves less than 3,000,000 retail
13 customers in the State but more than 500,000 retail
14 customers in the State. The 4-year investment plan must be
15 consistent with the Multi-Year Integrated Grid Plan
16 described in Section 16-105.17 of this Act. The investment
17 plan shall provide sufficiently detailed information, as
18 required by the Commission, including, at a minimum, a
19 description of each investment, the location of the
20 investment, and an explanation of the need for and benefit
21 of such an investment to the extent known.

22 (3) The Multi-Year Rate Plan shall be implemented
23 through a tariff filed with the Commission consistent with
24 the provisions of this paragraph (3) that shall apply to
25 all delivery service customers. The Commission shall
26 initiate and conduct an investigation of the tariff in a

1 manner consistent with the provisions of this paragraph
2 (3) and the provisions of Article IX of this Act, to the
3 extent they do not conflict with this paragraph (3). The
4 Multi-Year Rate Plan approved by the Commission shall do
5 the following:

6 (A) Provide for the recovery of the utility's
7 forecasted rate base, based on the 4-year investment
8 plan and the utility's Integrated Grid Plan. The
9 forecasted rate base must include the utility's
10 planned capital investments, with rates based on
11 average annual plant investment, and
12 investment-related costs, including income tax
13 impacts, depreciation, and ratemaking adjustments and
14 costs that are prudently incurred and reasonable in
15 amount consistent with Commission practice and law.
16 The process used to develop the forecasts must be
17 iterative, rigorous, and lead to forecasts that
18 reasonably represent the utility's investments during
19 the forecasted period and ensure that the investments
20 are projected to be used and useful during the annual
21 investment period and least cost, consistent with the
22 provisions of Articles VIII and IX of this Act.

23 (B) The cost of equity shall be approved by the
24 Commission consistent with Commission practice and
25 law.

26 (C) The revenue requirement shall reflect the

1 utility's actual capital structure for the applicable
2 calendar year. A year-end capital structure that
3 includes a common equity ratio of up to and including
4 50% of the total capital structure shall be deemed
5 prudent and reasonable. A higher common equity ratio
6 must be specifically approved by the Commission.

7 (E) Provide for recovery of prudent and reasonable
8 projected operating expenses, giving effect to
9 ratemaking adjustments, consistent with Commission
10 practice and law under Article IX of this Act.
11 Operating expenses for years after the first year of
12 the Multi-Year Rate Plan may be estimated by the use of
13 known and measurable changes, expense reductions
14 associated with planned capital investments as
15 appropriate, and reasonable and appropriate
16 escalators, indices, or other metrics.

17 (F) Amortize the amount of unprotected
18 property-related excess accumulated deferred income
19 taxes in rates as of January 1, 2023 over a period
20 ending December 31, 2027, unless otherwise required to
21 amortize the excess deferred income tax pursuant to
22 Section 16-108.21 of this Act.

23 (G) Allow recovery of incentive compensation
24 expense that is based on the achievement of
25 operational metrics, including metrics related to
26 budget controls, outage duration and frequency,

1 safety, customer service, efficiency and productivity,
2 environmental compliance and attainment of
3 affordability and environmental goals, and other goals
4 and metrics approved by the Commission. Incentive
5 compensation expense that is based on net income or an
6 affiliate's earnings per share shall not be
7 recoverable.

8 (H) To the maximum extent practicable, align the
9 4-year investment plan and annual capital budgets with
10 the electric utility's Multi-Year Integrated Grid
11 Plan.

12 (4) The Commission shall establish annual rates for
13 each year of the Multi-Year Rate Plan that accurately
14 reflect and are based only upon the utility's reasonable
15 and prudent costs of service over the term of the plan,
16 including the effect of all ratemaking adjustments
17 consistent with Commission practice and law as determined
18 by the Commission, provided that the costs are not being
19 recovered elsewhere in rates. Tariff riders authorized by
20 the Commission may continue outside of a plan authorized
21 under this Section to the extent such costs are not
22 recovered elsewhere in rates. For the first multi-year
23 rate plan, the burden of proof shall be on the electric
24 utility to establish the prudence of investments and
25 expenditures and to establish that such investments
26 consistent with and reasonably necessary to meet the

1 requirements of the utility's first approved Multi-Year
2 Integrated Grid Plan described in Section 16-105.17 of
3 this Act. For subsequent Multi-Year Rate Plans, the burden
4 of proof shall be on the electric utility to establish the
5 prudence of investments and expenditures and to establish
6 that such investments are consistent with and reasonably
7 necessary to meet the requirements of the utility's most
8 recently approved Multi-Year Integrated Grid Plan
9 described in Section 16-105.17 of this Act. The sole fact
10 that a cost differs from that incurred in a prior period or
11 that an investment is different from that described in the
12 Multi-Year Integrated Grid Plan shall not imply the
13 imprudence or unreasonableness of that cost or investment.
14 The sole fact that an investment is the same or similar to
15 that described in the Multi-Year Integrated Grid Plan
16 shall not imply prudence and reasonableness of that
17 investment.

18 (5) To facilitate public transparency, all materials,
19 data, testimony, and schedules shall be provided to the
20 Commission in an editable, machine-readable electronic
21 format including .doc, .docx, .xls, .xlsx, and similar
22 file formats, but not including .pdf or .exif. Should
23 utilities designate any materials confidential, they shall
24 have an affirmative duty to explain why the particular
25 information is marked confidential. In determining
26 prudence and reasonableness of rates, the Commission shall

1 make its determination based upon the record, including
2 each public comment filed or provided orally at open
3 meetings consistent with the Commission's rules and
4 practices.

5 (6) The Commission may, by order, establish terms,
6 conditions, and procedures for submitting and approving a
7 Multi-Year Rate Plan necessary to implement this Section
8 and ensure that rates remain just and reasonable during
9 the course of the plan, including terms and procedures for
10 rate adjustment.

11 (7) An electric utility that files a tariff pursuant
12 to paragraph (3) of this subsection (e) must submit a
13 one-time \$300,000 filing fee at the time the Chief Clerk
14 of the Commission accepts the filing, which shall be a
15 recoverable expense.

16 (8) An electric utility operating under a Multi-Year
17 Rate Plan shall file a new Multi-Year Rate Plan at least
18 300 days prior to the end of the initial Multi-Year Rate
19 Plan unless it elects to file a general rate case pursuant
20 to paragraph (9), and every 4 years thereafter, with a
21 rate-effective date of the proposed tariffs such that,
22 after the Commission suspension period, the rates would
23 take effect immediately at the close of the final year of
24 the initial Multi-Year Rate Plan. In subsequent Multi-Year
25 Rate Plans, as in the initial plans, utilities and
26 stakeholders may propose additional metrics that achieve

1 the outcomes described in paragraph (2) of subsection (f)
2 of this Section.

3 (9) Election of Rate Case.

4 (A) On or before the date prescribed by
5 subparagraph (B) of paragraph (9) of this Section,
6 electric utilities that serve more than 500,000 retail
7 customers in the State shall file either a general
8 rate case under Section 9-201 of this Act, or a
9 Multi-Year Rate Plan, as set forth in paragraph (1) of
10 this subsection (d).

11 (B) Electric utilities described in subparagraph
12 (A) of paragraph (9) of this Section shall file their
13 initial general rate case or Multi-Year Rate Plan, as
14 applicable, with the Commission no later than January
15 20, 2023.

16 (C) Notwithstanding which rate filing option an
17 electric utility elects to file on the date prescribed
18 by subparagraph (B) of paragraph (9) of this Section,
19 the electric utility shall be subject to the
20 Multi-year Integrated Plan filing requirements.

21 (D) Following its initial rate filing pursuant to
22 paragraph (2), an electric utility subject to the
23 requirements of this Section shall thereafter be
24 permitted to elect a different rate filing option
25 consistent with any filing intervals established for a
26 general rate case or Multi-Year Rate Plan, as follows:

1 (i) An electric utility that initially elected
2 to file a Multi-Year Rate Plan and thereafter
3 elects to transition to a general rate case may do
4 so upon completion of the 4-year Multi-Year Rate
5 Plan by filing a general rate case at the same time
6 that the utility would have filed its subsequent
7 Multi-Year Rate Plan, as specified in paragraph
8 (8) of this subsection (d). Notwithstanding this
9 election, the annual adjustment of the final year
10 of the Multi-Year Rate Plan shall proceed as
11 specified in paragraph (6) of subsection (f).

12 (ii) An electric utility that initially
13 elected to a file general rate case and thereafter
14 elects to transition to a Multi-Year Rate Plan may
15 do so only at the 4-year filing intervals
16 identified by paragraph (8) of this subsection
17 (d).

18 (10) The Commission shall approve tariffs establishing
19 rate design for all delivery service customers unless the
20 electric utility makes the election specified in Section
21 16-105.5, in which case the rate design shall be subject
22 to the provisions of that Section.

23 (11) The Commission shall establish requirements for
24 annual performance evaluation reports to be submitted
25 annually for performance metrics. Such reports shall
26 include, but not be limited to, a description of the

1 utility's performance under each metric and an
2 identification of any extraordinary events that adversely
3 affected the utility's performance.

4 (12) For the first Multi-Year Rate Plan, the
5 Commission shall consolidate its investigation with the
6 proceeding under Section 16-105.17 to establish the
7 Multi-Year Integrated Grid Plan no later than 45 days
8 after plan filing.

9 (13) Where a rate change under a Multi-Year Rate Plan
10 will result in a rate increase, an electric utility may
11 propose a rate phase-in plan that the Commission shall
12 approve with or without modification or deny in its final
13 order approving the new delivery services rates. A
14 proposed rate phase-in plan under this paragraph (13) must
15 allow the new delivery services rates to be implemented in
16 no more than 2 steps, as follows: in the first step, at
17 least 50% of the approved rate increase must be reflected
18 in rates, and, in the second step, 100% of the rate
19 increase must be reflected in rates. The second step's
20 rates must take effect no later than 12 months after the
21 first step's rates were placed into effect. The portion of
22 the approved rate increase not implemented in the first
23 step shall be recorded on the electric utility's books as
24 a regulatory asset, and shall accrue carrying costs to
25 ensure that the utility does not recover more or less than
26 it otherwise would because of the deferral. This portion

1 shall be recovered, with such carrying costs at the
2 weighted average cost of capital, through a surcharge
3 applied to retail customer bills that (i) begins no later
4 than 12 months after the date on which the second step's
5 rates went into effect and (ii) is applied over a period
6 not to exceed 24 months. Nothing in this paragraph is
7 intended to limit the Commission's authority to mitigate
8 the impact of rates caused by rate plans, or any other
9 instance on a revenue-neutral basis; nor shall it mitigate
10 a utility's ability to make proposals to mitigate the
11 impact of rates. When a deferral, or similar method, is
12 used to mitigate the impact of rates, the utility should
13 be allowed to recover carrying costs.

14 (14) Notwithstanding the provisions of Section (13),
15 the Commission may, on its own initiative, take
16 revenue-neutral measures to relieve the impact of rate
17 increases on customers. Such initiatives may be taken by
18 the Commission in the first Multi-Year Rate Plan,
19 subsequent multi-year plans, or in other instances
20 described in this Act.

21 (15) Whenever during the pendency of a Multi-year Rate
22 Plan, an electric utility subject to this Section becomes
23 aware that, due to circumstances beyond its control,
24 prudent operating practices will require the utility to
25 make adjustments to the Multi-Year Rate Plan, the electric
26 utility may file a petition with the Commission requesting

1 modification of the approved annual revenue requirements
2 included in the Multi-Year Rate Plan. The electric utility
3 must support its request with evidence demonstrating why a
4 modification is necessary, due to circumstances beyond the
5 utility's control, to follow prudent operating practices
6 and must set forth the changes to each annual revenue
7 requirement to be approved, and the basis for any changes
8 in anticipated operating expenses or capital investment
9 levels. The utility shall affirmatively address the impact
10 of the changes on the Multi-Year Integrated Grid Plan and
11 Multi-Year Rate Plan originally submitted and approved by
12 the Commission. Any interested party may file an objection
13 to the changes proposed, or offer alternatives to the
14 utility's proposal, as supported by testimony and
15 evidence. After notice and hearing, the Commission shall
16 issue a final order regarding the electric utility's
17 request no later than 180 days after the filing of the
18 petition.

19 (e) Performance incentive mechanisms.

20 (1) The electric industry is undergoing rapid
21 transformation, including fundamental changes in how
22 electricity is generated, procured, and delivered and how
23 customers are choosing to participate in the supply and
24 delivery of electricity to and from the electric grid.
25 Building upon the State's goals to increase the
26 procurement of electricity from renewable energy

1 resources, including distributed generation and storage
2 devices, the General Assembly finds that electric
3 utilities should make cost-effective investments that
4 support moving forward on Illinois' clean energy policies.
5 It is therefore in the State's interest for the Commission
6 to establish performance incentive mechanisms in order to
7 better tie utility revenues to performance and customer
8 benefits, accelerate progress on Illinois energy and other
9 goals, ensure equity and affordability of rates for all
10 customers, including low-income customers, and hold
11 utilities publicly accountable.

12 (2) The Commission shall approve, based on the
13 substantial evidence proffered in the proceeding initiated
14 pursuant to this subsection performance metrics that, to
15 the extent practicable and achievable by the electric
16 utility, encourage cost-effective, equitable utility
17 achievement of the outcomes described in this subsection
18 (e) while ensuring no degradation in the significant
19 performance improvement achieved through previously
20 established performance metrics. For each electric
21 utility, the Commission shall approve metrics designed to
22 achieve incremental improvements over baseline performance
23 values and targets, over a performance period of up to 10
24 years, and no less than 4 years.

25 (A) The Commission shall approve no more than 8
26 metrics, with at least one metric from each of the

1 categories below, for each electric utility, from
2 subparagraphs (i) through (vi) of this subsection (A).
3 Upon a utility request, the Commission may approve the
4 use of a specific, measurable, and achievable tracking
5 metric described in paragraph (3) of subsection (e) as
6 a performance metric pursuant to paragraph (2) of
7 subsection (e).

8 (i) Metrics designed to ensure the utility
9 maintains and improves the high standards of both
10 overall and locational reliability and resiliency,
11 and makes improvements in power quality, including
12 and particularly in environmental justice and
13 equity investment eligible communities.

14 (ii) Peak load reductions attributable to
15 demand response programs.

16 (iii) Supplier diversity expansion, including
17 diverse contractor participation in professional
18 services, subcontracting, and prime contracting
19 opportunities, development of programs that
20 address the barriers to access, aligning
21 demographics of contractors to the demographics in
22 the utility's service territory, establish
23 long-term mentoring relationships that develop and
24 remove barriers to access for diverse and
25 underserved contractors. The utilities shall
26 provide solutions, resources, and tools to address

1 complex barriers of entry related to costly and
2 time-intensive cyber security requirements,
3 increasingly complex information technology
4 requirements, insurance barriers, service provider
5 sign-up process barriers, administrative process
6 barriers, and other barriers that inhibit access
7 to RFPs and contracts. For programs with contracts
8 over \$1,000,000, winning bidders must demonstrate
9 a subcontractor development or mentoring
10 relationship with at least one of their diverse
11 subcontracting partners for a core component of
12 the scope of the project. The mentoring time and
13 cost shall be taken into account in the creation
14 of RFP and shall include a structured and measured
15 plan by the prime contractor to increase the
16 capabilities of the subcontractor in their
17 proposed scope. The metric shall include reporting
18 on all supplier diversity programs by goals,
19 program results, demographics and geography, with
20 separate reporting by category of minority-owned,
21 female-owned, veteran-owned, and disability-owned
22 business enterprise metrics. The report shall
23 include resources and expenses committed to the
24 programs and conversion rates of new diverse
25 utility contractors.

26 (iv) Achieve affordable customer delivery

1 service costs, with particular emphasis on keeping
2 the bills of lower-income households, households
3 in equity investment eligible communities, and
4 household in environmental justice communities
5 within a manageable portion of their income and
6 adopting credit and collection policies that
7 reduce disconnections for these households
8 specifically and for customers overall to ensure
9 equitable disconnections, late fees, or arrearages
10 as a result of utility credit and collection
11 practices, which may include consideration of
12 impact by zip code.

13 (v) Metrics designed around the utility's
14 timeliness to customer requests for
15 interconnection in key milestone areas, such as:
16 initial response, supplemental review, and system
17 feasibility study; improved average service
18 reliability index for those customers that have
19 interconnected a distributed renewable energy
20 generation device to the utility's distribution
21 system and are lawfully taking service under an
22 applicable tariff; offering a variety of
23 affordable rate options, including demand
24 response, time of use rates for delivery and
25 supply, real-time pricing rates for supply;
26 comprehensive and predictable net metering, and

1 maximizing the benefits of grid modernization and
2 clean energy for ratepayers; and improving
3 customer access to utility system information
4 according to consumer demand and interest.

5 (vi) Metrics designed to measure the utility's
6 customer service performance, which may include
7 the average length of time to answer a customer's
8 call by a customer service representative, the
9 abandoned call rate and the relative ranking of
10 the electric utility, by a reputable third-party
11 organization, in customer service satisfaction
12 when compared to other similar electric utilities
13 in the Midwest region.

14 (B) Performance metrics shall include a
15 description of the metric, a calculation method, a
16 data collection method, annual performance targets,
17 and any incentives or penalties for the utility's
18 achievement of, or failure to achieve, their
19 performance targets, provided that the total amount of
20 potential incentives and penalties shall be
21 symmetrical. Incentives shall be rewards or penalties
22 or both, reflected as basis points added to, or
23 subtracted from, the utility's cost of equity. The
24 metrics and incentives shall apply for the entire time
25 period covered by a Multi-Year Rate Plan. The total
26 for all metrics shall be equal to 40 basis points,

1 however, the Commission may adjust the basis points
2 upward or downward by up to 20 basis points for any
3 given Multi-Year Rate Plan, as appropriate, but in no
4 event may the total exceed 60 basis points or fall
5 below 20 basis points.

6 (C) Metrics related to reliability shall be
7 implemented to ensure equitable benefits to
8 environmental justice and equity investment eligible
9 communities, as defined in this Act.

10 (D) The Commission shall approve performance
11 metrics that are reasonably within control of the
12 utility to achieve. The Commission also shall not
13 approve a metric that is solely expected to have the
14 effect of reducing the workforce. Performance metrics
15 should measure outcomes and actual, rather than
16 projected, results where possible. Nothing in this
17 paragraph is intended to require that different
18 electric utilities must be subject to the same
19 metrics, goals, or incentives.

20 (E) Increases or enhancements to an existing
21 performance goal or target shall be considered in
22 light of other metrics, cost-effectiveness, and other
23 factors the Commission deems appropriate. Performance
24 metrics shall include one year of tracking data
25 collected in a consistent manner, verifiable by an
26 independent evaluator in order to establish a baseline

1 and measure outcomes and actual results against
2 projections where possible.

3 (F) For the purpose of determining reasonable
4 performance metrics and related incentives, the
5 Commission shall develop a methodology to calculate
6 net benefits that includes customer and societal costs
7 and benefits and quantifies the effect on delivery
8 rates. In determining the appropriate level of a
9 performance incentive, the Commission shall consider:
10 the extent to which the amount is likely to encourage
11 the utility to achieve the performance target in the
12 least cost manner; the value of benefits to customers,
13 the grid, public health and safety, and the
14 environment from achievement of the performance
15 target, including in particular benefits to equity
16 investment eligible community; the affordability of
17 customer's electric bills, including low-income
18 customers, the utility's revenue requirement, the
19 promotion of renewable and distributed energy, and
20 other such factors that the Commission deems
21 appropriate. The consideration of these factors shall
22 result in an incentive level that ensures benefits
23 exceed costs for customers.

24 (G) Achievement of performance metrics are based
25 on the assumptions that the utility will adopt or
26 implement the technology and equipment, and make the

1 investments to the extent reasonably necessary to
2 achieve the goal. If the electric utility is unable to
3 meet the performance metrics as a result of
4 extraordinary circumstances outside of its control,
5 including but not limited to government-declared
6 emergencies, then the utility shall be permitted to
7 file a petition with the Commission requesting that
8 the utility be excused from compliance with the
9 applicable performance goal or goals and the
10 associated financial incentives and penalties. The
11 burden of proof shall be on the utility, consistent
12 with Article IX, and the utility's petition shall be
13 supported by substantial evidence. The Commission
14 shall, after notice and hearing, enter its order
15 approving or denying, in whole or in part, the
16 utility's petition based on the extent to which the
17 utility demonstrated that its achievement of the
18 affected metrics and performance goals was hindered by
19 extraordinary circumstances outside of the utility's
20 control.

