



Sen. Bill Cunningham

Filed: 4/9/2021

10200SB2433sam001

LRB102 17324 SPS 24748 a

1 AMENDMENT TO SENATE BILL 2433

2 AMENDMENT NO. _____. Amend Senate Bill 2433 by replacing
3 everything after the enacting clause with the following:

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

6 (220 ILCS 5/16-108)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 such customer's bill.

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

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

8 The electric utility shall be entitled to recover all of
9 the costs identified in this subsection (k) through automatic
10 adjustment clause tariffs applicable to all of the utility's
11 retail customers that allow the electric utility to adjust its
12 tariffed charges consistent with this subsection (k). The
13 determination as to whether any excess funds were collected
14 during a given delivery year for the purchase of renewable
15 energy resources, and the crediting of any excess funds back
16 to retail customers, shall not be made until after the close of
17 the delivery year, and the total amount to be paid by the
18 electric utility under each contract for the purchase of
19 renewable energy credits that is executed pursuant to
20 paragraph (1) of subsection (c) of Section 1-75 of the
21 Illinois Power Agency Act shall be subtracted from any excess
22 funds, regardless of when the payment or payments are due
23 under such contracts, so that funding is available for such
24 payment, which will ensure that the maximum amount of funds is
25 available to implement the approved long-term renewable
26 resources procurement plan during a given delivery year. The

1 electric utility's collections under such automatic adjustment
2 clause tariffs to recover the costs of renewable energy
3 resources and zero emission credits from zero emission
4 facilities shall be subject to separate annual review,
5 reconciliation, and true-up against actual costs by the
6 Commission under a procedure that shall be specified in the
7 electric utility's automatic adjustment clause tariffs and
8 that shall be approved by the Commission in connection with
9 its approval of such tariffs. The procedure shall provide that
10 any difference between the electric utility's collections
11 under the automatic adjustment charges for an annual period
12 and the electric utility's actual costs of renewable energy
13 resources and zero emission credits from zero emission
14 facilities for that same annual period shall be refunded to or
15 collected from, as applicable, the electric utility's retail
16 customers in subsequent periods.

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

22 Notwithstanding anything to the contrary, the Commission
23 shall not conduct an annual review, reconciliation, and
24 true-up associated with renewable energy resources'
25 collections and costs for the delivery years commencing June
26 1, 2017, June 1, 2018, June 1, 2019, ~~and~~ June 1, 2020, and June

1 1, 2021, and shall instead conduct a single review,
2 reconciliation, and true-up associated with renewable energy
3 resources' collections and costs for the 5-year ~~4-year~~ period
4 beginning June 1, 2017 and ending May 31, 2022 ~~2021~~, provided
5 that the review, reconciliation, and true-up shall not be
6 initiated until after August 31, 2022 ~~2021~~. During the 5-year
7 ~~4-year~~ period, the utility shall be permitted to collect and
8 retain funds under this subsection (k) and to purchase
9 renewable energy resources under an approved long-term
10 renewable resources procurement plan using those funds
11 regardless of the delivery year in which the funds were
12 collected during the 5-year ~~4-year~~ period. Notwithstanding
13 anything to the contrary, (i) immediately after the effective
14 date of this amendatory Act of the 102nd General Assembly, the
15 Agency shall be permitted to use a combined total of
16 \$100,000,000 of such retained utility funds for purposes of
17 funding the Illinois Solar for All Program under subsection
18 (b) of Section 1-56 of the Public Utilities Act, and (ii) no
19 later than 60 days after the effective date of this amendatory
20 Act of the 102nd General Assembly, a combined total of
21 \$5,000,000 of such retained utility funds shall be deposited
22 by the utilities in the Illinois Works Fund for the purposes
23 and activities described in subsection (f) of Section 20-15 of
24 the Illinois Works Jobs Act Program Act. Each electric
25 utility's pro rata portion of such \$5,000,000 shall be
26 calculated in accordance with the electric utility renewable

1 energy credit cost allocation percentages identified in the
2 Agency's most recent long-term renewable resources procurement
3 plan approved by the Commission.

4 If the amount of funds collected during the delivery year
5 commencing June 1, 2017, exceeds the costs incurred during
6 that delivery year, then up to half of this excess amount, as
7 calculated on June 1, 2018, 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. For purposes of
14 this Section, "funding shortfall" means the difference between
15 \$200,000,000 and the amount appropriated by the General
16 Assembly to the Illinois Power Agency Renewable Energy
17 Resources Fund during the period that commences on the
18 effective date of this amendatory act of the 99th General
19 Assembly and ends on August 1, 2018.