21 (3) The Commission shall approve reasonable and
22 appropriate tracking metrics to collect and monitor data
23 for the purpose of measuring and reporting utility
24 performance and for establishing future performance
25 metrics. These additional tracking metrics shall include
26 at least one metric from each of the following categories

1 of performance:

2 (A) Minimize emissions of greenhouse gases and
3 other air pollutants that harm human health,
4 particularly in environmental justice and equity
5 investment eligible communities, through minimizing
6 total emissions by accelerating electrification of
7 transportation, buildings and industries where such
8 electrification results in net reductions, across all
9 fuels and over the life of electrification measures,
10 of greenhouse gases and other pollutants, taking into
11 consideration the fuel mix used to produce electricity
12 at the relevant hour and the effect of accelerating
13 electrification on electricity delivery services
14 rates, supply prices and peak demand, provided the
15 revenues the utility receives from accelerating
16 electrification of transportation, buildings and
17 industries exceed the costs.

18 (B) Enhance the grid's flexibility to adapt to
19 increased deployment of nondispatchable resources,
20 improve the ability and performance of the grid on
21 load balancing, and offer a variety of rate plans to
22 match consumer consumption patterns and lower consumer
23 bills for electricity delivery and supply.

24 (C) Ensure rates reflect cost savings attributable
25 to grid modernization and utilize distributed energy
26 resources that allow the utility to defer or forgo

1 traditional grid investments that would otherwise be
2 required to provide safe and reliable service.

3 (D) Metrics designed to create and sustain
4 full-time-equivalent jobs and opportunities for all
5 segments of the population and workforce, including
6 minority-owned businesses, women-owned businesses,
7 veteran-owned businesses, and businesses owned by a
8 person or persons with a disability, and that do not,
9 consistent with State and federal law, discriminate
10 based on race or socioeconomic status as a result of
11 this amendatory Act of the 102nd General Assembly.

12 (E) Maximize and prioritize the allocation of grid
13 planning benefits to environmental justice and
14 economically disadvantaged customers and communities,
15 such that all metrics provide equitable benefits
16 across the utility's service territory and maintain
17 and improve utility customers' access to uninterrupted
18 utility services.

19 (4) The Commission may establish new tracking and
20 performance metrics in future Multi-Year Rate Plans to
21 further measure achievement of the outcomes set forth in
22 paragraph (2) of subsection (f) of this Section and the
23 other goals and requirements of this Section.

24 (5) The Commission shall also evaluate metrics that
25 were established in prior Multi-Year Rate Plans to
26 determine if there has been an unanticipated material

1 change in circumstances such that adjustments are required
2 to improve the likelihood of the outcomes described in
3 paragraph (2) of subsection (f). For metrics that were
4 established in prior Multi-Year Rate Plan proceedings and
5 that the Commission elects to continue, the design of
6 these metrics, including the goals of tracking metrics and
7 the targets and incentive levels and structures of
8 performance metrics, may be adjusted pursuant to the
9 requirements in this Section. The Commission may also
10 change, adjust or phase out tracking and performance
11 metrics that were established in prior Multi-Year Rate
12 Plan proceedings if these metrics no longer meet the
13 requirements of this Section or if they are rendered
14 obsolete by the changing needs and technology of an
15 evolving grid. Additionally, performance metrics that no
16 longer require an incentive to create improved utility
17 performance may become tracking metrics in a Multi-Year
18 Rate Plan proceeding.

19 (6) The Commission shall initiate a workshop process
20 no later than August 1, 2021, or 15 days after the
21 effective date of this amendatory Act of the 102nd General
22 Assembly, whichever is later, for the purpose of
23 facilitating the development of metrics for each utility.
24 The workshop shall be coordinated by the staff of the
25 Commission, or a facilitator retained by staff, and shall
26 be organized and facilitated in a manner that encourages

1 representation from diverse stakeholders and ensures
2 equitable opportunities for participation, without
3 requiring formal intervention or representation by an
4 attorney. Working with staff of the Commission the
5 facilitator may conduct a combination of workshops
6 specific to a utility or applicable to multiple utilities
7 where content and stakeholders are substantially similar.
8 The workshop process shall conclude no later than October
9 31, 2021. Following the workshop, the staff of the
10 Commission, or the facilitator retained by the Staff,
11 shall prepare and submit a report to the Commission that
12 identifies the participants in the process, the metrics
13 proposed during the process, any material issues that
14 remained unresolved at the conclusions of such process,
15 and any recommendations for workshop process improvements.
16 Any workshop participant may file comments and reply
17 comments in response to the Staff report.

18 (A) No later than January, 20, 2022, each electric
19 utility that intends to file a petition pursuant to
20 subsection (b) of this Section shall file a petition
21 with the Commission seeking approval of its
22 performance metrics, which shall include for each
23 metric, at a minimum, (i) a detailed description, (ii)
24 the calculation of the baseline, (iii) the performance
25 period and overall performance goal, provided that the
26 performance period shall not commence prior to January

1 1, 2024, (iv) each annual performance goal, (v) the
2 performance adjustment, which shall be a symmetrical
3 basis point increase or decrease to the utility's cost
4 of equity based on the extent to which the utility
5 achieved the annual performance goal, and (vi) the new
6 or modified tariff mechanism that will apply the
7 performance adjustments. The Commission shall issue
8 its order approving, or approving with modification,
9 the utility's proposed performance metrics no later
10 than September 30, 2022.

11 (B) No later than August 1, 2025, the Commission
12 shall initiate a workshop process that conforms to the
13 workshop purpose and requirements of this paragraph
14 (6) of this Section to the extent they do not conflict.
15 The workshop process shall conclude no later than
16 October 31, 2025, and the staff of the Commission, or
17 the facilitator retained by the Staff, shall prepare
18 and submit a report consistent with the requirements
19 described in this paragraph (6) of this Section. No
20 later than January 20, 2026, each electric utility
21 subject to the requirements of this Section shall file
22 a petition that reflects, and is consistent with, the
23 components required in this paragraph (6) of this
24 Section, and the Commission shall issue its order
25 approving, or approving with modification, the
26 utility's proposed performance metrics no later than

1 September 30, 2026.

2 (f) On May 1 of each year, following the approval of the
3 first Multi-Year Rate Plan and its initial year, the
4 Commission shall open an annual performance evaluation
5 proceeding to evaluate the utilities' performance on their
6 metric targets during the year just completed, as well as the
7 appropriate Annual Adjustment as defined in paragraph (6). The
8 Commission shall determine the performance and annual
9 adjustments to be applied through a surcharge in the following
10 calendar year.

11 (1) On February 15 of each year, prior to the annual
12 performance evaluation proceeding, each utility shall file
13 a performance evaluation report with the Commission that
14 includes a description of and all data supporting how the
15 utility performed under each performance metric and an
16 identification of any extraordinary events that adversely
17 impacted the utility's performance.

18 (2) The metrics approved under this Section are based
19 on the assumptions that the utility may fully implement
20 the technology and equipment, and make the investments,
21 required to achieve the metrics and performance goals. If
22 the utility is unable to meet the metrics and performance
23 goals because it was hindered by unanticipated technology
24 or equipment implementation delays, government-declared
25 emergencies, or other investment impediments, then the
26 utility shall be permitted to file a petition with the

1 Commission on or before the date that its report is due
2 pursuant to paragraph (1) of this subsection (f)
3 requesting that the utility be excused from compliance
4 with the applicable performance goal or goals. The burden
5 of proof shall be on the utility, consistent with Article
6 IX, and the utility's petition shall be supported by
7 substantial evidence. No later than 90 days after the
8 utility files its petition, the Commission shall, after
9 notice and hearing, enter its order approving or denying,
10 in whole or in part, the utility's petition based on the
11 extent to which the utility demonstrated that its
12 achievement of the affected metrics and performance goals
13 was hindered by unanticipated technology or equipment
14 implementation delays, or other investment impediments,
15 that were reasonably outside of the utility's control.

16 (3) The electric utility shall provide for an annual
17 independent evaluation of its performance on metrics. The
18 independent evaluator shall review the utility's
19 assumptions, baselines, targets, calculation
20 methodologies, and other relevant information, especially
21 ensuring that the utility's data for establishing
22 baselines matches actual performance, and shall provide a
23 report to the Commission in each annual performance
24 evaluation describing the results. The independent
25 evaluator shall present this report as evidence as a
26 nonparty participant and shall not be represented by the

1 utility's legal counsel. The independent evaluator shall
2 be hired through a competitive bidding process with
3 approval of the contract by the Commission.

4 The Commission shall consider the report of the
5 independent evaluator in determining the utility's
6 achievement of performance targets. Discrepancies between
7 the utility's assumptions, baselines, targets, or
8 calculations and those of the independent evaluator shall
9 be closely scrutinized by the Commission. If the
10 Commission finds that the utility's reported data for any
11 metric or metrics significantly and incorrectly deviates
12 from the data reported by the independent evaluator, then
13 the Commission shall order the utility to revise its data
14 collection and calculation process within 60 days, with
15 specifications where appropriate.

16 (4) The Commission shall, after notice and hearing in
17 the annual performance evaluation proceeding, enter an
18 order approving the utility's performance adjustment based
19 on its achievement of or failure to achieve its
20 performance targets no later than December 20 each year.
21 The Commission-approved penalties or incentives shall be
22 applied beginning with the next calendar year.

23 (5) In order to promote the transparency of utility
24 investments during the effective period of a multi-year
25 rate plan, inform the Commission's investigation and
26 adjustment of rates in the annual adjustment process, and

1 to facilitate the participation of stakeholders in the
2 annual adjustment process, an electric utility with an
3 effective Multi-Year Rate Plan shall, within 90 days of
4 the close of each quarter during the Multi-Year Rate Plan
5 period, submit to the Commission a report that summarizes
6 the additions to utility plant that were placed into
7 service during the prior quarter, which for purposes of
8 the report shall be the most recently closed fiscal
9 quarter. The report shall also summarize the utility plant
10 the electric utility projects it will place into service
11 through the end of the calendar year in which the report is
12 filed. The projections, estimates, plans, and
13 forward-looking information that are provided in the
14 reports pursuant to this paragraph (5) are for planning
15 purposes and are intended to be illustrative of the
16 investments that the utility proposes to make as of the
17 time of submittal. Nothing in this paragraph (5)
18 precludes, or is intended to limit, a utility's ability to
19 modify and update its projections, estimates, plans, and
20 forward-looking information previously submitted in order
21 to reflect stakeholder input or other new or updated
22 information and analysis, including, but not limited to,
23 changes in specific investment needs, customer electric
24 use patterns, customer applications and preferences, and
25 commercially available equipment and technologies, however
26 the utility shall explain any changes or deviations

1 between the projected investments from the quarterly
2 reports and actual investments in the annual report. The
3 reports submitted pursuant to this subsection are intended
4 to be flexible planning tools, and are expected to evolve
5 as new information becomes available. Within 7 days of
6 receiving a quarterly report, the Commission shall timely
7 make such report available to the public by posting it on
8 the Commission's website. Each quarterly report shall
9 include the following detail:

10 (A) The total dollar value of the additions to
11 utility plant placed in service during the prior
12 quarter;

13 (B) A list of the major investment categories the
14 electric utility used to manage its routine standing
15 operational activities during the prior quarter
16 including the total dollar amount for the work
17 reflected in each investment category in which utility
18 plant in service is equal to or greater than
19 \$2,000,000 for an electric utility that serves more
20 than 3,000,000 customers in the State or \$500,000 for
21 an electric utility that serves less than 3,000,000
22 customers but more than 500,000 customers in the State
23 as of the last day of the quarterly reporting period,
24 as well as a summary description of each investment
25 category;

26 (C) A list of the projects which the electric

1 utility has identified by a unique investment tracking
2 number for utility plant placed in service during the
3 prior quarter for utility plant placed in service with
4 a total dollar value as of the last day of the
5 quarterly reporting period that is equal to or greater
6 than \$2,000,000 for an electric utility that serves
7 more than 3,000,000 customers in the State or \$500,000
8 for an electric utility that serves less than
9 3,000,000 retail customers but more than \$500,000
10 retail customers in the State, as well as a summary of
11 each project;

12 (D) The estimated total dollar value of the
13 additions to utility plant projected to be placed in
14 service through the end of the calendar year in which
15 the report is filed;

16 (E) A list of the major investment categories the
17 electric utility used to manage its routine standing
18 operational activities with utility plant projected to
19 be placed in service through the end of the calendar
20 year in which the report is filed, including the total
21 dollar amount for the work reflected in each
22 investment category in which utility plant in service
23 is projected to be equal to or greater than \$2,000,000
24 for an electric utility that serves more than
25 3,000,000 customers in the State or \$500,000 for an
26 electric utility that serves less than 3,000,000

1 retail customers but more than 500,000 retail
2 customers in the State, as well as a summary
3 description of each investment category; and

4 (F) A list of the projects for which the electric
5 utility has identified by a unique investment tracking
6 number for utility plant projected to be placed in
7 service through the end of the calendar year in which
8 the report is filed with an estimated dollar value
9 that is equal to or greater than \$2,000,000 for an
10 electric utility that serves more than 3,000,000
11 customers in the State or \$500,000 for an electric
12 utility that serves less than 3,000,000 retails
13 customers but more than \$500,000 retail customers in
14 the State, as well as a summary description of each
15 project.

16 (6) As part of the Annual Performance Adjustment, the
17 electric utility shall submit evidence sufficient to
18 support a determination of its actual revenue requirement
19 for the applicable calendar year, consistent with the
20 provisions of paragraphs (d) and (f) of this subsection.
21 The electric utility shall bear the burden of
22 demonstrating that its costs were prudent and reasonable,
23 subject to the provisions of paragraph (4) of this
24 subsection (f). The Commission's review of the electric
25 utility's annual adjustment shall be based on the same
26 evidentiary standards, including, but not limited to,

1 those concerning the prudence and reasonableness of the
2 known and measurable costs forecasted to be incurred by
3 the utility, and the used and usefulness of the actual
4 plant investment pursuant to Section 9-211 of this Act,
5 that the Commission applies in a proceeding to review a
6 filing for changes in rates pursuant to Section 9-201 of
7 this Act. The Commission shall determine the prudence and
8 reasonableness of the actual costs incurred by the utility
9 during the applicable calendar year, as well as determine
10 the original cost of plant in service as of the end of the
11 applicable calendar year. The Commission shall then
12 determine the Annual Adjustment, which shall mean the
13 amount by which, the electric utility's actual revenue
14 requirement for the applicable year of the Multi-Year Rate
15 Plan either exceeded, or was exceeded by, the revenue
16 requirement approved by the Commission for such calendar
17 year, plus carrying costs calculated at the weighted
18 average cost of capital approved for the Multi-Year Rate
19 Plan.

20 The Commission's determination of the electric
21 utility's actual revenue requirement for the applicable
22 calendar year shall be based on:

23 (A) the Commission-approved used and useful,
24 prudent and reasonable actual costs for the applicable
25 calendar year, which shall be determined pursuant to
26 the following criteria:

1 (i) The overall level of actual costs incurred
2 during the calendar year, provided that the
3 Commission may not allow recovery of actual costs
4 that are more than 105% of the approved revenue
5 requirement calculated as provided in item (ii) of
6 this subparagraph (A), except to the extent the
7 Commission approves a modification of the
8 Multi-Year Rate Plan to permit such recovery.

9 (ii) The calculation of 105% of the revenue
10 requirement required by this subparagraph (A)
11 shall exclude the revenue requirement impacts of
12 the following volatile and fluctuating variables
13 that occurred during the year: (i) storms and
14 weather-related events for which the utility
15 provides sufficient evidence to demonstrate that
16 such expenses were not foreseeable and not in
17 control of the utility; (ii) new business; (iii)
18 changes in interest rates; (iv) changes in taxes;
19 (v) facility relocations; (vi) changes in pension
20 or post-retirement benefits costs due to
21 fluctuations in interest rates, market returns or
22 actuarial assumptions; (vii) amortization expenses
23 related to costs; and (viii) changes in the timing
24 of when an expenditure or investment is made such
25 that it is accelerated to occur during the
26 applicable year or deferred to occur in a

1 subsequent year.

2 (B) the year-end rate base;

3 (C) the cost of equity approved in the multi-year
4 rate plan; and

5 (D) the electric utility's actual year-end capital
6 structure, provided that the common equity ratio in
7 such capital structure may not exceed the common
8 equity ratio that was approved by the Commission in
9 the Multi-Year Rate Plan.

10 (2) The Commission's determinations of the prudence
11 and reasonableness of the costs incurred for the
12 applicable year, and of the original cost of plant in
13 service as of the end of the applicable calendar year,
14 shall be final upon entry of the Commission's order and
15 shall not be subject to collateral attack in any other
16 Commission proceeding, case, docket, order, rule, or
17 regulation; however, nothing in this Section shall
18 prohibit a party from petitioning the Commission to rehear
19 or appeal to the courts the order pursuant to the
20 provisions of this Act.

21 (g) During the period leading to approval of the first
22 Multi-Year Integrated Grid Plan, each electric utility will
23 necessarily continue to invest in its distribution grid. Those
24 investments will be subject to a determination of prudence and
25 reasonableness consistent with Commission practice and law.
26 Any failure to conform to the Multi-Year Integrated Grid Plan

1 ultimately approved shall not imply imprudence or
2 unreasonableness.

3 (h) After calculating the Performance Adjustment and
4 Annual Adjustment, the Commission shall order the electric
5 utility to collect the amount in excess of the revenue
6 requirement from customers, or issue a refund to customers, as
7 applicable, to be applied through a surcharge beginning with
8 the next calendar year.

9 Electric utilities subject to the requirements of this
10 Section shall be permitted to file new or revised tariffs to
11 comply with the provisions of, and Commission orders entered
12 pursuant to, this Section.

13 (220 ILCS 5/16-108.19 new)

14 Sec. 16-108.19. Division of Integrated Distribution
15 Planning.

16 (a) The Commission shall establish the Division of
17 Integrated Distribution Planning within the Bureau of Public
18 Utilities. The Division shall be staffed by no less than 13
19 professionals, including engineers, rate analysts,
20 accountants, policy analysts, utility research and analysis
21 analysts, cybersecurity analysts, informational technology
22 specialists, and lawyers to review and evaluate Integrated
23 Grid Plans, updates to Integrated Grid Plans, audits, and
24 other duties as assigned by the Chief of the Public Utilities
25 Bureau.

1 (b) The Division of Integrated Distribution Planning shall
2 be established by January 1, 2022.

3 (220 ILCS 5/16-108.20 new)

4 Sec. 16-108.20. Cost-effectiveness incentive.

5 (a) The General Assembly finds that it is critical to
6 maintain this focus on utility bill affordability as the State
7 transitions to a clean energy economy. The General Assembly
8 accordingly finds that it may be in the public interest to
9 incentivize electric utilities to reduce spending where
10 practicable and where such reduction will not have an adverse
11 impact on the State's clean energy goals; this Act's
12 overarching objectives of efficiency, environmental quality,
13 reliability, and equity; or the utility's achievement on its
14 metrics.

15 (b) In addition to the performance metrics established and
16 approved by the Commission pursuant to Section 16-108.18 of
17 this Act, the Commission may also determine whether each
18 electric utility that serves more than 500,000 retail
19 customers in the State may also be subject to a performance
20 metric that incentivizes the utility to make cost-effective
21 choices and stretch to achieve cost savings for public utility
22 customers where it can do so without adverse impact (on
23 efficiency, environmental quality, reliability or equity).

24 (c) The Commission shall initiate a docket on the subject
25 of cost-effective shared savings, and shall make a

1 determination if it would be in the public interest and the
2 best interest of electric utility customers to establish a
3 performance metric that incentivizes utilities to reduce their
4 costs while meeting all other performance metrics and
5 addressing state goals as found in this Act.

6 (d) At the conclusion of the docket, if the Commission
7 determines that such an incentive is in the best interest of
8 consumers, the Commission shall have the authority to set a
9 specific metric as part of the performance metric process
10 pursuant to Section 16-108.18. Such metric shall include a
11 determination of the percentage of the shared savings to be
12 returned to the customers and to the utility. Such percentage
13 shall be set so as to incentivize the utility to make savings,
14 while providing substantial benefits to consumers.

15 (220 ILCS 5/16-108.21 new)

16 Sec. 16-108.21. Accelerated repayment of excess deferred
17 income tax.

18 (a) The General Assembly finds:

19 (1) That a portion of each utility's compensation from
20 ratepayers is attributable to reimbursement for federal
21 taxes paid by the utility.

22 (2) Due to the enactment of the 2017 Tax Cut and Jobs
23 Act, the federal income tax rate for corporations was
24 lowered, resulting in excess deferred income tax for
25 distribution utilities in the State that serve more than

1 100,000 customers.

2 (3) In proceedings before the Commission, it was
3 determined that the repayment period to ratepayers by the
4 utilities which serve more than 100,000 customers in this
5 State for this excess deferred income tax would be 39.5
6 years.

7 (4) The COVID-19 pandemic has harmed many customers of
8 all rate classes in the State, and resulted in the
9 Commission adopting a number of measures to provide relief
10 for customers.

11 (5) It would be in the interest of the State for the
12 repayment of the excess deferred income tax referenced in
13 Commission Dockets 19-0436, 19-0387, 20-0381, and 20-0393
14 to be paid back to ratepayers on a timetable greatly
15 accelerated from that set forth in the dockets.

16 (b) Notwithstanding the Commission Orders in Dockets
17 19-0436, 19-0387, 20-0381, and 20-0382, the excess deferred
18 income tax referenced in those dockets shall be fully refunded
19 to ratepayers by the respective utilities no later than
20 December 31, 2025.

21 (c) The Commission shall initiate a docket to provide for
22 the refunding of these excess deferred income taxes to
23 ratepayers of the utilities referenced in those dockets, and
24 shall set forth any necessary provisions to accomplish the
25 reimbursement on the schedule delineated in subsection (b).

1 (220 ILCS 5/16-108.25 new)

2 Sec. 16-108.25. Tariff regarding transition in rates. Each
3 electric utility that files a Multi-Year Rate Plan pursuant to
4 Section 16-108.18 of this Act or a general rate case as
5 described in this Act shall also file a tariff that sets forth
6 the processes and procedures by which the electric utility
7 will transition from its current rates and ratemaking
8 mechanism to the new Multi-Year Rate Plan or a general rate
9 case and rates that will take effect under that multi-year
10 plan. The proposed tariff shall be consistent with the tariff
11 approved by the Commission in Docket No. 20-0426 and covers
12 the period until the new delivery rates are effective and all
13 required processes and procedures described in the tariff have
14 been completed.

15 Each electric utility subject to this Section shall file
16 its proposed tariff no later than 30 days after the effective
17 date of this amendatory Act of the 102nd General Assembly, and
18 the Commission shall enter its order approving the tariff no
19 later than 120 days after it was filed if the Commission finds
20 that the proposed tariff is consistent with the tariff
21 previously approved in Docket No. 20-0426 for the period until
22 the new delivery rates are effective and all required
23 processes and procedures described in the tariff have been
24 completed. If the Commission does not so find, then the
25 Commission shall approve the utility's tariff with those
26 modifications that are required to make the proposed tariff

1 consistent with the tariff approved in Docket 20-0426 until
2 the new delivery rates are effective and all required
3 processes and procedures described in the tariff have been
4 completed.

5 An electric utility that has a tariff in effect on the
6 effective date of this amendatory Act of the 102nd General
7 Assembly that provides for the transition from its current
8 rates and ratemaking mechanism to new base rates approved
9 pursuant to Article IX of this Act, shall file a compliance
10 tariff modifying its existing tariff to comply with the
11 provisions of this Section. The compliance tariff shall go
12 into effect on 45 days' notice.

13 (220 ILCS 5/16-108.30 new)

14 Sec. 16-108.30. Energy Transition Assistance Fund.

15 (a) The Energy Transition Assistance Fund is hereby
16 created as a special fund in the State Treasury. The Energy
17 Transition Assistance Fund is authorized to receive moneys
18 collected pursuant to this Section. Subject to appropriation,
19 the Department of Commerce and Economic Opportunity shall use
20 moneys from the Energy Transition Assistance Fund consistent
21 with the purposes of this Act.

22 (b) An electric utility serving more than 500,000
23 customers in the State shall assess an energy transition
24 assistance charge on all its retail customers for the Energy
25 Transition Assistance Fund. The utility's total charge shall

1 be set based upon the value determined by the Department of
2 Commerce and Economic Opportunity pursuant to subsection (d)
3 or (e), as applicable, of Section 605-1075 of the Department
4 of Commerce and Economic Opportunity Law of the Civil
5 Administrative Code of Illinois. For each utility, the charge
6 shall be recovered through a single, uniform cents per
7 kilowatt-hour charge applicable to all retail customers. For
8 each utility, the charge shall not exceed 1.3% of the amount
9 paid per kilowatthour by those customers during the year
10 ending May 31, 2009.

11 (c) Within 75 days of the effective date of this
12 amendatory Act of the 102nd General Assembly, each electric
13 utility serving more than 500,000 customers in the State shall
14 file with the Illinois Commerce Commission tariffs
15 incorporating the energy transition assistance charge in other
16 charges stated in such tariffs, which energy transition
17 assistance charges shall become effective no later than the
18 beginning of the first billing cycle that begins on or after
19 January 1, 2022. Each electric utility serving more than
20 500,000 customers in the State shall, prior to the beginning
21 of each calendar year starting with calendar year 2023, file
22 with the Illinois Commerce Commission tariff revisions to
23 incorporate annual revisions to the energy transition
24 assistance charge as prescribed by the Department of Commerce
25 and Economic Opportunity pursuant to Section 605-1075 of the
26 Department of Commerce and Economic Opportunity Law of the

1 Civil Administrative Code of Illinois so that such revision
2 becomes effective no later than the beginning of the first
3 billing cycle in each respective year.

4 (d) The energy transition assistance charge shall be
5 considered a charge for public utility service.

6 (e) By the 20th day of the month following the month in
7 which the charges imposed by this Section were collected, each
8 electric utility serving more than 500,000 customers in the
9 State shall remit to Department of Revenue all moneys received
10 as payment of the energy transition assistance charge on a
11 return prescribed and furnished by the Department of Revenue
12 showing such information as the Department of Revenue may
13 reasonably require. If a customer makes a partial payment, a
14 public utility may apply such partial payments first to
15 amounts owed to the utility. No customer may be subjected to
16 disconnection of his or her utility service for failure to pay
17 the energy transition assistance charge.

18 If any payment provided for in this subsection exceeds the
19 electric utility's liabilities under this Act, as shown on an
20 original return, the Department may authorize the electric
21 utility to credit such excess payment against liability
22 subsequently to be remitted to the Department under this Act,
23 in accordance with reasonable rules adopted by the Department.

24 All the provisions of Sections 4, 5, 5a, 5b, 5c, 5d, 5e,
25 5f, 5g, 5i, 5j, 6, 6a, 6b, 6c, 7, 8, 9, 10, 11, 11a, 12, and 13
26 of the Retailers' Occupation Tax Act that are not inconsistent

1 with this Act apply, as far as practicable, to the charge
2 imposed by this Act to the same extent as if those provisions
3 were included in this Act. References in the incorporated
4 Sections of the Retailers' Occupation Tax Act to retailers, to
5 sellers, or to persons engaged in the business of selling
6 tangible personal property mean persons required to remit the
7 charge imposed under this Act.

8 (f) The Department of Revenue shall deposit into the
9 Energy Transition Assistance Fund all moneys remitted to it in
10 accordance with this Section.

11 (g) The Department of Revenue may establish such rules as
12 it deems necessary to implement this Section.

13 (h) The Department of Commerce and Economic Opportunity
14 may establish such rules as it deems necessary to implement
15 this Section.

16 (220 ILCS 5/16-111.5)

17 Sec. 16-111.5. Provisions relating to procurement.

18 (a) An electric utility that on December 31, 2005 served
19 at least 100,000 customers in Illinois shall procure power and
20 energy for its eligible retail customers in accordance with
21 the applicable provisions set forth in Section 1-75 of the
22 Illinois Power Agency Act and this Section. Beginning with the
23 delivery year commencing on June 1, 2017, such electric
24 utility shall also procure zero emission credits from zero
25 emission facilities in accordance with the applicable

1 provisions set forth in Section 1-75 of the Illinois Power
2 Agency Act, and, for years beginning on or after June 1, 2017,
3 the utility shall procure renewable energy resources in
4 accordance with the applicable provisions set forth in Section
5 1-75 of the Illinois Power Agency Act and this Section.
6 Beginning with the delivery year commencing on June 1, 2022,
7 an electric utility serving over 3,000,000 customers shall
8 also procure carbon mitigation credits from carbon-free energy
9 resources in accordance with the applicable provisions set
10 forth in Section 1-75 of the Illinois Power Agency Act and this
11 Section. A small multi-jurisdictional electric utility that on
12 December 31, 2005 served less than 100,000 customers in
13 Illinois may elect to procure power and energy for all or a
14 portion of its eligible Illinois retail customers in
15 accordance with the applicable provisions set forth in this
16 Section and Section 1-75 of the Illinois Power Agency Act.
17 This Section shall not apply to a small multi-jurisdictional
18 utility until such time as a small multi-jurisdictional
19 utility requests the Illinois Power Agency to prepare a
20 procurement plan for its eligible retail customers. "Eligible
21 retail customers" for the purposes of this Section means those
22 retail customers that purchase power and energy from the
23 electric utility under fixed-price bundled service tariffs,
24 other than those retail customers whose service is declared or
25 deemed competitive under Section 16-113 and those other
26 customer groups specified in this Section, including

1 self-generating customers, customers electing hourly pricing,
2 or those customers who are otherwise ineligible for
3 fixed-price bundled tariff service. For those customers that
4 are excluded from the procurement plan's electric supply
5 service requirements, and the utility shall procure any supply
6 requirements, including capacity, ancillary services, and
7 hourly priced energy, in the applicable markets as needed to
8 serve those customers, provided that the utility may include
9 in its procurement plan load requirements for the load that is
10 associated with those retail customers whose service has been
11 declared or deemed competitive pursuant to Section 16-113 of
12 this Act to the extent that those customers are purchasing
13 power and energy during one of the transition periods
14 identified in subsection (b) of Section 16-113 of this Act.

15 (b) A procurement plan shall be prepared for each electric
16 utility consistent with the applicable requirements of the
17 Illinois Power Agency Act and this Section. For purposes of
18 this Section, Illinois electric utilities that are affiliated
19 by virtue of a common parent company are considered to be a
20 single electric utility. Small multi-jurisdictional utilities
21 may request a procurement plan for a portion of or all of its
22 Illinois load. Each procurement plan shall analyze the
23 projected balance of supply and demand for those retail
24 customers to be included in the plan's electric supply service
25 requirements over a 5-year period, with the first planning
26 year beginning on June 1 of the year following the year in

1 which the plan is filed. The plan shall specifically identify
2 the wholesale products to be procured following plan approval,
3 and shall follow all the requirements set forth in the Public
4 Utilities Act and all applicable State and federal laws,
5 statutes, rules, or regulations, as well as Commission orders.
6 Nothing in this Section precludes consideration of contracts
7 longer than 5 years and related forecast data. Unless
8 specified otherwise in this Section, in the procurement plan
9 or in the implementing tariff, any procurement occurring in
10 accordance with this plan shall be competitively bid through a
11 request for proposals process. Approval and implementation of
12 the procurement plan shall be subject to review and approval
13 by the Commission according to the provisions set forth in
14 this Section. A procurement plan shall include each of the
15 following components:

- 16 (1) Hourly load analysis. This analysis shall include:
17 (i) multi-year historical analysis of hourly
18 loads;
19 (ii) switching trends and competitive retail
20 market analysis;
21 (iii) known or projected changes to future loads;
22 and
23 (iv) growth forecasts by customer class.

24 (2) Analysis of the impact of any demand side and
25 renewable energy initiatives. This analysis shall include:

- 26 (i) the impact of demand response programs and

1 energy efficiency programs, both current and
2 projected; for small multi-jurisdictional utilities,
3 the impact of demand response and energy efficiency
4 programs approved pursuant to Section 8-408 of this
5 Act, both current and projected; and

6 (ii) supply side needs that are projected to be
7 offset by purchases of renewable energy resources, if
8 any.

9 (3) A plan for meeting the expected load requirements
10 that will not be met through preexisting contracts. This
11 plan shall include:

12 (i) definitions of the different Illinois retail
13 customer classes for which supply is being purchased;

14 (ii) the proposed mix of demand-response products
15 for which contracts will be executed during the next
16 year. For small multi-jurisdictional electric
17 utilities that on December 31, 2005 served fewer than
18 100,000 customers in Illinois, these shall be defined
19 as demand-response products offered in an energy
20 efficiency plan approved pursuant to Section 8-408 of
21 this Act. The cost-effective demand-response measures
22 shall be procured whenever the cost is lower than
23 procuring comparable capacity products, provided that
24 such products shall:

25 (A) be procured by a demand-response provider
26 from those retail customers included in the plan's

1 electric supply service requirements;

2 (B) at least satisfy the demand-response
3 requirements of the regional transmission
4 organization market in which the utility's service
5 territory is located, including, but not limited
6 to, any applicable capacity or dispatch
7 requirements;

8 (C) provide for customers' participation in
9 the stream of benefits produced by the
10 demand-response products;

11 (D) provide for reimbursement by the
12 demand-response provider of the utility for any
13 costs incurred as a result of the failure of the
14 supplier of such products to perform its
15 obligations thereunder; and

16 (E) meet the same credit requirements as apply
17 to suppliers of capacity, in the applicable
18 regional transmission organization market;

19 (iii) monthly forecasted system supply
20 requirements, including expected minimum, maximum, and
21 average values for the planning period;

22 (iv) the proposed mix and selection of standard
23 wholesale products for which contracts will be
24 executed during the next year, separately or in
25 combination, to meet that portion of its load
26 requirements not met through pre-existing contracts,

1 including but not limited to monthly 5 x 16 peak period
2 block energy, monthly off-peak wrap energy, monthly 7
3 x 24 energy, annual 5 x 16 energy, other standardized
4 energy or capacity products designed to provide
5 eligible retail customer benefits from commercially
6 deployed advanced technologies including but not
7 limited to high voltage direct current converter
8 stations, as such term is defined in Section 1-10 of
9 the Illinois Power Agency Act, whether or not such
10 product is currently available in wholesale markets,
11 annual off-peak wrap energy, annual 7 x 24 energy,
12 monthly capacity, annual capacity, peak load capacity
13 obligations, capacity purchase plan, and ancillary
14 services;

15 (v) proposed term structures for each wholesale
16 product type included in the proposed procurement plan
17 portfolio of products; and

18 (vi) an assessment of the price risk, load
19 uncertainty, and other factors that are associated
20 with the proposed procurement plan; this assessment,
21 to the extent possible, shall include an analysis of
22 the following factors: contract terms, time frames for
23 securing products or services, fuel costs, weather
24 patterns, transmission costs, market conditions, and
25 the governmental regulatory environment; the proposed
26 procurement plan shall also identify alternatives for

1 those portfolio measures that are identified as having
2 significant price risk and mitigation in the form of
3 additional retail customer and ratepayer price,
4 reliability, and environmental benefits from
5 standardized energy products delivered from
6 commercially deployed advanced technologies,
7 including, but not limited to, high voltage direct
8 current converter stations, as such term is defined in
9 Section 1-10 of the Illinois Power Agency Act, whether
10 or not such product is currently available in
11 wholesale markets.

12 (4) Proposed procedures for balancing loads. The
13 procurement plan shall include, for load requirements
14 included in the procurement plan, the process for (i)
15 hourly balancing of supply and demand and (ii) the
16 criteria for portfolio re-balancing in the event of
17 significant shifts in load.

18 (5) Long-Term Renewable Resources Procurement Plan.
19 The Agency shall prepare a long-term renewable resources
20 procurement plan for the procurement of renewable energy
21 credits under Sections 1-56 and 1-75 of the Illinois Power
22 Agency Act for delivery beginning in the 2017 delivery
23 year.

24 (i) The initial long-term renewable resources
25 procurement plan and all subsequent revisions shall be
26 subject to review and approval by the Commission. For

1 the purposes of this Section, "delivery year" has the
2 same meaning as in Section 1-10 of the Illinois Power
3 Agency Act. For purposes of this Section, "Agency"
4 shall mean the Illinois Power Agency.

5 (ii) The long-term renewable resources planning
6 process shall be conducted as follows:

7 (A) Electric utilities shall provide a range
8 of load forecasts to the Illinois Power Agency
9 within 45 days of the Agency's request for
10 forecasts, which request shall specify the length
11 and conditions for the forecasts including, but
12 not limited to, the quantity of distributed
13 generation expected to be interconnected for each
14 year.

15 (B) The Agency shall publish for comment the
16 initial long-term renewable resources procurement
17 plan no later than 120 days after the effective
18 date of this amendatory Act of the 99th General
19 Assembly and shall review, and may revise, the
20 plan at least every 2 years thereafter. To the
21 extent practicable, the Agency shall review and
22 propose any revisions to the long-term renewable
23 energy resources procurement plan in conjunction
24 with the Agency's other planning and approval
25 processes conducted under this Section. The
26 initial long-term renewable resources procurement

1 plan shall:

2 (aa) Identify the procurement programs and
3 competitive procurement events consistent with
4 the applicable requirements of the Illinois
5 Power Agency Act and shall be designed to
6 achieve the goals set forth in subsection (c)
7 of Section 1-75 of that Act.

8 (bb) Include a schedule for procurements
9 for renewable energy credits from
10 utility-scale wind projects, utility-scale
11 solar projects, and brownfield site
12 photovoltaic projects consistent with
13 subparagraph (G) of paragraph (1) of
14 subsection (c) of Section 1-75 of the Illinois
15 Power Agency Act.

16 (cc) Identify the process whereby the
17 Agency will submit to the Commission for
18 review and approval the proposed contracts to
19 implement the programs required by such plan.

20 Copies of the initial long-term renewable
21 resources procurement plan and all subsequent
22 revisions shall be posted and made publicly
23 available on the Agency's and Commission's
24 websites, and copies shall also be provided to
25 each affected electric utility. An affected
26 utility and other interested parties shall have 45

1 days following the date of posting to provide
2 comment to the Agency on the initial long-term
3 renewable resources procurement plan and all
4 subsequent revisions. All comments submitted to
5 the Agency shall be specific, supported by data or
6 other detailed analyses, and, if objecting to all
7 or a portion of the procurement plan, accompanied
8 by specific alternative wording or proposals. All
9 comments shall be posted on the Agency's and
10 Commission's websites. During this 45-day comment
11 period, the Agency shall hold at least one public
12 hearing within each utility's service area that is
13 subject to the requirements of this paragraph (5)
14 for the purpose of receiving public comment.
15 Within 21 days following the end of the 45-day
16 review period, the Agency may revise the long-term
17 renewable resources procurement plan based on the
18 comments received and shall file the plan with the
19 Commission for review and approval.

20 (C) Within 14 days after the filing of the
21 initial long-term renewable resources procurement
22 plan or any subsequent revisions, any person
23 objecting to the plan may file an objection with
24 the Commission. Within 21 days after the filing of
25 the plan, the Commission shall determine whether a
26 hearing is necessary. The Commission shall enter

1 its order confirming or modifying the initial
2 long-term renewable resources procurement plan or
3 any subsequent revisions within 120 days after the
4 filing of the plan by the Illinois Power Agency.

5 (D) The Commission shall approve the initial
6 long-term renewable resources procurement plan and
7 any subsequent revisions, including expressly the
8 forecast used in the plan and taking into account
9 that funding will be limited to the amount of
10 revenues actually collected by the utilities, if
11 the Commission determines that the plan will
12 reasonably and prudently accomplish the
13 requirements of Section 1-56 and subsection (c) of
14 Section 1-75 of the Illinois Power Agency Act. The
15 Commission shall also approve the process for the
16 submission, review, and approval of the proposed
17 contracts to procure renewable energy credits or
18 implement the programs authorized by the
19 Commission pursuant to a long-term renewable
20 resources procurement plan approved under this
21 Section.

22 In approving any long-term renewable resources
23 procurement plan after the effective date of this
24 amendatory Act of the 102nd General Assembly, the
25 Commission shall approve or modify the Agency's
26 proposal for minimum equity standards pursuant to

1 subsection (c-10) of Section 1-75 of the Illinois
2 Power Agency Act. The Commission shall consider
3 any analysis performed by the Agency in developing
4 its proposal, including past performance,
5 availability of equity eligible contractors, and
6 availability of equity eligible persons at the
7 time the long-term renewable resources procurement
8 plan is approved.