20 If the amount of funds collected during the delivery year
21 commencing June 1, 2018, exceeds the costs incurred during
22 that delivery year, then up to half of this excess amount, as
23 calculated on June 1, 2019, may be used to fund the programs
24 under subsection (b) of Section 1-56 of the Illinois Power
25 Agency Act in the same proportion the programs are funded
26 under that subsection (b). However, any amount identified

1 under this subsection (k) to fund programs under subsection
2 (b) of Section 1-56 of the Illinois Power Agency Act shall be
3 reduced if it exceeds the funding shortfall.

4 If the amount of funds collected during the delivery year
5 commencing June 1, 2019, exceeds the costs incurred during
6 that delivery year, then up to half of this excess amount, as
7 calculated on June 1, 2020, 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, 2020, exceeds the costs incurred during
16 that delivery year, then up to half of this excess amount, as
17 calculated on June 1, 2021, 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) of Section 1-75 of the Illinois Power
12 Agency Act shall be entitled to recover any remaining balance
13 associated with the purchase of zero emission credits prior to
14 such termination, and such utility shall also apply a credit
15 to its retail customer bills in the event of any
16 over-collection.

17 (m) (1) An electric utility that recovers its costs of
18 procuring zero emission credits from zero emission
19 facilities through a cents-per-kilowatthour charge under
20 ~~to~~ subsection (k) of this Section shall be subject to the
21 requirements of this subsection (m). Notwithstanding
22 anything to the contrary, such electric utility shall,
23 beginning on April 30, 2018, and each April 30 thereafter
24 until April 30, 2026, calculate whether any reduction must
25 be applied to such cents-per-kilowatthour charge that is
26 paid by retail customers of the electric utility that are

1 exempt from subsections (a) through (j) of Section 8-103B
2 of this Act under subsection (l) of Section 8-103B. Such
3 charge shall be reduced for such customers for the next
4 delivery year commencing on June 1 based on the amount
5 necessary, if any, to limit the annual estimated average
6 net increase for the prior calendar year due to the future
7 energy investment costs to no more than 1.3% of 5.98 cents
8 per kilowatt-hour, which is the average amount paid per
9 kilowatthour for electric service during the year ending
10 December 31, 2015 by Illinois industrial retail customers,
11 as reported to the Edison Electric Institute.

12 The calculations required by this subsection (m) shall
13 be made only once for each year, and no subsequent rate
14 impact 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
18 (A) of this paragraph (2) from the sum of the
19 cents-per-kilowatthour charges identified in subparagraph
20 (B) of this paragraph (2):

21 (A) The cents-per-kilowatthour charge identified
22 in the electric utility's tariff placed into effect
23 under Section 8-103 of the Public Utilities Act that,
24 on December 1, 2016, was applicable to those retail
25 customers that are exempt from subsections (a) through
26 (j) of Section 8-103B of this Act under subsection (l)

1 of Section 8-103B.

2 (B) The sum of the following
3 cents-per-kilowatthour charges applicable to those
4 retail customers that are exempt from subsections (a)
5 through (j) of Section 8-103B of this Act under
6 subsection (l) of Section 8-103B, provided that if one
7 or more of the following charges has been in effect and
8 applied to such customers for more than one calendar
9 year, then each charge shall be equal to the average of
10 the charges applied over a period that commences with
11 the calendar year ending December 31, 2017 and ends
12 with the most recently completed calendar year prior
13 to the calculation required by this subsection (m):

14 (i) the cents-per-kilowatthour charge to
15 recover the costs incurred by the utility under
16 subsection (d-5) of Section 1-75 of the Illinois
17 Power Agency Act, adjusted for any reductions
18 required under this subsection (m); and

19 (ii) the cents-per-kilowatthour charge to
20 recover the costs incurred by the utility under
21 Section 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
24 the 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

1 the reduction shall be multiplied by the number of years
2 reflected in the averages calculated under subparagraph
3 (B) of paragraph (2) of this subsection (m). Such
4 reduction shall be applied to the cents-per-kilowatthour
5 charge that is applicable to those retail customers that
6 are exempt from subsections (a) through (j) of Section
7 8-103B of this Act under subsection (l) of Section 8-103B
8 beginning with the next delivery year commencing after the
9 date of the calculation 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
12 May 1, 2026 containing the reduction, if any, which must
13 be applied for the delivery year which begins in the year
14 of the filing. The notice shall contain the calculations
15 made pursuant to this Section. By October 1 of each year
16 beginning in 2018, each electric utility shall notify the
17 Commission if it appears, based on an estimate of the
18 calculation required in this subsection (m), that a
19 reduction will be required in the next year.

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