9 (iii) The Agency or third parties contracted by
10 the Agency shall implement all programs authorized by
11 the Commission in an approved long-term renewable
12 resources procurement plan without further review and
13 approval by the Commission. Third parties shall not
14 begin implementing any programs or receive any payment
15 under this Section until the Commission has approved
16 the contract or contracts under the process authorized
17 by the Commission in item (D) of subparagraph (ii) of
18 paragraph (5) of this subsection (b) and the third
19 party and the Agency or utility, as applicable, have
20 executed the contract. For those renewable energy
21 credits subject to procurement through a competitive
22 bid process under the plan or under the initial
23 forward procurements for wind and solar resources
24 described in subparagraph (G) of paragraph (1) of
25 subsection (c) of Section 1-75 of the Illinois Power
26 Agency Act, the Agency shall follow the procurement

1 process specified in the provisions relating to
2 electricity procurement in subsections (e) through (i)
3 of this Section.

4 (iv) An electric utility shall recover its costs
5 associated with the procurement of renewable energy
6 credits under this Section and pursuant to subsection
7 (c-5) of Section 1-75 of the Illinois Power Agency Act
8 through an automatic adjustment clause tariff under
9 subsection (k) or a tariff pursuant to subsection
10 (i-5), as applicable, of Section 16-108 of this Act. A
11 utility shall not be required to advance any payment
12 or pay any amounts under this Section that exceed the
13 actual amount of revenues collected by the utility
14 under paragraph (6) of subsection (c) of Section 1-75
15 of the Illinois Power Agency Act, subsection (c-5) of
16 Section 1-75 of the Illinois Power Agency Act, and
17 subsection (k) or subsection (i-5), as applicable, of
18 Section 16-108 of this Act, and contracts executed
19 under this Section shall expressly incorporate this
20 limitation.

21 (v) For the public interest, safety, and welfare,
22 the Agency and the Commission may adopt rules to carry
23 out the provisions of this Section on an emergency
24 basis immediately following the effective date of this
25 amendatory Act of the 99th General Assembly.

26 (vi) On or before July 1 of each year, the

1 Commission shall hold an informal hearing for the
2 purpose of receiving comments on the prior year's
3 procurement process and any recommendations for
4 change.

5 (b-5) An electric utility that as of January 1, 2019
6 served more than 300,000 retail customers in this State shall
7 purchase renewable energy credits from new renewable energy
8 facilities constructed at or adjacent to the sites of
9 coal-fueled electric generating facilities in this State in
10 accordance with subsection (c-5) of Section 1-75 of the
11 Illinois Power Agency Act. Except as expressly provided in
12 this Section, the plans and procedures for such procurements
13 shall not be included in the procurement plans provided for in
14 this Section, but rather shall be conducted and implemented
15 solely in accordance with subsection (c-5) of Section 1-75 of
16 the Illinois Power Agency Act.

17 (c) The provisions of this subsection (c) shall not apply
18 to procurements conducted pursuant to subsection (c-5) of
19 Section 1-75 of the Illinois Power Agency Act. However, the
20 Agency may retain a procurement administrator to assist the
21 Agency in planning and carrying out the procurement events and
22 implementing the other requirements specified in such
23 subsection (c-5) of Section 1-75 of the Illinois Power Agency
24 Act, with the costs incurred by the Agency for the procurement
25 administrator to be recovered through fees charged to
26 applicants for selection to sell and deliver renewable energy

1 credits to electric utilities pursuant to subsection (c-5) of
2 Section 1-75 of the Illinois Power Agency Act. The procurement
3 process set forth in Section 1-75 of the Illinois Power Agency
4 Act and subsection (e) of this Section shall be administered
5 by a procurement administrator and monitored by a procurement
6 monitor.

7 (1) The procurement administrator shall:

8 (i) design the final procurement process in
9 accordance with Section 1-75 of the Illinois Power
10 Agency Act and subsection (e) of this Section
11 following Commission approval of the procurement plan;

12 (ii) develop benchmarks in accordance with
13 subsection (e)(3) to be used to evaluate bids; these
14 benchmarks shall be submitted to the Commission for
15 review and approval on a confidential basis prior to
16 the procurement event;

17 (iii) serve as the interface between the electric
18 utility and suppliers;

19 (iv) manage the bidder pre-qualification and
20 registration process;

21 (v) obtain the electric utilities' agreement to
22 the final form of all supply contracts and credit
23 collateral agreements;

24 (vi) administer the request for proposals process;

25 (vii) have the discretion to negotiate to
26 determine whether bidders are willing to lower the

1 price of bids that meet the benchmarks approved by the
2 Commission; any post-bid negotiations with bidders
3 shall be limited to price only and shall be completed
4 within 24 hours after opening the sealed bids and
5 shall be conducted in a fair and unbiased manner; in
6 conducting the negotiations, there shall be no
7 disclosure of any information derived from proposals
8 submitted by competing bidders; if information is
9 disclosed to any bidder, it shall be provided to all
10 competing bidders;

11 (viii) maintain confidentiality of supplier and
12 bidding information in a manner consistent with all
13 applicable laws, rules, regulations, and tariffs;

14 (ix) submit a confidential report to the
15 Commission recommending acceptance or rejection of
16 bids;

17 (x) notify the utility of contract counterparties
18 and contract specifics; and

19 (xi) administer related contingency procurement
20 events.

21 (2) The procurement monitor, who shall be retained by
22 the Commission, shall:

23 (i) monitor interactions among the procurement
24 administrator, suppliers, and utility;

25 (ii) monitor and report to the Commission on the
26 progress of the procurement process;

1 (iii) provide an independent confidential report
2 to the Commission regarding the results of the
3 procurement event;

4 (iv) assess compliance with the procurement plans
5 approved by the Commission for each utility that on
6 December 31, 2005 provided electric service to at
7 least 100,000 customers in Illinois and for each small
8 multi-jurisdictional utility that on December 31, 2005
9 served less than 100,000 customers in Illinois;

10 (v) preserve the confidentiality of supplier and
11 bidding information in a manner consistent with all
12 applicable laws, rules, regulations, and tariffs;

13 (vi) provide expert advice to the Commission and
14 consult with the procurement administrator regarding
15 issues related to procurement process design, rules,
16 protocols, and policy-related matters; and

17 (vii) consult with the procurement administrator
18 regarding the development and use of benchmark
19 criteria, standard form contracts, credit policies,
20 and bid documents.

21 (d) Except as provided in subsection (j), the planning
22 process shall be conducted as follows:

23 (1) Beginning in 2008, each Illinois utility procuring
24 power pursuant to this Section shall annually provide a
25 range of load forecasts to the Illinois Power Agency by
26 July 15 of each year, or such other date as may be required

1 by the Commission or Agency. The load forecasts shall
2 cover the 5-year procurement planning period for the next
3 procurement plan and shall include hourly data
4 representing a high-load, low-load, and expected-load
5 scenario for the load of those retail customers included
6 in the plan's electric supply service requirements. The
7 utility shall provide supporting data and assumptions for
8 each of the scenarios.

9 (2) Beginning in 2008, the Illinois Power Agency shall
10 prepare a procurement plan by August 15th of each year, or
11 such other date as may be required by the Commission. The
12 procurement plan shall identify the portfolio of
13 demand-response and power and energy products to be
14 procured. Cost-effective demand-response measures shall be
15 procured as set forth in item (iii) of subsection (b) of
16 this Section. Copies of the procurement plan shall be
17 posted and made publicly available on the Agency's and
18 Commission's websites, and copies shall also be provided
19 to each affected electric utility. An affected utility
20 shall have 30 days following the date of posting to
21 provide comment to the Agency on the procurement plan.
22 Other interested entities also may comment on the
23 procurement plan. All comments submitted to the Agency
24 shall be specific, supported by data or other detailed
25 analyses, and, if objecting to all or a portion of the
26 procurement plan, accompanied by specific alternative

1 wording or proposals. All comments shall be posted on the
2 Agency's and Commission's websites. During this 30-day
3 comment period, the Agency shall hold at least one public
4 hearing within each utility's service area for the purpose
5 of receiving public comment on the procurement plan.
6 Within 14 days following the end of the 30-day review
7 period, the Agency shall revise the procurement plan as
8 necessary based on the comments received and file the
9 procurement plan with the Commission and post the
10 procurement plan on the websites.

11 (3) Within 5 days after the filing of the procurement
12 plan, any person objecting to the procurement plan shall
13 file an objection with the Commission. Within 10 days
14 after the filing, the Commission shall determine whether a
15 hearing is necessary. The Commission shall enter its order
16 confirming or modifying the procurement plan within 90
17 days after the filing of the procurement plan by the
18 Illinois Power Agency.

19 (4) The Commission shall approve the procurement plan,
20 including expressly the forecast used in the procurement
21 plan, if the Commission determines that it will ensure
22 adequate, reliable, affordable, efficient, and
23 environmentally sustainable electric service at the lowest
24 total cost over time, taking into account any benefits of
25 price stability.

26 (4.5) The Commission shall review the Agency's

1 recommendations for the selection of applicants to enter
2 into long-term contracts for the sale and delivery of
3 renewable energy credits from new renewable energy
4 facilities to be constructed at or adjacent to the sites
5 of coal-fueled electric generating facilities in this
6 State in accordance with the provisions of subsection
7 (c-5) of Section 1-75 of the Illinois Power Agency Act,
8 and shall approve the Agency's recommendations if the
9 Commission determines that the applicants recommended by
10 the Agency for selection, the proposed new renewable
11 energy facilities to be constructed, the amounts of
12 renewable energy credits to be delivered pursuant to the
13 contracts, and the other terms of the contracts, are
14 consistent with the requirements of subsection (c-5) of
15 Section 1-75 of the Illinois Power Agency Act.

16 (e) The procurement process shall include each of the
17 following components:

18 (1) Solicitation, pre-qualification, and registration
19 of bidders. The procurement administrator shall
20 disseminate information to potential bidders to promote a
21 procurement event, notify potential bidders that the
22 procurement administrator may enter into a post-bid price
23 negotiation with bidders that meet the applicable
24 benchmarks, provide supply requirements, and otherwise
25 explain the competitive procurement process. In addition
26 to such other publication as the procurement administrator

1 determines is appropriate, this information shall be
2 posted on the Illinois Power Agency's and the Commission's
3 websites. The procurement administrator shall also
4 administer the prequalification process, including
5 evaluation of credit worthiness, compliance with
6 procurement rules, and agreement to the standard form
7 contract developed pursuant to paragraph (2) of this
8 subsection (e). The procurement administrator shall then
9 identify and register bidders to participate in the
10 procurement event.

11 (2) Standard contract forms and credit terms and
12 instruments. The procurement administrator, in
13 consultation with the utilities, the Commission, and other
14 interested parties and subject to Commission oversight,
15 shall develop and provide standard contract forms for the
16 supplier contracts that meet generally accepted industry
17 practices. Standard credit terms and instruments that meet
18 generally accepted industry practices shall be similarly
19 developed. The procurement administrator shall make
20 available to the Commission all written comments it
21 receives on the contract forms, credit terms, or
22 instruments. If the procurement administrator cannot reach
23 agreement with the applicable electric utility as to the
24 contract terms and conditions, the procurement
25 administrator must notify the Commission of any disputed
26 terms and the Commission shall resolve the dispute. The

1 terms of the contracts shall not be subject to negotiation
2 by winning bidders, and the bidders must agree to the
3 terms of the contract in advance so that winning bids are
4 selected solely on the basis of price.

5 (3) Establishment of a market-based price benchmark.
6 As part of the development of the procurement process, the
7 procurement administrator, in consultation with the
8 Commission staff, Agency staff, and the procurement
9 monitor, shall establish benchmarks for evaluating the
10 final prices in the contracts for each of the products
11 that will be procured through the procurement process. The
12 benchmarks shall be based on price data for similar
13 products for the same delivery period and same delivery
14 hub, or other delivery hubs after adjusting for that
15 difference. The price benchmarks may also be adjusted to
16 take into account differences between the information
17 reflected in the underlying data sources and the specific
18 products and procurement process being used to procure
19 power for the Illinois utilities. The benchmarks shall be
20 confidential but shall be provided to, and will be subject
21 to Commission review and approval, prior to a procurement
22 event.

23 (4) Request for proposals competitive procurement
24 process. The procurement administrator shall design and
25 issue a request for proposals to supply electricity in
26 accordance with each utility's procurement plan, as

1 approved by the Commission. The request for proposals
2 shall set forth a procedure for sealed, binding commitment
3 bidding with pay-as-bid settlement, and provision for
4 selection of bids on the basis of price.

5 (5) A plan for implementing contingencies in the event
6 of supplier default or failure of the procurement process
7 to fully meet the expected load requirement due to
8 insufficient supplier participation, Commission rejection
9 of results, or any other cause.

10 (i) Event of supplier default: In the event of
11 supplier default, the utility shall review the
12 contract of the defaulting supplier to determine if
13 the amount of supply is 200 megawatts or greater, and
14 if there are more than 60 days remaining of the
15 contract term. If both of these conditions are met,
16 and the default results in termination of the
17 contract, the utility shall immediately notify the
18 Illinois Power Agency that a request for proposals
19 must be issued to procure replacement power, and the
20 procurement administrator shall run an additional
21 procurement event. If the contracted supply of the
22 defaulting supplier is less than 200 megawatts or
23 there are less than 60 days remaining of the contract
24 term, the utility shall procure power and energy from
25 the applicable regional transmission organization
26 market, including ancillary services, capacity, and

1 day-ahead or real time energy, or both, for the
2 duration of the contract term to replace the
3 contracted supply; provided, however, that if a needed
4 product is not available through the regional
5 transmission organization market it shall be purchased
6 from the wholesale market.

7 (ii) Failure of the procurement process to fully
8 meet the expected load requirement: If the procurement
9 process fails to fully meet the expected load
10 requirement due to insufficient supplier participation
11 or due to a Commission rejection of the procurement
12 results, the procurement administrator, the
13 procurement monitor, and the Commission staff shall
14 meet within 10 days to analyze potential causes of low
15 supplier interest or causes for the Commission
16 decision. If changes are identified that would likely
17 result in increased supplier participation, or that
18 would address concerns causing the Commission to
19 reject the results of the prior procurement event, the
20 procurement administrator may implement those changes
21 and rerun the request for proposals process according
22 to a schedule determined by those parties and
23 consistent with Section 1-75 of the Illinois Power
24 Agency Act and this subsection. In any event, a new
25 request for proposals process shall be implemented by
26 the procurement administrator within 90 days after the

1 determination that the procurement process has failed
2 to fully meet the expected load requirement.

3 (iii) In all cases where there is insufficient
4 supply provided under contracts awarded through the
5 procurement process to fully meet the electric
6 utility's load requirement, the utility shall meet the
7 load requirement by procuring power and energy from
8 the applicable regional transmission organization
9 market, including ancillary services, capacity, and
10 day-ahead or real time energy, or both; provided,
11 however, that if a needed product is not available
12 through the regional transmission organization market
13 it shall be purchased from the wholesale market.

14 (6) The procurement processes ~~process~~ described in
15 this subsection and in subsection (c-5) of Section 1-75 of
16 the Illinois Power Agency Act are ~~is~~ exempt from the
17 requirements of the Illinois Procurement Code, pursuant to
18 Section 20-10 of that Code.

19 (f) Within 2 business days after opening the sealed bids,
20 the procurement administrator shall submit a confidential
21 report to the Commission. The report shall contain the results
22 of the bidding for each of the products along with the
23 procurement administrator's recommendation for the acceptance
24 and rejection of bids based on the price benchmark criteria
25 and other factors observed in the process. The procurement
26 monitor also shall submit a confidential report to the

1 Commission within 2 business days after opening the sealed
2 bids. The report shall contain the procurement monitor's
3 assessment of bidder behavior in the process as well as an
4 assessment of the procurement administrator's compliance with
5 the procurement process and rules. The Commission shall review
6 the confidential reports submitted by the procurement
7 administrator and procurement monitor, and shall accept or
8 reject the recommendations of the procurement administrator
9 within 2 business days after receipt of the reports.

10 (g) Within 3 business days after the Commission decision
11 approving the results of a procurement event, the utility
12 shall enter into binding contractual arrangements with the
13 winning suppliers using the standard form contracts; except
14 that the utility shall not be required either directly or
15 indirectly to execute the contracts if a tariff that is
16 consistent with subsection (l) of this Section has not been
17 approved and placed into effect for that utility.

18 (h) For the procurement of standard wholesale products,
19 the names of the successful bidders and the load weighted
20 average of the winning bid prices for each contract type and
21 for each contract term shall be made available to the public at
22 the time of Commission approval of a procurement event. For
23 procurements conducted to meet the requirements of subsection
24 (b) of Section 1-56 or subsection (c) of Section 1-75 of the
25 Illinois Power Agency Act governed by the provisions of this
26 Section, the address and nameplate capacity of the new

1 renewable energy generating facility proposed by a winning
2 bidder shall also be made available to the public at the time
3 of Commission approval of a procurement event, along with the
4 business address and contact information for any winning
5 bidder. An estimate or approximation of the nameplate capacity
6 of the new renewable energy generating facility may be
7 disclosed if necessary to protect the confidentiality of
8 individual bid prices.

9 The Commission, the procurement monitor, the procurement
10 administrator, the Illinois Power Agency, and all participants
11 in the procurement process shall maintain the confidentiality
12 of all other supplier and bidding information in a manner
13 consistent with all applicable laws, rules, regulations, and
14 tariffs. Confidential information, including the confidential
15 reports submitted by the procurement administrator and
16 procurement monitor pursuant to subsection (f) of this
17 Section, shall not be made publicly available and shall not be
18 discoverable by any party in any proceeding, absent a
19 compelling demonstration of need, nor shall those reports be
20 admissible in any proceeding other than one for law
21 enforcement purposes. ~~The names of the successful bidders and~~
22 ~~the load weighted average of the winning bid prices for each~~
23 ~~contract type and for each contract term shall be made~~
24 ~~available to the public at the time of Commission approval of a~~
25 ~~procurement event. The Commission, the procurement monitor,~~
26 ~~the procurement administrator, the Illinois Power Agency, and~~

1 ~~all participants in the procurement process shall maintain the~~
2 ~~confidentiality of all other supplier and bidding information~~
3 ~~in a manner consistent with all applicable laws, rules,~~
4 ~~regulations, and tariffs. Confidential information, including~~
5 ~~the confidential reports submitted by the procurement~~
6 ~~administrator and procurement monitor pursuant to subsection~~
7 ~~(f) of this Section, shall not be made publicly available and~~
8 ~~shall not be discoverable by any party in any proceeding,~~
9 ~~absent a compelling demonstration of need, nor shall those~~
10 ~~reports be admissible in any proceeding other than one for law~~
11 ~~enforcement purposes.~~

12 (i) Within 2 business days after a Commission decision
13 approving the results of a procurement event or such other
14 date as may be required by the Commission from time to time,
15 the utility shall file for informational purposes with the
16 Commission its actual or estimated retail supply charges, as
17 applicable, by customer supply group reflecting the costs
18 associated with the procurement and computed in accordance
19 with the tariffs filed pursuant to subsection (l) of this
20 Section and approved by the Commission.

21 (j) Within 60 days following August 28, 2007 (the
22 effective date of Public Act 95-481), each electric utility
23 that on December 31, 2005 provided electric service to at
24 least 100,000 customers in Illinois shall prepare and file
25 with the Commission an initial procurement plan, which shall
26 conform in all material respects to the requirements of the

1 procurement plan set forth in subsection (b); provided,
2 however, that the Illinois Power Agency Act shall not apply to
3 the initial procurement plan prepared pursuant to this
4 subsection. The initial procurement plan shall identify the
5 portfolio of power and energy products to be procured and
6 delivered for the period June 2008 through May 2009, and shall
7 identify the proposed procurement administrator, who shall
8 have the same experience and expertise as is required of a
9 procurement administrator hired pursuant to Section 1-75 of
10 the Illinois Power Agency Act. Copies of the procurement plan
11 shall be posted and made publicly available on the
12 Commission's website. The initial procurement plan may include
13 contracts for renewable resources that extend beyond May 2009.

14 (i) Within 14 days following filing of the initial
15 procurement plan, any person may file a detailed objection
16 with the Commission contesting the procurement plan
17 submitted by the electric utility. All objections to the
18 electric utility's plan shall be specific, supported by
19 data or other detailed analyses. The electric utility may
20 file a response to any objections to its procurement plan
21 within 7 days after the date objections are due to be
22 filed. Within 7 days after the date the utility's response
23 is due, the Commission shall determine whether a hearing
24 is necessary. If it determines that a hearing is
25 necessary, it shall require the hearing to be completed
26 and issue an order on the procurement plan within 60 days

1 after the filing of the procurement plan by the electric
2 utility.

3 (ii) The order shall approve or modify the procurement
4 plan, approve an independent procurement administrator,
5 and approve or modify the electric utility's tariffs that
6 are proposed with the initial procurement plan. The
7 Commission shall approve the procurement plan if the
8 Commission determines that it will ensure adequate,
9 reliable, affordable, efficient, and environmentally
10 sustainable electric service at the lowest total cost over
11 time, taking into account any benefits of price stability.

12 (k) (Blank).

13 (k-5) (Blank).

14 (l) An electric utility shall recover its costs incurred
15 under this Section and subsection (c-5) of Section 1-75 of the
16 Illinois Power Agency Act, including, but not limited to, the
17 costs of procuring power and energy demand-response resources
18 under this Section and its costs for purchasing renewable
19 energy credits pursuant to subsection (c-5) of Section 1-75 of
20 the Illinois Power Agency Act. The utility shall file with the
21 initial procurement plan its proposed tariffs through which
22 its costs of procuring power that are incurred pursuant to a
23 Commission-approved procurement plan and those other costs
24 identified in this subsection (l), will be recovered. The
25 tariffs shall include a formula rate or charge designed to
26 pass through both the costs incurred by the utility in

1 procuring a supply of electric power and energy for the
2 applicable customer classes with no mark-up or return on the
3 price paid by the utility for that supply, plus any just and
4 reasonable costs that the utility incurs in arranging and
5 providing for the supply of electric power and energy. The
6 formula rate or charge shall also contain provisions that
7 ensure that its application does not result in over or under
8 recovery due to changes in customer usage and demand patterns,
9 and that provide for the correction, on at least an annual
10 basis, of any accounting errors that may occur. A utility
11 shall recover through the tariff all reasonable costs incurred
12 to implement or comply with any procurement plan that is
13 developed and put into effect pursuant to Section 1-75 of the
14 Illinois Power Agency Act and this Section, and for the
15 procurement of renewable energy credits pursuant to subsection
16 (c-5) of Section 1-75 of the Illinois Power Agency Act,
17 including any fees assessed by the Illinois Power Agency,
18 costs associated with load balancing, and contingency plan
19 costs. The electric utility shall also recover its full costs
20 of procuring electric supply for which it contracted before
21 the effective date of this Section in conjunction with the
22 provision of full requirements service under fixed-price
23 bundled service tariffs subsequent to December 31, 2006. All
24 such costs shall be deemed to have been prudently incurred.
25 The pass-through tariffs that are filed and approved pursuant
26 to this Section shall not be subject to review under, or in any

1 way limited by, Section 16-111(i) of this Act. All of the costs
2 incurred by the electric utility associated with the purchase
3 of zero emission credits in accordance with subsection (d-5)
4 of Section 1-75 of the Illinois Power Agency Act, all costs
5 incurred by the electric utility associated with the purchase
6 of carbon mitigation credits in accordance with subsection
7 (d-10) of Section 1-75 of the Illinois Power Agency Act, and,
8 beginning June 1, 2017, all of the costs incurred by the
9 electric utility associated with the purchase of renewable
10 energy resources in accordance with Sections 1-56 and 1-75 of
11 the Illinois Power Agency Act, and all of the costs incurred by
12 the electric utility in purchasing renewable energy credits in
13 accordance with subsection (c-5) of Section 1-75 of the
14 Illinois Power Agency Act, shall be recovered through the
15 electric utility's tariffed charges applicable to all of its
16 retail customers, as specified in subsection (k) or subsection
17 (i-5), as applicable, of Section 16-108 of this Act, and shall
18 not be recovered through the electric utility's tariffed
19 charges for electric power and energy supply to its eligible
20 retail customers.

21 (m) The Commission has the authority to adopt rules to
22 carry out the provisions of this Section. For the public
23 interest, safety, and welfare, the Commission also has
24 authority to adopt rules to carry out the provisions of this
25 Section on an emergency basis immediately following August 28,
26 2007 (the effective date of Public Act 95-481).

1 (n) Notwithstanding any other provision of this Act, any
2 affiliated electric utilities that submit a single procurement
3 plan covering their combined needs may procure for those
4 combined needs in conjunction with that plan, and may enter
5 jointly into power supply contracts, purchases, and other
6 procurement arrangements, and allocate capacity and energy and
7 cost responsibility therefor among themselves in proportion to
8 their requirements.

9 (o) On or before June 1 of each year, the Commission shall
10 hold an informal hearing for the purpose of receiving comments
11 on the prior year's procurement process and any
12 recommendations for change.

13 (p) An electric utility subject to this Section may
14 propose to invest, lease, own, or operate an electric
15 generation facility as part of its procurement plan, provided
16 the utility demonstrates that such facility is the least-cost
17 option to provide electric service to those retail customers
18 included in the plan's electric supply service requirements.
19 If the facility is shown to be the least-cost option and is
20 included in a procurement plan prepared in accordance with
21 Section 1-75 of the Illinois Power Agency Act and this
22 Section, then the electric utility shall make a filing
23 pursuant to Section 8-406 of this Act, and may request of the
24 Commission any statutory relief required thereunder. If the
25 Commission grants all of the necessary approvals for the
26 proposed facility, such supply shall thereafter be considered

1 as a pre-existing contract under subsection (b) of this
2 Section. The Commission shall in any order approving a
3 proposal under this subsection specify how the utility will
4 recover the prudently incurred costs of investing in, leasing,
5 owning, or operating such generation facility through just and
6 reasonable rates charged to those retail customers included in
7 the plan's electric supply service requirements. Cost recovery
8 for facilities included in the utility's procurement plan
9 pursuant to this subsection shall not be subject to review
10 under or in any way limited by the provisions of Section
11 16-111(i) of this Act. Nothing in this Section is intended to
12 prohibit a utility from filing for a fuel adjustment clause as
13 is otherwise permitted under Section 9-220 of this Act.

14 (q) If the Illinois Power Agency filed with the
15 Commission, under Section 16-111.5 of this Act, its proposed
16 procurement plan for the period commencing June 1, 2017, and
17 the Commission has not yet entered its final order approving
18 the plan on or before the effective date of this amendatory Act
19 of the 99th General Assembly, then the Illinois Power Agency
20 shall file a notice of withdrawal with the Commission, after
21 the effective date of this amendatory Act of the 99th General
22 Assembly, to withdraw the proposed procurement of renewable
23 energy resources to be approved under the plan, other than the
24 procurement of renewable energy credits from distributed
25 renewable energy generation devices using funds previously
26 collected from electric utilities' retail customers that take

1 service pursuant to electric utilities' hourly pricing tariff
2 or tariffs and, for an electric utility that serves less than
3 100,000 retail customers in the State, other than the
4 procurement of renewable energy credits from distributed
5 renewable energy generation devices. Upon receipt of the
6 notice, the Commission shall enter an order that approves the
7 withdrawal of the proposed procurement of renewable energy
8 resources from the plan. The initially proposed procurement of
9 renewable energy resources shall not be approved or be the
10 subject of any further hearing, investigation, proceeding, or
11 order of any kind.

12 This amendatory Act of the 99th General Assembly preempts
13 and supersedes any order entered by the Commission that
14 approved the Illinois Power Agency's procurement plan for the
15 period commencing June 1, 2017, to the extent it is
16 inconsistent with the provisions of this amendatory Act of the
17 99th General Assembly. To the extent any previously entered
18 order approved the procurement of renewable energy resources,
19 the portion of that order approving the procurement shall be
20 void, other than the procurement of renewable energy credits
21 from distributed renewable energy generation devices using
22 funds previously collected from electric utilities' retail
23 customers that take service under electric utilities' hourly
24 pricing tariff or tariffs and, for an electric utility that
25 serves less than 100,000 retail customers in the State, other
26 than the procurement of renewable energy credits for

1 distributed renewable energy generation devices.

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

3 (220 ILCS 5/16-111.10 new)

4 Sec. 16-111.10. Equitable Energy Upgrade Program.

5 (a) The General Assembly finds and declares that Illinois
6 homes and businesses can contribute to the creation of a clean
7 energy economy, conservation of natural resources, and
8 reliability of the electricity grid through the installation
9 of cost-effective renewable energy generation, energy
10 efficiency and demand response equipment, and energy storage
11 systems. Further, a large portion of Illinois residents and
12 businesses that would benefit from the installation of energy
13 efficiency, storage, and renewable energy generation systems
14 are unable to purchase systems due to capital or credit
15 barriers. This State should pursue options to enable many more
16 Illinoisans to access the health, environmental, and financial
17 benefits of new clean energy technology.

18 (b) As used in this Section:

19 "Commission" means the Illinois Commerce Commission.

20 "Energy project" means renewable energy generation
21 systems, including solar projects, energy efficiency upgrades,
22 energy storage systems, demand response equipment, or any
23 combination thereof.

24 "Fund" means the Clean Energy Jobs and Justice Fund
25 established in the Clean Energy Jobs and Justice Fund Act.

1 "Program" means the Equitable Energy Upgrade Program
2 established under subsection (c).

3 "Utility" means electric public utilities providing
4 services to 500,000 or more customers under this Act.

5 (c) The Commission shall open an investigation into and
6 direct all electric public utilities in this State to adopt an
7 Equitable Energy Upgrade Program that permits customers to
8 finance the construction of energy projects through an
9 optional tariff payable directly through their utility bill,
10 modeled after the Pay As You Save system, developed by the
11 Energy Efficiency Institute. The Program model shall enable
12 utilities to offer to make investments in energy projects to
13 customer properties with low-cost capital and use an opt-in
14 tariff to recover the costs. The Program shall be designed to
15 provide customers with immediate financial savings if they
16 choose to participate. The Program shall allow residential
17 electric utility customers that own the property, or renters
18 that have permission of the property owner, for which they
19 subscribe to utility service to agree to the installation of
20 an energy project. The Program shall ensure:

21 (1) eligible projects do not require upfront payments;
22 however, customers may pay down the costs for projects
23 with a payment to the installing contractor in order to
24 qualify projects that would otherwise require upfront
25 payments;

26 (2) eligible projects have sufficient estimated

1 savings and estimated life span to produce significant,
2 immediate net savings;

3 (3) participants shall agree the utility can recover
4 its costs for the projects at their location by paying for
5 the project through an optional tariff directly through
6 the participant's electricity bill, allowing participants
7 to benefit from installation of energy projects without
8 traditional loans;

9 (4) accessibility by lower-income residents and
10 environmental justice community residents; and

11 (5) the utility must ensure that customers who are
12 interested in participating are notified that if they are
13 income qualified, they may also be eligible for the
14 Percentage of Income Payment Plan program and free energy
15 improvements through other programs and provide contact
16 information.

17 (d) The Commission shall establish Program guidelines with
18 the anticipated schedule of Program availability as follows:

19 (1) Year 1: Beginning in the first year of operation,
20 each utility with greater than 100,000 retail customers is
21 required to obtain low-cost capital of at least
22 \$20,000,000 annually for investments in energy projects.

23 (2) Year 2: Beginning in the second year of operation,
24 each utility with greater than 100,000 retail customers is
25 required to obtain low-cost capital for investments in
26 energy projects of at least \$40,000,000 annually.

1 (3) Year 3: Beginning in the third year of operation,
2 each utility with greater than 100,000 retail customers is
3 required to obtain low-cost capital for investments in as
4 many systems as customers demand, subject to available
5 capital provided by the utility, State, or other lenders.

6 (e) In the design of the Program, the Commission shall:

7 (1) Within 270 days after the effective date of this
8 amendatory Act of the 102nd General Assembly, convene a
9 workshop during which interested participants may discuss
10 issues and submit comments related to the Program.

11 (2) Establish Program guidelines for implementation of
12 the Program in accordance with the Pay As You Save
13 Essential Elements and Minimum Program Requirements that
14 electric utilities must abide by when implementing the
15 Program. Program guidelines established by the Commission
16 shall include the following elements:

17 (A) The Commission shall establish conditions
18 under which utilities secure capital to fund the
19 energy projects. The Commission may allow utilities to
20 raise capital independently, work with third-party
21 lenders to secure the capital for participants, or a
22 combination thereof. Any process the Commission
23 approves must use a market mechanism to identify the
24 least costly sources of capital funds so as to pass on
25 maximum savings to participants. The State or the
26 Clean Energy Jobs and Justice Fund may also provide

1 capital for the Program.

2 (B) Customer protection guidelines should be
3 designed consistent with Pay As You Save Essential
4 Elements and Minimum Program Requirements.

5 (C) The Commission shall establish conditions by
6 which utilities may connect Program participants to
7 energy project vendors. In setting conditions for
8 connection, the Commission may prioritize vendors that
9 have a history of good relations with the State,
10 including vendors that have hired participants from
11 State-created job training programs.

12 (D) Guarantee that conservative estimates of
13 financial savings will immediately and significantly
14 exceed Program costs for Program participants.

15 (f) Within 120 days after the Commission releases the
16 Program conditions established under this Section, each
17 utility subject to the requirements of this Section shall
18 submit an informational filing to the Commission that
19 describes its plan for implementing the provisions of this
20 Section. If the Commission finds that the submission does not
21 properly comply with the statutory or regulatory requirements
22 of the Program, the Commission may require that the utility
23 make modifications to its filing.

24 (g) An independent process evaluation shall be conducted
25 after one year of the Program's operation. An independent
26 impact evaluation shall be conducted after 3 years of

1 operation, excluding one-time startup costs and results from
2 the first 12 months of the Program. The Commission shall
3 convene an advisory council of stakeholders, including
4 representation of low-income and environmental justice
5 community members to make recommendations in response to the
6 findings of the independent evaluation.

7 (h) The Program shall be designed using the Pay As You Save
8 system guidelines to be cost-effective for customers. Only
9 projects that are deemed to be cost-effective and can be
10 reasonably expected to ensure customer savings are eligible
11 for funding through the Program, unless, as specified in
12 paragraph (1) of subsection (c), customers able to make
13 upfront copayments to installers buy down the cost of projects
14 so it can be deemed cost-effective.

15 (i) Eligible customers must be:

16 (1) property renters with permission of the property
17 owner; or

18 (2) property owners.

19 (j) The calculation of project cost-effectiveness shall be
20 based upon the Pay As You Save system requirements.

21 (1) The calculation of cost-effectiveness must be
22 conducted by an objective process approved by the
23 Commission and based on rates in effect at the time of
24 installation.

25 (2) A project shall be considered cost-effective only
26 if it is estimated to produce significant immediate net

1 savings, not counting copayments voluntarily made by
2 customers. The Commission may establish guidelines by
3 which this required savings is estimated.

4 (k) The Program should be modeled after the Pay As You Save
5 system, by which Program participants finance energy projects
6 using the savings that the energy project creates with a
7 tariffed on-bill program. Eligible projects shall not create
8 personal debt for the customer, result in a lien in the event
9 of nonpayment, or require customers to pay monthly charges for
10 any upgrade that fails and is not repaired within 21 days. The
11 utility may restart charges once the upgrade is repaired and
12 functioning and extend the term of payments to recover its
13 costs for missed payments and deferred cost recovery,
14 providing the upgrade continues to function.

15 (l) Any energy project that is defective or damaged due to
16 no fault of the participant must be either replaced or
17 repaired with parts that meet industry standards at the cost
18 of the utility or vendor, as specified by the Commission, and
19 charges shall be suspended until repairs or replacement is
20 completed. The Commission may establish, increase, or replace
21 the requirements imposed in this subsection. The Commission
22 may determine that this responsibility is best handled by
23 participating project vendors in the form of insurance,
24 contractual guarantees, or other mechanisms, and issue rules
25 detailing this requirement. Customers shall not be charged
26 monthly payments for upgrades that are no longer functioning.

1 (m) In the event of nonpayment, the remaining balance due
2 to pay off the system shall remain with the utility meter at an
3 upgraded location. The Commission shall establish conditions
4 subject to this constraint in the event of nonpayment that are
5 in accordance with the Pay As You Save system.

6 (n) If the demand by utility customers exceeds the Program
7 capital supply in a given year, utilities shall ensure that
8 50% of participants are:

9 (1) customers in neighborhoods where a majority of
10 households make 150% or less of area median income; or

11 (2) residents of environmental justice communities.

12 (o) Utilities shall endeavor to inform customers about the
13 availability of the Program, their potential eligibility for
14 participation in the Program, and whether they are likely to
15 save money on the basis of an estimate conducted using
16 variables consistent with the Program that the utility has at
17 its disposal. The Commission may establish guidelines by which
18 utilities must abide by this directive and alternatives if the
19 Commission deems utilities' efforts as inadequate.

20 (p) Subject to Commission specifications under subsection
21 (c), each utility shall work with certified project vendors
22 selected using a request for proposals process to establish
23 the terms and processes under which a utility can install
24 eligible renewable energy generation and energy storage
25 systems using the capital to fit the Equitable Energy Upgrade
26 model. The certified project vendor shall explain and offer

1 the approved upgrades to customers and shall assist customers
2 in applying for financing through the Program. As part of the
3 process, vendors shall also provide participants with
4 information about any other relevant incentives that may be
5 available.

6 (q) An electric utility shall recover all of the prudently
7 incurred costs of offering a program approved by the
8 Commission under this Section. For investor-owned utilities,
9 shareholder incentives will be proportional to meeting
10 Commission approved thresholds for the number of customers
11 served and the amount of its investments in those locations.

12 (r) The Commission shall adopt all rules necessary for the
13 administration of this Section.

14 (220 ILCS 5/16-127)

15 Sec. 16-127. Environmental disclosure.

16 (a) Every ~~Effective January 1, 2013, every~~ electric
17 utility and alternative retail electric supplier shall provide
18 the following information, to the maximum extent practicable,
19 to its customers on a quarterly basis:

20 (i) the known sources of electricity supplied,
21 broken-out by percentages, of biomass power, coal-fired
22 power, hydro power, natural gas-fired power, nuclear
23 power, oil-fired power, solar power, wind power and other
24 resources, respectively;

25 (ii) a pie chart that graphically depicts the

1 percentages of the sources of the electricity supplied as
2 set forth in subparagraph (i) of this subsection;

3 (iii) a pie chart that graphically depicts the
4 quantity of renewable energy resources procured pursuant
5 to Section 1-75 of the Illinois Power Agency Act as a
6 percentage of electricity supplied to serve eligible
7 retail customers as defined in Section 16-111.5(a) of this
8 Act; and

9 (iv) ~~after May, 31, 2017,~~ a pie chart that graphically
10 depicts the quantity of zero emission credits from zero
11 emission facilities procured under Section 1-75 of the
12 Illinois Power Agency Act as a percentage of the actual
13 load of retail customers within its service area and, for
14 an electric utility serving over 3,000,000 customers, the
15 quantity of carbon mitigation credits from carbon-free
16 energy resources procured under Section 1-75 of the
17 Illinois Power Agency Act, which may be depicted in
18 combination with the zero emission credits procured.

19 (b) In addition, every electric utility and alternative
20 retail electric supplier shall provide, to the maximum extent
21 practicable, to its customers on a quarterly basis, a
22 standardized chart in a format to be determined by the
23 Commission in a rule following notice and hearings which
24 provides the amounts of carbon dioxide, nitrogen oxides and
25 sulfur dioxide emissions and nuclear waste attributable to the
26 known sources of electricity supplied as set forth in

1 subparagraph (i) of subsection (a) of this Section.

2 (c) The electric utilities and alternative retail electric
3 suppliers may provide their customers with such other
4 information as they believe relevant to the information
5 required in subsections (a) and (b) of this Section. All of the
6 information required in subsections (a) and (b) of this
7 Section shall be made available by the electric utilities or
8 alternative retail electric suppliers either in an electronic
9 medium, such as on a website or by electronic mail, or through
10 the U.S. Postal Service.

11 (d) For the purposes of subsection (a) of this Section,
12 "biomass" means dedicated crops grown for energy production
13 and organic wastes.

14 (e) All of the information provided in subsections (a) and
15 (b) of this Section shall be presented to the Commission for
16 inclusion in its World Wide Web Site.

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

18 (220 ILCS 5/16-135 new)

19 Sec. 16-135. Energy Storage Program.

20 (a) The Illinois General Assembly hereby finds and
21 declares that:

22 (1) Energy storage systems provide opportunities to:

23 (A) reduce costs to ratepayers directly or
24 indirectly by avoiding or deferring the need for
25 investment in new generation and for upgrades to

1 systems for the transmission and distribution of
2 electricity;

3 (B) reduce the use of fossil fuels for meeting
4 demand during peak load periods;

5 (C) provide ancillary services such as frequency
6 response, load following, and voltage support;

7 (D) assist electric utilities with integrating
8 sources of renewable energy into the grid for the
9 transmission and distribution of electricity, and with
10 maintaining grid stability;

11 (E) support diversification of energy resources;

12 (F) enhance the resilience and reliability of the
13 electric grid; and

14 (G) reduce greenhouse gas emissions and other air
15 pollutants resulting from power generation, thereby
16 minimizing public health impacts that result from
17 power generation.

18 (2) There are significant barriers to obtaining the
19 benefits of energy storage systems, including inadequate
20 valuation of the services that energy storage can provide
21 to the grid and the public.

22 (3) It is in the public interest to:

23 (A) develop a robust competitive market for
24 existing and new providers of energy storage systems
25 in order to leverage Illinois' position as a leader in
26 advanced energy and to capture the potential for

1 economic development;

2 (B) implement targets and programs to achieve
3 deployment of energy storage systems; and

4 (C) modernize distributed energy resource programs
5 and interconnection standards to lower costs and
6 efficiently deploy energy storage systems in order to
7 increase economic development and job creation within
8 the state's clean energy economy.

9 (b) In this Section:

10 "Energy storage peak standard" means a percentage of
11 annual retail electricity sales during peak hours that an
12 electric utility must derive from electricity discharged from
13 eligible energy storage systems.

14 "Deployment" means the installation of energy storage
15 systems through a variety of mechanisms, including utility
16 procurement, customer installation, or other processes.

17 "Electric utility" has the same meaning as provided in
18 Section 16-102 of this Act.

19 "Energy storage system" means a technology that is capable
20 of absorbing zero-carbon energy, storing it for a period of
21 time, and redelivering that energy after it has been stored in
22 order to provide direct or indirect benefits to the broader
23 electricity system. The term includes, but is not limited to,
24 electrochemical, thermal, and electromechanical technologies.

25 "Nonwires alternatives solicitation" means a utility
26 solicitation for third-party-owned or utility-owned

1 distributed energy resources that uses nontraditional
2 solutions to defer or replace planned investment on the
3 distribution or transmission system.

4 "Total peak demand" means the highest hourly electricity
5 demand for an electric utility in a given year, measured in
6 megawatts, from all of the electric utility's customers of
7 distribution service.

8 (c) The Commission, in consultation with the Illinois
9 Power Agency, shall initiate a proceeding to examine specific
10 programs, mechanisms, and policies that could support the
11 deployment of energy storage systems. The Illinois Commerce
12 Commission shall engage a broad group of Illinois
13 stakeholders, including electric utilities, the energy storage
14 industry, the renewable energy industry, and others to inform
15 the proceeding. The proceeding must, at minimum:

16 (1) develop a framework to identify and measure the
17 potential costs, benefits, that deployment of energy
18 storage could produce, as well as barriers to realizing
19 such benefits, including, but not limited to:

20 (A) avoided cost and deferred investments in
21 generation, transmission, and distribution facilities;

22 (B) reduced ancillary services costs;

23 (C) reduced transmission and distribution
24 congestion;

25 (D) lower peak power costs and reduced capacity
26 costs;

1 (E) reduced costs for emergency power supplies
2 during outages;

3 (F) reduced curtailment of renewable energy
4 generators;

5 (G) reduced greenhouse gas emissions and other
6 criteria air pollutants;

7 (H) increased grid hosting capacity of renewable
8 energy generators that produce energy on an
9 intermittent basis;

10 (I) increased reliability and resilience of the
11 electric grid;

12 (J) reduced line losses;

13 (K) increased resource diversification;

14 (L) increased economic development;

15 (2) analyze and estimate:

16 (A) the impact on the system's ability to
17 integrate renewable resources;

18 (B) the benefits of addition of storage at
19 specific locations, such as at existing peaking units
20 or locations on the grid close to large load centers;

21 (C) the impact on grid reliability and power
22 quality; and

23 (D) the effect on retail electric rates and supply
24 rates over the useful life of a given energy storage
25 system; and

26 (3) Evaluate and identify cost-effective policies and

1 programs to support the deployment of energy storage
2 systems, including, but not limited to:

3 (A) incentive programs;

4 (B) energy storage peak standards;

5 (C) nonwires alternative solicitation;

6 (D) peak demand reduction programs for
7 behind-the-meter storage for all customer classes;

8 (E) value of distributed energy resources
9 programs;

10 (F) tax incentives;

11 (G) time-varying rates;

12 (H) updating of interconnection processes and
13 metering standards; and

14 (I) procurement by the Illinois Power Agency of
15 energy storage resources.

16 (d) The Commission shall, no later than May 31, 2022,
17 submit to the General Assembly and the Governor any
18 recommendations for additional legislative, regulatory, or
19 executive actions based on the findings of the proceeding.

20 (e) At the conclusion of the proceeding required under
21 subsection (c), the Commission shall consider and recommend to
22 the Governor and General Assembly energy storage deployment
23 targets, if any, for each electric utility that serves more
24 than 200,000 customers to be achieved by December 31, 2032,
25 including recommended interim targets.

26 (f) In setting recommendations for energy storage

1 deployment targets, the Commission shall:

2 (1) take into account the costs and benefits of
3 procuring energy storage according to the framework
4 developed in the proceeding under subsection (c);

5 (2) consider establishing specific subcategories of
6 deployment of systems by point of interconnection or
7 application.

8 (220 ILCS 5/17-900 new)

9 Sec. 17-900. Customer self-generation of electricity.

10 (a) The General Assembly finds and declares that municipal
11 systems and electric cooperatives shall continue to be
12 governed by their respective governing bodies, but that such
13 governing bodies should recognize and implement policies to
14 provide the opportunity for their residential and small
15 commercial customers who wish to self-generate electricity and
16 for reasonable credits to customers for excess electricity,
17 balanced against the rights of the other non-self-generating
18 customers. This includes creating consistent, fair policies
19 that are accessible to all customers and transparent, fair
20 processes for raising and addressing any concerns.

21 (b) Customers have the right to install renewable
22 generating facilities to be located on the customer's premises
23 or customer's side of the billing meter and that are intended
24 primarily to offset the customer's own electrical requirements
25 and produce, consume, and store their own renewable energy

1 without discriminatory repercussions from an electric
2 cooperative or municipal system. This includes a customer's
3 rights to:

4 (1) generate, consume, and deliver excess renewable
5 energy to the distribution grid and reduce his or her use
6 of electricity obtained from the grid;

7 (2) use technology to store energy at his or her
8 residence;

9 (3) interconnect his or her electrical system that
10 generates renewable energy, stores energy, or any
11 combination thereof, with the electricity meter on the
12 customer's premises that is provided by an electric
13 cooperative or municipal system:

14 (A) in a timely manner;

15 (B) in accordance with requirements established by
16 the electric cooperative or municipal utility to
17 ensure the safety of utility workers; and

18 (C) after providing written notice to the electric
19 cooperative or municipal utility system providing
20 service in the service territory, installing a
21 nomenclature plate on the electrical meter panel and
22 meeting all applicable State and local safety and
23 electrical code requirements associated with
24 installing a parallel distributed generation system;
25 and

26 (4) receive fair credit for excess energy delivered to

1 the distribution grid.

2 (c) The policies of municipal systems and electric
3 cooperatives regarding self-generation and credits for excess
4 electricity may reasonably differ from those required of other
5 entities by Article XVI of the Public Utilities Act or other
6 Acts. The credits must recognize the value of self-generation
7 to the distribution grid and benefits to other customers.

8 (d) Within 180 days after this amendatory Act of the 102nd
9 General Assembly, each electric cooperative and municipal
10 system shall update its policies for the interconnection and
11 fair crediting of customer self-generation and storage if
12 necessary, to comply with the standards of subsection (b) of
13 this Section. Each electric cooperative and municipal system
14 shall post its updated policies to a public-facing area of its
15 website.

16 (e) An electric cooperative or municipal system customer
17 who produces, consumes, and stores his or her own renewable
18 energy shall not face discriminatory rate design, fees or
19 charges, treatment, or excessive compliance requirements that
20 would unreasonably affect that customer's right to
21 self-generate electricity as provided for in this Section.

22 (f) An electric cooperative or municipal utility system
23 customer shall have a right to appeal any decision related to
24 self-generation and storage that violates these rights to
25 self-generation and non-discrimination pursuant to the
26 provisions of this Section through a complaint under the

1 Administrative Review Law or similar legal process.

2 Section 90-55. The Environmental Protection Act is amended
3 by adding Sections 3.131 and 9.18 and by changing Sections
4 9.15 and 22.59 as follows:

5 (415 ILCS 5/3.131 new)

6 Sec. 3.131. Clean energy. "Clean energy" means energy
7 generation that is substantially free (90% or greater) of
8 carbon dioxide emissions.

9 (415 ILCS 5/9.15)

10 Sec. 9.15. Greenhouse gases.

11 (a) An air pollution construction permit shall not be
12 required due to emissions of greenhouse gases if the
13 equipment, site, or source is not subject to regulation, as
14 defined by 40 CFR 52.21, as now or hereafter amended, for
15 greenhouse gases or is otherwise not addressed in this Section
16 or by the Board in regulations for greenhouse gases. These
17 exemptions do. ~~This exemption does~~ not relieve an owner or
18 operator from the obligation to comply with other applicable
19 rules or regulations.

20 (b) An air pollution operating permit shall not be
21 required due to emissions of greenhouse gases if the
22 equipment, site, or source is not subject to regulation, as
23 defined by Section 39.5 of this Act, for greenhouse gases or is

1 otherwise not addressed in this Section or by the Board in
2 regulations for greenhouse gases. These exemptions do. ~~This~~
3 ~~exemption does~~ not relieve an owner or operator from the
4 obligation to comply with other applicable rules or
5 regulations.

6 (c) (Blank). ~~Notwithstanding any provision to the contrary~~
7 ~~in this Section, an air pollution construction or operating~~
8 ~~permit shall not be required due to emissions of greenhouse~~
9 ~~gases if any of the following events occur:~~

10 ~~(1) enactment of federal legislation depriving the~~
11 ~~Administrator of the USEPA of authority to regulate~~
12 ~~greenhouse gases under the Clean Air Act;~~

13 ~~(2) the issuance of any opinion, ruling, judgment,~~
14 ~~order, or decree by a federal court depriving the~~
15 ~~Administrator of the USEPA of authority to regulate~~
16 ~~greenhouse gases under the Clean Air Act; or~~

17 ~~(3) action by the President of the United States or~~
18 ~~the President's authorized agent, including the~~
19 ~~Administrator of the USEPA, to repeal or withdraw the~~
20 ~~Greenhouse Gas Tailoring Rule (75 Fed. Reg. 31514, June 3,~~
21 ~~2010).~~

22 ~~This subsection (c) does not relieve an owner or operator~~
23 ~~from the obligation to comply with applicable rules or~~
24 ~~regulations other than those relating to greenhouse gases.~~

25 (d) (Blank). ~~If any event listed in subsection (c) of this~~
26 ~~Section occurs, permits issued after such event shall not~~

1 ~~impose permit terms or conditions addressing greenhouse gases~~
2 ~~during the effectiveness of any event listed in subsection~~
3 ~~(e).~~

4 (e) (Blank). ~~If an event listed in subsection (e) of this~~
5 ~~Section occurs, any owner or operator with a permit that~~
6 ~~includes terms or conditions addressing greenhouse gases may~~
7 ~~elect to submit an application to the Agency to address a~~
8 ~~revision or repeal of such terms or conditions. The Agency~~
9 ~~shall expeditiously process such permit application in~~
10 ~~accordance with applicable laws and regulations.~~

11 (f) As used in this Section:

12 "Carbon dioxide emission" means the plant annual CO₂ total
13 output emission as measured by the United States Environmental
14 Protection Agency in its Emissions & Generation Resource
15 Integrated Database (eGrid), or its successor.

16 "Carbon dioxide equivalent emissions" or "CO₂e" means the
17 sum total of the mass amount of emissions in tons per year,
18 calculated by multiplying the mass amount of each of the 6
19 greenhouse gases specified in Section 3.207, in tons per year,
20 by its associated global warming potential as set forth in 40
21 CFR 98, subpart A, table A-1 or its successor, and then adding
22 them all together.

23 "Cogeneration" or "combined heat and power" refers to any
24 system that, either simultaneously or sequentially, produces
25 electricity and useful thermal energy from a single fuel
26 source.

1 "Copollutants" refers to the 6 criteria pollutants that
2 have been identified by the United States Environmental
3 Protection Agency pursuant to the Clean Air Act.

4 "Electric generating unit" or "EGU" means a fossil
5 fuel-fired stationary boiler, combustion turbine, or combined
6 cycle system that serves a generator that has a nameplate
7 capacity greater than 25 MWe and produces electricity for
8 sale.

9 "Environmental justice community" means the definition of
10 that term based on existing methodologies and findings, used
11 and as may be updated by the Illinois Power Agency and its
12 program administrator in the Illinois Solar for All Program.

13 "Equity investment eligible community" or "eligible
14 community" means the geographic areas throughout Illinois that
15 would most benefit from equitable investments by the State
16 designed to combat discrimination and foster sustainable
17 economic growth. Specifically, eligible community means the
18 following areas:

19 (1) areas where residents have been historically
20 excluded from economic opportunities, including
21 opportunities in the energy sector, as defined as R3 areas
22 pursuant to Section 10-40 of the Cannabis Regulation and
23 Tax Act; and

24 (2) areas where residents have been historically
25 subject to disproportionate burdens of pollution,
26 including pollution from the energy sector, as established

1 by environmental justice communities as defined by the
2 Illinois Power Agency pursuant to the Illinois Power
3 Agency Act, excluding any racial or ethnic indicators.

4 "Equity investment eligible person" or "eligible person"
5 means the persons who would most benefit from equitable
6 investments by the State designed to combat discrimination and
7 foster sustainable economic growth. Specifically, eligible
8 person means the following people:

9 (1) persons whose primary residence is in an equity
10 investment eligible community;

11 (2) persons whose primary residence is in a
12 municipality, or a county with a population under 100,000,
13 where the closure of an electric generating unit or mine
14 has been publicly announced or the electric generating
15 unit or mine is in the process of closing or closed within
16 the last 5 years;

17 (3) persons who are graduates of or currently enrolled
18 in the foster care system; or

19 (4) persons who were formerly incarcerated.

20 "Existing emissions" means:

21 (1) for CO₂e, the total average tons-per-year of CO₂e
22 emitted by the EGU or large GHG-emitting unit either in
23 the years 2018 through 2020 or, if the unit was not yet in
24 operation by January 1, 2018, in the first 3 full years of
25 that unit's operation; and

26 (2) for any copollutant, the total average

1 tons-per-year of that copollutant emitted by the EGU or
2 large GHG-emitting unit either in the years 2018 through
3 2020 or, if the unit was not yet in operation by January 1,
4 2018, in the first 3 full years of that unit's operation.

5 "Green hydrogen" means a power plant technology in which
6 an EGU creates electric power exclusively from electrolytic
7 hydrogen, in a manner that produces zero carbon and
8 copollutant emissions, using hydrogen fuel that is
9 electrolyzed using a 100% renewable zero carbon emission
10 energy source.

11 "Large greenhouse gas-emitting unit" or "large
12 GHG-emitting unit" means a unit that is an electric generating
13 unit or other fossil fuel-fired unit that itself has a
14 nameplate capacity or serves a generator that has a nameplate
15 capacity greater than 25 MWe and that produces electricity,
16 including, but not limited to, coal-fired, coal-derived,
17 oil-fired, natural gas-fired, and cogeneration units.

18 "NO_x emission rate" means the plant annual NO_x total output
19 emission rate as measured by the United States Environmental
20 Protection Agency in its Emissions & Generation Resource
21 Integrated Database (eGrid), or its successor, in the most
22 recent year for which data is available.

23 "Public greenhouse gas-emitting units" or "public
24 GHG-emitting unit" means large greenhouse gas-emitting units,
25 including EGUs, that are wholly owned, directly or indirectly,
26 by one or more municipalities, municipal corporations, joint

1 municipal electric power agencies, electric cooperatives, or
2 other governmental or nonprofit entities, whether organized
3 and created under the laws of Illinois or another state.

4 "SO₂ emission rate" means the "plant annual SO₂ total
5 output emission rate" as measured by the United States
6 Environmental Protection Agency in its Emissions & Generation
7 Resource Integrated Database (eGrid), or its successor, in the
8 most recent year for which data is available.

9 (g) All EGUs and large greenhouse gas-emitting units that
10 use coal or oil as a fuel and are not public GHG-emitting units
11 shall permanently reduce all CO₂e and copollutant emissions to
12 zero no later than January 1, 2030.

13 (h) All EGUs and large greenhouse gas-emitting units that
14 use coal as a fuel and are public GHG-emitting units shall
15 permanently reduce CO₂e emissions to zero no later than
16 December 31, 2045. Any source or plant with such units must
17 also reduce their CO₂e emissions by 45% from existing
18 emissions by no later than January 1, 2035. If the emissions
19 reduction requirement is not achieved by December 31, 2035,
20 the plant shall retire one or more units or otherwise reduce
21 its CO₂e emissions by 45% from existing emissions by June 30,
22 2038.

23 (i) All EGUs and large greenhouse gas-emitting units that
24 use gas as a fuel and are not public GHG-emitting units shall
25 permanently reduce all CO₂e and copollutant emissions to zero,
26 including through unit retirement or the use of 100% green

1 hydrogen or other similar technology that is commercially
2 proven to achieve zero carbon emissions, according to the
3 following:

4 (1) No later than January 1, 2030: all EGUs and large
5 greenhouse gas-emitting units that have a NO_x emissions
6 rate of greater than 0.12 lbs/MWh or a SO₂ emission rate of
7 greater than 0.006 lb/MWh, and are located in or within 3
8 miles of an environmental justice community designated as
9 of January 1, 2021 or an equity investment eligible
10 community.

11 (2) No later than January 1, 2040: all EGUs and large
12 greenhouse gas-emitting units that have a NO_x emission
13 rate of greater than 0.12 lbs/MWh or a SO₂ emission rate
14 greater than 0.006 lb/MWh, and are not located in or
15 within 3 miles of an environmental justice community
16 designated as of January 1, 2021 or an equity investment
17 eligible community. After January 1, 2035, each such EGU
18 and large greenhouse gas-emitting unit shall reduce its
19 CO₂e emissions by at least 50% from its existing emissions
20 for CO₂e, and shall be limited in operation to, on average,
21 6 hours or less per day, measured over a calendar year, and
22 shall not run for more than 24 consecutive hours except in
23 emergency conditions, as designated by a Regional
24 Transmission Organization or Independent System Operator.

25 (3) No later than January 1, 2035: all EGUs and large
26 greenhouse gas-emitting units that began operation prior

1 to the effective date of this amendatory Act of the 102nd
2 General Assembly and have a NO_x emission rate of less than
3 or equal to 0.12 lb/MWh and a SO₂ emission rate less than
4 or equal to 0.006 lb/MWh, and are located in or within 3
5 miles of an environmental justice community designated as
6 of January 1, 2021 or an equity investment eligible
7 community. Each such EGU and large greenhouse gas-emitting
8 unit shall reduce its CO₂e emissions by at least 50% from
9 its existing emissions for CO₂e no later than January 1,
10 2030.

11 (4) No later than January 1, 2040: All remaining EGUs
12 and large greenhouse gas-emitting units that have a heat
13 rate greater than or equal to 7000 BTU/kWh. Each such EGU
14 and Large greenhouse gas-emitting unit shall reduce its
15 CO₂e emissions by at least 50% from its existing emissions
16 for CO₂e no later than January 1, 2035.

17 (5) No later than January 1, 2045: all remaining EGUs
18 and large greenhouse gas-emitting units.

19 (j) All EGUs and large greenhouse gas-emitting units that
20 use gas as a fuel and are public GHG-emitting units shall
21 permanently reduce all CO₂e and copollutant emissions to zero,
22 including through unit retirement or the use of 100% green
23 hydrogen or other similar technology that is commercially
24 proven to achieve zero carbon emissions by January 1, 2045.

25 (k) All EGUs and large greenhouse gas-emitting units that
26 utilize combined heat and power or cogeneration technology

1 shall permanently reduce all CO₂e and copollutant emissions to
2 zero, including through unit retirement or the use of 100%
3 green hydrogen or other similar technology that is
4 commercially proven to achieve zero carbon emissions by
5 January 1, 2045.

6 (k-5) No EGU or large greenhouse gas-emitting unit that
7 uses gas as a fuel and is not a public GHG-emitting unit may
8 emit, in any 12-month period, CO₂e or copollutants in excess of
9 that unit's existing emissions for those pollutants.

10 (l) Notwithstanding subsections (g) through (k-5), large
11 GHG-emitting units including EGUs may temporarily continue
12 emitting greenhouse gases after any applicable deadline
13 specified in any of subsections (g) through (k-5) if it has
14 been determined, as described in paragraphs (1) and (2) of
15 this subsection, that ongoing operation of the EGU is
16 necessary to maintain power grid supply and reliability or
17 ongoing operation of large GHG-emitting unit that is not an
18 EGU is necessary to serve as an emergency backup to
19 operations. Up to and including the occurrence of an emission
20 reduction deadline under subsection (i), all EGUs and large
21 GHG-emitting units must comply with the following terms:

22 (1) if an EGU or large GHG-emitting unit that is a
23 participant in a regional transmission organization
24 intends to retire, it must submit documentation to the
25 appropriate regional transmission organization by the
26 appropriate deadline that meets all applicable regulatory

1 requirements necessary to obtain approval to permanently
2 cease operating the large GHG-emitting unit;

3 (2) if any EGU or large GHG-emitting unit that is a
4 participant in a regional transmission organization
5 receives notice that the regional transmission
6 organization has determined that continued operation of
7 the unit is required, the unit may continue operating
8 until the issue identified by the regional transmission
9 organization is resolved. The owner or operator of the
10 unit must cooperate with the regional transmission
11 organization in resolving the issue and must reduce its
12 emissions to zero, consistent with the requirements under
13 subsection (g), (h), (i), (j), (k), or (k-5), as
14 applicable, as soon as practicable when the issue
15 identified by the regional transmission organization is
16 resolved; and

17 (3) any large GHG-emitting unit that is not a
18 participant in a regional transmission organization shall
19 be allowed to continue emitting greenhouse gases after the
20 zero-emission date specified in subsection (g), (h), (i),
21 (j), (k), or (k-5), as applicable, in the capacity of an
22 emergency backup unit if approved by the Illinois Commerce
23 Commission.

24 (m) No variance, adjusted standard, or other regulatory
25 relief otherwise available in this Act may be granted to the
26 emissions reduction and elimination obligations in this

1 Section.

2 (n) By June 30 of each year, beginning in 2025, the Agency
3 shall prepare and publish on its website a report setting
4 forth the actual greenhouse gas emissions from individual
5 units and the aggregate statewide emissions from all units for
6 the prior year.

7 (o) Every 5 years beginning in 2025, the Environmental
8 Protection Agency, Illinois Power Agency, and Illinois
9 Commerce Commission shall jointly prepare, and release
10 publicly, a report to the General Assembly that examines the
11 State's current progress toward its renewable energy resource
12 development goals, the status of CO₂e and copollutant
13 emissions reductions, the current status and progress toward
14 developing and implementing green hydrogen technologies, the
15 current and projected status of electric resource adequacy and
16 reliability throughout the State for the period beginning 5
17 years ahead, and proposed solutions for any findings. The
18 Environmental Protection Agency, Illinois Power Agency, and
19 Illinois Commerce Commission shall consult PJM
20 Interconnection, LLC and Midcontinent Independent System
21 Operator, Inc., or their respective successor organizations
22 regarding forecasted resource adequacy and reliability needs,
23 anticipated new generation interconnection, new transmission
24 development or upgrades, and any announced large GHG-emitting
25 unit closure dates and include this information in the report.
26 The report shall be released publicly by no later than

1 December 15 of the year it is prepared. If the Environmental
2 Protection Agency, Illinois Power Agency, and Illinois
3 Commerce Commission jointly conclude in the report that the
4 data from the regional grid operators, the pace of renewable
5 energy development, the pace of development of energy storage
6 and demand response utilization, transmission capacity, and
7 the CO₂e and copollutant emissions reductions required by
8 subsection (i) or (k-5) reasonably demonstrate that a resource
9 adequacy shortfall will occur, including whether there will be
10 sufficient in-state capacity to meet the zonal requirements of
11 MISO Zone 4 or the PJM ComEd Zone, per the requirements of the
12 regional transmission organizations, or that the regional
13 transmission operators determine that a reliability violation
14 will occur during the time frame the study is evaluating, then
15 the Illinois Power Agency, in conjunction with the
16 Environmental Protection Agency shall develop a plan to reduce
17 or delay CO₂e and copollutant emissions reductions
18 requirements only to the extent and for the duration necessary
19 to meet the resource adequacy and reliability needs of the
20 State, including allowing any plants whose emission reduction
21 deadline has been identified in the plan as creating a
22 reliability concern to continue operating, including operating
23 with reduced emissions or as emergency backup where
24 appropriate. The plan shall also consider the use of renewable
25 energy, energy storage, demand response, transmission
26 development, or other strategies to resolve the identified

1 resource adequacy shortfall or reliability violation.

2 (1) In developing the plan, the Environmental
3 Protection Agency and the Illinois Power Agency shall hold
4 at least one workshop open to, and accessible at a time and
5 place convenient to, the public and shall consider any
6 comments made by stakeholders or the public. Upon
7 development of the plan, copies of the plan shall be
8 posted and made publicly available on the Environmental
9 Protection Agency's, the Illinois Power Agency's, and the
10 Illinois Commerce Commission's websites. All interested
11 parties shall have 60 days following the date of posting
12 to provide comment to the Environmental Protection Agency
13 and the Illinois Power Agency on the plan. All comments
14 submitted to the Environmental Protection Agency and the
15 Illinois Power Agency shall be encouraged to be specific,
16 supported by data or other detailed analyses, and, if
17 objecting to all or a portion of the plan, accompanied by
18 specific alternative wording or proposals. All comments
19 shall be posted on the Environmental Protection Agency's,
20 the Illinois Power Agency's, and the Illinois Commerce
21 Commission's websites. Within 30 days following the end of
22 the 60-day review period, the Environmental Protection
23 Agency and the Illinois Power Agency shall revise the plan
24 as necessary based on the comments received and file its
25 revised plan with the Illinois Commerce Commission for
26 approval.

1 (2) Within 60 days after the filing of the revised
2 plan at the Illinois Commerce Commission, any person
3 objecting to the plan shall file an objection with the
4 Illinois Commerce Commission. Within 30 days after the
5 expiration of the comment period, the Illinois Commerce
6 Commission shall determine whether an evidentiary hearing
7 is necessary. The Illinois Commerce Commission shall also
8 host 3 public hearings within 90 days after the plan is
9 filed. Following the evidentiary and public hearings, the
10 Illinois Commerce Commission shall enter its order
11 approving or approving with modifications the reliability
12 mitigation plan within 180 days.

13 (3) The Illinois Commerce Commission shall only
14 approve the plan if the Illinois Commerce Commission
15 determines that it will resolve the resource adequacy or
16 reliability deficiency identified in the reliability
17 mitigation plan at the least amount of CO₂e and copollutant
18 emissions, taking into consideration the emissions impacts
19 on environmental justice communities, and that it will
20 ensure adequate, reliable, affordable, efficient, and
21 environmentally sustainable electric service at the lowest
22 total cost over time, taking into account the impact of
23 increases in emissions.

24 (4) If the resource adequacy or reliability deficiency
25 identified in the reliability mitigation plan is resolved
26 or reduced, the Environmental Protection Agency and the

1 Illinois Power Agency may file an amended plan adjusting
2 the reduction or delay in CO₂e and copollutant emission
3 reduction requirements identified in the plan.

4 (Source: P.A. 97-95, eff. 7-12-11.)

5 (415 ILCS 5/9.18 new)

6 Sec. 9.18. Commission on market-based carbon pricing
7 solutions.

8 (a) In the United States, state-based market policies to
9 reduce greenhouse gases have been in operation since 2009.
10 More than a quarter of the US population lives in a state with
11 carbon pricing and these states represent one-third of the
12 United States' gross domestic product. Market-based policies
13 have proved effective at reducing emissions in states across
14 the United States, and around the world. Additionally,
15 well-designed carbon pricing incentivizes energy efficiency
16 and drives investments in low-carbon solutions and
17 technologies, such as renewables, hydrogen, biofuels, and
18 carbon capture, use, and storage. Illinois must assess
19 available suites of programs and policies to support a rapid,
20 economy-wide decarbonization and spur the development of a
21 clean energy economy in the State, while maintaining Illinois'
22 competitive advantage.

23 (b) The Governor is hereby authorized to create a carbon
24 pricing commission to study the short-term and long-term
25 impacts of joining, implementing, or designing a sector-based,

1 statewide, or regional carbon pricing program. The commission
2 shall analyze and compare the relative cost of, and greenhouse
3 gas reductions from, various carbon pricing programs available
4 to Illinois and the Midwest, including, but not limited to:
5 the Regional Greenhouse Gas Initiative (RGGI), the
6 Transportation and Climate Initiative (TCI), California's
7 cap-and-trade program, California's low carbon fuel standard,
8 Washington State's cap-and-invest program, the Oregon Clean
9 Fuels Program, and other relevant market-based programs. At
10 the conclusion of the study, no later than December 31, 2022,
11 the commission shall issue a public report containing its
12 findings.

13 (c) This Section is repealed on January 1, 2024.

14 (415 ILCS 5/22.59)

15 Sec. 22.59. CCR surface impoundments.

16 (a) The General Assembly finds that:

17 (1) the State of Illinois has a long-standing policy
18 to restore, protect, and enhance the environment,
19 including the purity of the air, land, and waters,
20 including groundwaters, of this State;

21 (2) a clean environment is essential to the growth and
22 well-being of this State;

23 (3) CCR generated by the electric generating industry
24 has caused groundwater contamination and other forms of
25 pollution at active and inactive plants throughout this

1 State;

2 (4) environmental laws should be supplemented to
3 ensure consistent, responsible regulation of all existing
4 CCR surface impoundments; and

5 (5) meaningful participation of State residents,
6 especially vulnerable populations who may be affected by
7 regulatory actions, is critical to ensure that
8 environmental justice considerations are incorporated in
9 the development of, decision-making related to, and
10 implementation of environmental laws and rulemaking that
11 protects and improves the well-being of communities in
12 this State that bear disproportionate burdens imposed by
13 environmental pollution.

14 Therefore, the purpose of this Section is to promote a
15 healthful environment, including clean water, air, and land,
16 meaningful public involvement, and the responsible disposal
17 and storage of coal combustion residuals, so as to protect
18 public health and to prevent pollution of the environment of
19 this State.

20 The provisions of this Section shall be liberally
21 construed to carry out the purposes of this Section.

22 (b) No person shall:

23 (1) cause or allow the discharge of any contaminants
24 from a CCR surface impoundment into the environment so as
25 to cause, directly or indirectly, a violation of this
26 Section or any regulations or standards adopted by the

1 Board under this Section, either alone or in combination
2 with contaminants from other sources;

3 (2) construct, install, modify, operate, or close any
4 CCR surface impoundment without a permit granted by the
5 Agency, or so as to violate any conditions imposed by such
6 permit, any provision of this Section or any regulations
7 or standards adopted by the Board under this Section; or

8 (3) cause or allow, directly or indirectly, the
9 discharge, deposit, injection, dumping, spilling, leaking,
10 or placing of any CCR upon the land in a place and manner
11 so as to cause or tend to cause a violation this Section or
12 any regulations or standards adopted by the Board under
13 this Section.

14 (c) For purposes of this Section, a permit issued by the
15 Administrator of the United States Environmental Protection
16 Agency under Section 4005 of the federal Resource Conservation
17 and Recovery Act, shall be deemed to be a permit under this
18 Section and subsection (y) of Section 39.

19 (d) Before commencing closure of a CCR surface
20 impoundment, in accordance with Board rules, the owner of a
21 CCR surface impoundment must submit to the Agency for approval
22 a closure alternatives analysis that analyzes all closure
23 methods being considered and that otherwise satisfies all
24 closure requirements adopted by the Board under this Act.
25 Complete removal of CCR, as specified by the Board's rules,
26 from the CCR surface impoundment must be considered and

1 analyzed. Section 3.405 does not apply to the Board's rules
2 specifying complete removal of CCR. The selected closure
3 method must ensure compliance with regulations adopted by the
4 Board pursuant to this Section.

5 (e) Owners or operators of CCR surface impoundments who
6 have submitted a closure plan to the Agency before May 1, 2019,
7 and who have completed closure prior to 24 months after July
8 30, 2019 (the effective date of Public Act 101-171) ~~this~~
9 ~~amendatory Act of the 101st General Assembly~~ shall not be
10 required to obtain a construction permit for the surface
11 impoundment closure under this Section.

12 (f) Except for the State, its agencies and institutions, a
13 unit of local government, or not-for-profit electric
14 cooperative as defined in Section 3.4 of the Electric Supplier
15 Act, any person who owns or operates a CCR surface impoundment
16 in this State shall post with the Agency a performance bond or
17 other security for the purpose of: (i) ensuring closure of the
18 CCR surface impoundment and post-closure care in accordance
19 with this Act and its rules; and (ii) insuring remediation of
20 releases from the CCR surface impoundment. The only acceptable
21 forms of financial assurance are: a trust fund, a surety bond
22 guaranteeing payment, a surety bond guaranteeing performance,
23 or an irrevocable letter of credit.

24 (1) The cost estimate for the post-closure care of a
25 CCR surface impoundment shall be calculated using a
26 30-year post-closure care period or such longer period as

1 may be approved by the Agency under Board or federal
2 rules.

3 (2) The Agency is authorized to enter into such
4 contracts and agreements as it may deem necessary to carry
5 out the purposes of this Section. Neither the State, nor
6 the Director, nor any State employee shall be liable for
7 any damages or injuries arising out of or resulting from
8 any action taken under this Section.

9 (3) The Agency shall have the authority to approve or
10 disapprove any performance bond or other security posted
11 under this subsection. Any person whose performance bond
12 or other security is disapproved by the Agency may contest
13 the disapproval as a permit denial appeal pursuant to
14 Section 40.

15 (g) The Board shall adopt rules establishing construction
16 permit requirements, operating permit requirements, design
17 standards, reporting, financial assurance, and closure and
18 post-closure care requirements for CCR surface impoundments.
19 Not later than 8 months after July 30, 2019 (the effective date
20 of Public Act 101-171) ~~this amendatory Act of the 101st~~
21 ~~General Assembly~~ the Agency shall propose, and not later than
22 one year after receipt of the Agency's proposal the Board
23 shall adopt, rules under this Section. The Board shall not be
24 deemed in noncompliance with the rulemaking deadline due to
25 delays in adopting rules as a result of the Joint Commission on
26 Administrative Rules oversight process. The rules must, at a

1 minimum:

2 (1) be at least as protective and comprehensive as the
3 federal regulations or amendments thereto promulgated by
4 the Administrator of the United States Environmental
5 Protection Agency in Subpart D of 40 CFR 257 governing CCR
6 surface impoundments;

7 (2) specify the minimum contents of CCR surface
8 impoundment construction and operating permit
9 applications, including the closure alternatives analysis
10 required under subsection (d);

11 (3) specify which types of permits include
12 requirements for closure, post-closure, remediation and
13 all other requirements applicable to CCR surface
14 impoundments;

15 (4) specify when permit applications for existing CCR
16 surface impoundments must be submitted, taking into
17 consideration whether the CCR surface impoundment must
18 close under the RCRA;

19 (5) specify standards for review and approval by the
20 Agency of CCR surface impoundment permit applications;

21 (6) specify meaningful public participation procedures
22 for the issuance of CCR surface impoundment construction
23 and operating permits, including, but not limited to,
24 public notice of the submission of permit applications, an
25 opportunity for the submission of public comments, an
26 opportunity for a public hearing prior to permit issuance,

1 and a summary and response of the comments prepared by the
2 Agency;

3 (7) prescribe the type and amount of the performance
4 bonds or other securities required under subsection (f),
5 and the conditions under which the State is entitled to
6 collect moneys from such performance bonds or other
7 securities;

8 (8) specify a procedure to identify areas of
9 environmental justice concern in relation to CCR surface
10 impoundments;

11 (9) specify a method to prioritize CCR surface
12 impoundments required to close under RCRA if not otherwise
13 specified by the United States Environmental Protection
14 Agency, so that the CCR surface impoundments with the
15 highest risk to public health and the environment, and
16 areas of environmental justice concern are given first
17 priority;

18 (10) define when complete removal of CCR is achieved
19 and specify the standards for responsible removal of CCR
20 from CCR surface impoundments, including, but not limited
21 to, dust controls and the protection of adjacent surface
22 water and groundwater; and

23 (11) describe the process and standards for
24 identifying a specific alternative source of groundwater
25 pollution when the owner or operator of the CCR surface
26 impoundment believes that groundwater contamination on the

1 site is not from the CCR surface impoundment.

2 (h) Any owner of a CCR surface impoundment that generates
3 CCR and sells or otherwise provides coal combustion byproducts
4 pursuant to Section 3.135 shall, every 12 months, post on its
5 publicly available website a report specifying the volume or
6 weight of CCR, in cubic yards or tons, that it sold or provided
7 during the past 12 months.

8 (i) The owner of a CCR surface impoundment shall post all
9 closure plans, permit applications, and supporting
10 documentation, as well as any Agency approval of the plans or
11 applications on its publicly available website.

12 (j) The owner or operator of a CCR surface impoundment
13 shall pay the following fees:

14 (1) An initial fee to the Agency within 6 months after
15 July 30, 2019 (the effective date of Public Act 101-171)
16 ~~this amendatory Act of the 101st General Assembly~~ of:

17 \$50,000 for each closed CCR surface impoundment;

18 and

19 \$75,000 for each CCR surface impoundment that have
20 not completed closure.

21 (2) Annual fees to the Agency, beginning on July 1,
22 2020, of:

23 \$25,000 for each CCR surface impoundment that has
24 not completed closure; and

25 \$15,000 for each CCR surface impoundment that has
26 completed closure, but has not completed post-closure

1 care.

2 (k) All fees collected by the Agency under subsection (j)
3 shall be deposited into the Environmental Protection Permit
4 and Inspection Fund.

5 (l) The Coal Combustion Residual Surface Impoundment
6 Financial Assurance Fund is created as a special fund in the
7 State treasury. Any moneys forfeited to the State of Illinois
8 from any performance bond or other security required under
9 this Section shall be placed in the Coal Combustion Residual
10 Surface Impoundment Financial Assurance Fund and shall, upon
11 approval by the Governor and the Director, be used by the
12 Agency for the purposes for which such performance bond or
13 other security was issued. The Coal Combustion Residual
14 Surface Impoundment Financial Assurance Fund is not subject to
15 the provisions of subsection (c) of Section 5 of the State
16 Finance Act.

17 (m) The provisions of this Section shall apply, without
18 limitation, to all existing CCR surface impoundments and any
19 CCR surface impoundments constructed after July 30, 2019 (the
20 effective date of Public Act 101-171) ~~this amendatory Act of~~
21 ~~the 101st General Assembly~~, except to the extent prohibited by
22 the Illinois or United States Constitutions.

23 (Source: P.A. 101-171, eff. 7-30-19; revised 10-22-19.)

24 Section 90-56. The Alternate Fuels Act is amended by
25 changing Sections 1, 5, 10, 15, 35, 40, and 45 and by adding

1 Section 27 as follows:

2 (415 ILCS 120/1)

3 Sec. 1. Short title. This Act may be cited as the Electric
4 Vehicle Rebate ~~Alternate Fuels~~ Act.

5 (Source: P.A. 89-410.)

6 (415 ILCS 120/5)

7 Sec. 5. Purpose. The General Assembly declares that it is
8 the public policy of the State to promote and encourage the use
9 of electric ~~alternate fuel in~~ vehicles as a means to improve
10 air quality and reduce the risks from global warming in the
11 State and to meet the requirements of the federal Clean Air Act
12 ~~Amendments of 1990 and the federal Energy Policy Act of 1992.~~
13 The General Assembly further declares that the State can play
14 a leadership role in increasing usage ~~the development~~ of
15 vehicles powered by electricity ~~alternate fuels, as well as in~~
16 ~~the establishment of the necessary infrastructure to support~~
17 ~~this emerging technology.~~

18 (Source: P.A. 89-410.)

19 (415 ILCS 120/10)

20 Sec. 10. Definitions. As used in this Act:

21 "Agency" means the Environmental Protection Agency.

22 ~~"Alternate fuel" means liquid petroleum gas, natural gas,~~
23 ~~E85 blend fuel, fuel composed of a minimum 80% ethanol, 80%~~

1 ~~bio-based methanol, fuels that are at least 80% derived from~~
2 ~~biomass, hydrogen fuel, or electricity, excluding on-board~~
3 ~~electric generation.~~

4 ~~"Alternate fuel vehicle" means any vehicle that is~~
5 ~~operated in Illinois and is capable of using an alternate~~
6 ~~fuel.~~

7 ~~"Biodiesel fuel" means a renewable fuel conforming to the~~
8 ~~industry standard ASTM D6751 and registered with the U.S.~~
9 ~~Environmental Protection Agency.~~

10 ~~"Car sharing organization" means an organization whose~~
11 ~~primary business is a membership-based service that allows~~
12 ~~members to drive cars by the hour in order to extend the public~~
13 ~~transit system, reduce personal car ownership, save consumers~~
14 ~~money, increase the use of alternative transportation, and~~
15 ~~improve environmental sustainability.~~

16 ~~"Conventional", when used to modify the word "vehicle",~~
17 ~~"engine", or "fuel", means gasoline or diesel or any~~
18 ~~reformulations of those fuels.~~

19 "Covered Area" means the counties of Cook, DuPage, Kane,
20 Lake, McHenry, and Will, the townships of Aux Sable and Goose
21 Lake in Grundy County, and the township of Oswego in Kendall
22 County ~~and those portions of Grundy County and Kendall County~~
23 ~~that are included in the following ZIP code areas, as~~
24 ~~designated by the U.S. Postal Service on the effective date of~~
25 ~~this amendatory Act of 1998: 60416, 60444, 60447, 60450,~~
26 ~~60481, 60538, and 60543.~~

1 ~~"Director" means the Director of the Environmental~~
2 ~~Protection Agency.~~

3 ~~"Domestic renewable fuel" means a fuel, produced in the~~
4 ~~United States, composed of a minimum 80% ethanol, 80%~~
5 ~~bio based methanol, or 20% biodiesel fuel.~~

6 ~~"E85 blend fuel" means fuel that contains 85% ethanol and~~
7 ~~15% gasoline.~~

8 "Electric vehicle" means a vehicle that is exclusively
9 powered by and refueled by electricity, must be plugged in to
10 charge, and is licensed to drive on public roadways. "Electric
11 Vehicle" does not include electric motorcycles, or hybrid
12 electric vehicles and extended-range electric vehicles that
13 are also equipped with conventional fueled propulsion or
14 auxiliary engines.

15 "Environmental justice community" has the same meaning,
16 based on existing methodologies and findings, used and as may
17 be updated by the Illinois Power Agency and its Program
18 Administrator of the Illinois Solar for All Program.

19 "Low income" means persons and families whose income does
20 not exceed 80% of the State median income for the current State
21 fiscal year, as established by the United States Department of
22 Health and Human Services. ~~licensed to drive on public~~
23 ~~roadways, is predominantly powered by, and primarily refueled~~
24 ~~with, electricity, and does not have restrictions confining it~~
25 ~~to operate on only certain types of streets or roads.~~

26 ~~"GVWR" means Gross Vehicle Weight Rating.~~

1 ~~"Location" means (i) a parcel of real property or (ii)~~
2 ~~multiple, contiguous parcels of real property that are~~
3 ~~separated by private roadways, public roadways, or private or~~
4 ~~public rights of way and are owned, operated, leased, or under~~
5 ~~common control of one party.~~

6 ~~"Original equipment manufacturer" or "OEM" means a~~
7 ~~manufacturer of alternate fuel vehicles or a manufacturer or~~
8 ~~remanufacturer of alternate fuel engines used in vehicles~~
9 ~~greater than 8500 pounds GVWR.~~

10 ~~"Rental vehicle" means any motor vehicle that is owned or~~
11 ~~controlled primarily for the purpose of short term leasing or~~
12 ~~rental pursuant to a contract.~~

13 (Source: P.A. 97-90, eff. 7-11-11.)

14 (415 ILCS 120/15)

15 Sec. 15. Rulemaking. The Agency shall promulgate rules as
16 necessary and dedicate sufficient resources to implement ~~the~~
17 ~~purposes of~~ Section 27 ~~30~~ of this Act. Such rules shall be
18 consistent with applicable ~~the~~ provisions of the Clean Air Act
19 ~~Amendments of 1990~~ and any regulations promulgated pursuant
20 thereto. The Secretary of State may promulgate rules to
21 implement Section 35 of this Act. ~~The Department of Commerce~~
22 ~~and Economic Opportunity may promulgate rules to implement~~
23 ~~Section 25 of this Act.~~

24 (Source: P.A. 94-793, eff. 5-19-06.)

1 (415 ILCS 120/27 new)

2 Sec. 27. Electric vehicle rebate.

3 (a) Beginning July 1, 2022, and continuing as long as
4 funds are available, each person shall be eligible to apply
5 for a rebate, in the amounts set forth below, following the
6 purchase of an electric vehicle in Illinois. The Agency shall
7 issue rebates consistent with the provisions of this Act and
8 any implementing regulations adopted by the Agency. In no
9 event shall a rebate amount exceed the purchase price of the
10 vehicle.

11 (1) Beginning July 1, 2022, a \$4,000 rebate for the
12 purchase of an electric vehicle.

13 (2) Beginning July 1, 2026, a \$2,000 rebate for the
14 purchase of an electric vehicle.

15 (3) Beginning July 1, 2028, a \$1,000 rebate for the
16 purchase of an electric vehicle.

17 (b) To be eligible to receive a rebate, a purchaser must:

18 (1) Reside in Illinois, both at the time the vehicle
19 was purchased and at the time the rebate is issued.

20 (2) Purchase an electric vehicle in Illinois on or
21 after July 1, 2022 and be the owner of the vehicle at the
22 time the rebate is issued. Rented or leased vehicles,
23 vehicles purchased from an out-of-state dealership, and
24 vehicles delivered to or received by the purchaser
25 out-of-state are not eligible for a rebate under this Act.

26 (3) Apply for the rebate within 90 days after the

1 vehicle purchase date, and provide to the Agency proof of
2 residence, proof of vehicle ownership, and proof that the
3 vehicle was purchased in Illinois, including a copy of a
4 purchase agreement noting an Illinois seller. The
5 purchaser must notify the Agency of any changes in
6 residency or ownership of the vehicle that occur between
7 application for a rebate and issuance of a rebate.

8 (c) The Agency shall make available in application
9 materials methods for purchasers to identify as low-income.
10 The Agency shall prioritize the review of qualified
11 applications from low-income purchasers and award rebates to
12 qualified purchasers accordingly.

13 (d) The purchaser must retain ownership of the vehicle for
14 a minimum of 12 consecutive months immediately after the
15 vehicle purchase date. The purchaser must continue to reside
16 in a covered area during that time frame and register the
17 vehicle in Illinois during that time frame. Rebate recipients
18 who fail to satisfy any of the above criteria will be required
19 to reimburse the Agency all or part of the original rebate
20 amount and shall notify the Agency within 60 days of failing to
21 satisfy the criteria.

22 (e) Rebates administered under this Section shall be
23 available for both new and used passenger electric vehicles.

24 (f) A rebate administered under this Act may only be
25 applied for and awarded one time per vehicle identification
26 number. A rebate may only be applied for and awarded once per

1 purchaser in any 10-year period.

2 (415 ILCS 120/35)

3 Sec. 35. User fees.

4 (a) The Office of the Secretary of State shall collect
5 annual user fees from any individual, partnership,
6 association, corporation, or agency of the United States
7 government that registers any combination of 10 or more of the
8 following types of motor vehicles in the Covered Area: (1)
9 vehicles of the First Division, as defined in the Illinois
10 Vehicle Code; (2) vehicles of the Second Division registered
11 under the B, C, D, F, H, MD, MF, MG, MH and MJ plate
12 categories, as defined in the Illinois Vehicle Code; and (3)
13 commuter vans and livery vehicles as defined in the Illinois
14 Vehicle Code. This Section does not apply to vehicles
15 registered under the International Registration Plan under
16 Section 3-402.1 of the Illinois Vehicle Code. The user fee
17 shall be \$20 for each vehicle registered in the Covered Area
18 for each fiscal year. The Office of the Secretary of State
19 shall collect the \$20 when a vehicle's registration fee is
20 paid.

21 (b) Owners of State, county, and local government
22 vehicles, rental vehicles, antique vehicles, expanded-use
23 antique vehicles, electric vehicles, and motorcycles are
24 exempt from paying the user fees on such vehicles.

25 (c) The Office of the Secretary of State shall deposit the

1 user fees collected into the Electric Vehicle Rebate ~~Alternate~~
2 ~~Fuels~~ Fund.

3 (Source: P.A. 101-505, eff. 1-1-20.)

4 (415 ILCS 120/40)

5 Sec. 40. Appropriations from the Electric Vehicle Rebate
6 ~~Alternate Fuels~~ Fund.

7 (a) User Fees Funds. The Agency shall estimate the amount
8 of user fees expected to be collected under Section 35 of this
9 Act for each fiscal year. User fee funds shall be deposited
10 into and distributed from the Alternate Fuels Fund in the
11 following manner:

12 (1) In each of fiscal years 1999, 2000, 2001, 2002,
13 and 2003, an amount not to exceed \$200,000, and beginning
14 in fiscal year 2004 an annual amount not to exceed
15 \$225,000, may be appropriated to the Agency from the
16 Alternate Fuels Fund to pay its costs of administering the
17 programs authorized by Section 27 ~~30~~ of this Act. Up to
18 \$200,000 may be appropriated to the Office of the
19 Secretary of State in each of fiscal years 1999, 2000,
20 2001, 2002, and 2003 from the Alternate Fuels Fund to pay
21 the Secretary of State's costs of administering the
22 programs authorized under this Act. Beginning in fiscal
23 year 2004 and in each fiscal year thereafter, an amount
24 not to exceed \$225,000 may be appropriated to the
25 Secretary of State from the Alternate Fuels Fund to pay

1 the Secretary of State's costs of administering the
2 programs authorized under this Act.

3 (2) In fiscal year 2022 and each fiscal year
4 thereafter ~~years 1999, 2000, 2001, and 2002,~~ after
5 appropriation of the amounts authorized by item (1) of
6 subsection (a) of this Section, the remaining moneys
7 estimated to be collected during each fiscal year shall be
8 ~~appropriated as follows: 80% of the remaining moneys shall~~
9 ~~be appropriated to fund the programs authorized by Section~~
10 ~~30, and 20% shall be appropriated to fund the programs~~
11 ~~authorized by Section 25. In fiscal year 2004 and each~~
12 ~~fiscal year thereafter, after appropriation of the amounts~~
13 ~~authorized by item (1) of subsection (a) of this Section,~~
14 ~~the remaining moneys estimated to be collected during each~~
15 ~~fiscal year shall be appropriated as follows: 70% of the~~
16 ~~remaining moneys shall be appropriated to fund the~~
17 ~~programs authorized by Section 30 and 30% shall be~~
18 ~~appropriated to fund the programs authorized by Section~~
19 ~~31.~~

20 (3) (Blank).

21 (4) Moneys appropriated to fund the programs
22 authorized in Sections 25 and 30 shall be expended only
23 after they have been collected and deposited into the
24 Alternate Fuels Fund.

25 (b) General Revenue Fund Appropriations. General Revenue
26 Fund amounts appropriated to and deposited into the Electric

1 Vehicle Rebate Alternate Fuels Fund shall be distributed from
2 the Electric Vehicle Rebate Alternate Fuels Fund to fund the
3 program authorized in Section 27. in the following manner:

4 ~~(1) In each of fiscal years 2003 and 2004, an amount~~
5 ~~not to exceed \$50,000 may be appropriated to the~~
6 ~~Department of Commerce and Community Affairs (now~~
7 ~~Department of Commerce and Economic Opportunity) from the~~
8 ~~Alternate Fuels Fund to pay its costs of administering the~~
9 ~~programs authorized by Sections 31 and 32.~~

10 ~~(2) In each of fiscal years 2003 and 2004, an amount~~
11 ~~not to exceed \$50,000 may be appropriated to the~~
12 ~~Department of Commerce and Community Affairs (now~~
13 ~~Department of Commerce and Economic Opportunity) to fund~~
14 ~~the programs authorized by Section 32.~~

15 ~~(3) In each of fiscal years 2003 and 2004, after~~
16 ~~appropriation of the amounts authorized in items (1) and~~
17 ~~(2) of subsection (b) of this Section, the remaining~~
18 ~~moneys received from the General Revenue Fund shall be~~
19 ~~appropriated as follows: 52.632% of the remaining moneys~~
20 ~~shall be appropriated to fund the programs authorized by~~
21 ~~Sections 25 and 30 and 47.368% of the remaining moneys~~
22 ~~shall be appropriated to fund the programs authorized by~~
23 ~~Section 31. The moneys appropriated to fund the programs~~
24 ~~authorized by Sections 25 and 30 shall be used as follows:~~
25 ~~20% shall be used to fund the programs authorized by~~
26 ~~Section 25, and 80% shall be used to fund the programs~~

1 ~~authorized by Section 30.~~

2 ~~Moneys appropriated to fund the programs authorized in~~
3 ~~Section 31 shall be expended only after they have been~~
4 ~~deposited into the Alternate Fuels Fund.~~

5 (Source: P.A. 93-32, eff. 7-1-03; 94-793, eff. 5-19-06.)

6 (415 ILCS 120/45)

7 Sec. 45. Electric Vehicle Rebate ~~Alternate Fuels~~ Fund;
8 creation; deposit of user fees. A separate fund in the State
9 Treasury called the Electric Vehicle Rebate ~~Alternate Fuels~~
10 Fund is created, into which shall be transferred the user fees
11 as provided in Section 35 and any other revenues, deposits,
12 State appropriations, contributions, grants, gifts, bequests,
13 legacies of money and securities, or transfers as provided by
14 law from, without limitation, governmental entities, private
15 sources, foundations, trade associations, industry
16 organizations, and not-for-profit organizations.

17 (Source: P.A. 92-858, eff. 1-3-03.)

18 (415 ILCS 120/20 rep.)

19 (415 ILCS 120/22 rep.)

20 (415 ILCS 120/24 rep.)

21 (415 ILCS 120/30 rep.)

22 (415 ILCS 120/31 rep.)

23 (415 ILCS 120/32 rep.)

24 Section 90-57. The Alternate Fuels Act is amended by

1 repealing Sections 20, 22, 24, 30, 31, and 32.

2 Section 90-59. The Illinois Vehicle Code is amended by
3 changing Section 13C-10 as follows:

4 (625 ILCS 5/13C-10)

5 Sec. 13C-10. Program.

6 (a) The Agency shall establish a program to begin February
7 1, 2007, to reduce the emission of pollutants by motor
8 vehicles. This program shall be a replacement for and
9 continuation of the program established under the Vehicle
10 Emissions Inspection Law of 1995, Chapter 13B of this Code.

11 At a minimum, this program shall provide for all of the
12 following:

13 (1) The inspection of certain motor vehicles every 2
14 years, as required under Section 13C-15.

15 (2) The establishment and operation of official
16 inspection stations.

17 (3) The designation of official test equipment and
18 testing procedures.

19 (4) The training and supervision of inspectors and
20 other personnel.

21 (5) Procedures to assure the correct operation,
22 maintenance, and calibration of test equipment.

23 (6) Procedures for certifying test results and for
24 reporting and maintaining relevant data and records.

1 (7) The funding of electric vehicle ~~alternate fuel~~
2 rebates and grants as authorized by the Electric Vehicle
3 Rebate Section 30 of the Alternate Fuels Act.

4 (b) The Agency shall provide for the operation of a
5 sufficient number of official inspection stations to prevent
6 undue difficulty for motorists to obtain the inspections
7 required under this Chapter. In the event that the Agency
8 operates inspection stations or contracts with one or more
9 parties to operate inspection stations on its behalf, the
10 Agency shall endeavor to: (i) locate the stations so that the
11 owners of vehicles subject to inspection reside within 12
12 miles of an official inspection station; and (ii) have
13 sufficient inspection capacity at the stations so that the
14 usual wait before the start of an inspection does not exceed 15
15 minutes.

16 (Source: P.A. 98-24, eff. 6-19-13.)

17 Section 90-60. The Illinois Worker Adjustment and
18 Retraining Notification Act is amended by changing Section 10
19 as follows:

20 (820 ILCS 65/10)

21 Sec. 10. Notice.

22 (a) An employer may not order a mass layoff, relocation,
23 or employment loss unless, 60 days before the order takes
24 effect, the employer gives written notice of the order to the

1 following:

2 (1) affected employees and representatives of affected
3 employees; and

4 (2) the Department of Commerce and Economic
5 Opportunity and the chief elected official of each
6 municipal and county government within which the
7 employment loss, relocation, or mass layoff occurs.

8 (a-5) An owner of an investor-owned electric generating
9 plant or coal mining operation may not order a mass layoff,
10 relocation, or employment loss unless, 2 years before the
11 order takes effect, the employer gives written notice of the
12 order to the following:

13 (1) affected employees and representatives of affected
14 employees; and

15 (2) the Department of Commerce and Economic
16 Opportunity and the chief elected official of each
17 municipal and county government within which the
18 employment loss, relocation, or mass layoff occurs.

19 (b) An employer required to give notice of any mass
20 layoff, relocation, or employment loss under this Act shall
21 include in its notice the elements required by the federal
22 Worker Adjustment and Retraining Notification Act (29 U.S.C.
23 2101 et seq.).

24 (c) Notwithstanding the requirements of subsection (a), an
25 employer is not required to provide notice if a mass layoff,
26 relocation, or employment loss is necessitated by a physical

1 calamity or an act of terrorism or war.

2 (d) The mailing of notice to an employee's last known
3 address or inclusion of notice in the employee's paycheck
4 shall be considered acceptable methods for fulfillment of the
5 employer's obligation to give notice to each affected employee
6 under this Act.

7 (e) In the case of a sale of part or all of an employer's
8 business, the seller shall be responsible for providing notice
9 for any plant closing or mass layoff in accordance with this
10 Section, up to and including the effective date of the sale.
11 After the effective date of the sale of part or all of an
12 employer's business, the purchaser shall be responsible for
13 providing notice for any plant closing or mass layoff in
14 accordance with this Section. Notwithstanding any other
15 provision of this Act, any person who is an employee of the
16 seller (other than a part-time employee) as of the effective
17 date of the sale shall be considered an employee of the
18 purchaser immediately after the effective date of the sale.

19 (f) An employer which is receiving State or local economic
20 development incentives for doing or continuing to do business
21 in this State may be required to provide additional notice
22 pursuant to Section 15 of the Business Economic Support Act.

23 (g) The rights and remedies provided to employees by this
24 Act are in addition to, and not in lieu of, any other
25 contractual or statutory rights and remedies of the employees,
26 and are not intended to alter or affect such rights and

1 remedies, except that the period of notification required by
2 this Act shall run concurrently with any period of
3 notification required by contract or by any other law.

4 (h) It is the sense of the General Assembly that an
5 employer who is not required to comply with the notice
6 requirements of this Section should, to the extent possible,
7 provide notice to its employees about a proposal to close a
8 plant or permanently reduce its workforce.

9 (Source: P.A. 93-915, eff. 1-1-05.)

10 Article 99. Miscellaneous Provisions; Effective Date

11 Section 99-95. No acceleration or delay. Where this Act
12 makes changes in a statute that is represented in this Act by
13 text that is not yet or no longer in effect (for example, a
14 Section represented by multiple versions), the use of that
15 text does not accelerate or delay the taking effect of (i) the
16 changes made by this Act or (ii) provisions derived from any
17 other Public Act.

18 Section 99-97. Severability. The provisions of this Act
19 are severable under Section 1.31 of the Statute on Statutes.

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