



Rep. Jay Hoffman

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10300HB0562ham001

LRB103 04147 CES 70271 a

1 AMENDMENT TO HOUSE BILL 562

2 AMENDMENT NO. _____. Amend House Bill 562 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Public Utilities Act is amended by
5 changing Section 9-201 as follows:

6 (220 ILCS 5/9-201) (from Ch. 111 2/3, par. 9-201)

7 Sec. 9-201. (a) Unless the Commission otherwise orders,
8 and except as otherwise provided in this Section, no change
9 shall be made by any public utility in any rate or other charge
10 or classification, or in any rule, regulation, practice or
11 contract relating to or affecting any rate or other charge,
12 classification or service, or in any privilege or facility,
13 except after 45 days' notice to the Commission and to the
14 public as herein provided. Such notice shall be given by
15 filing with the Commission and keeping open for public
16 inspection new schedules or supplements stating plainly the

1 change or changes to be made in the schedule or schedules then
2 in force, and the time when the change or changes will go into
3 effect, and by publication in a newspaper of general
4 circulation or such other notice to persons affected by such
5 change as may be prescribed by rule of the Commission. The
6 Commission, for good cause shown, may allow changes without
7 requiring the 45 days' notice herein provided for, by an order
8 specifying the changes so to be made and the time when they
9 shall take effect and the manner in which they shall be filed
10 and published.

11 When any change is proposed in any rate or other charge, or
12 classification, or in any rule, regulation, practice, or
13 contract relating to or affecting any rate or other charge,
14 classification or service, or in any privilege or facility,
15 such proposed change shall be plainly indicated on the new
16 schedule filed with the Commission, by some character to be
17 designated by the Commission, immediately preceding or
18 following the item.

19 When any public utility providing water or sewer service
20 proposes any change in any rate or other charge, or
21 classification, or in any rule, regulation, practice, or
22 contract relating to or affecting any rate or other charge,
23 classification or service, or in any privilege or facility,
24 such utility shall, in addition to the other notice
25 requirements of this Act, provide notice of such change to all
26 customers potentially affected by including a notice and

1 description of such change, and of Commission procedures for
2 intervention, in the first bill sent to each such customer
3 after the filing of the proposed change.

4 For water or sewer utilities with greater than 15,000
5 total customers, the following notice requirements are
6 applicable, in addition to the other notice requirements of
7 this Act:

8 (1) As a separate bill insert, an initial notice in
9 the first bill sent to all customers potentially affected
10 by the proposed change after the filing of the proposed
11 change shall include:

12 (A) the approximate date when the change or
13 changes shall go into effect assuming the Commission
14 utilizes the 11-month process as described in this
15 Section;

16 (B) a statement indicating that the estimated bill
17 impact may vary based on multiple factors, including,
18 but not limited to, meter size, usage volume, and the
19 fire protection district;

20 (C) the water or sewer utility's customer service
21 number or other number as may be appropriate where an
22 authorized agent of the water or sewer utility can
23 explain how the proposed increase might impact an
24 individual customer's bill;

25 (D) if the proposed change involves a change from
26 a flat to a volumetric rate, an explanation of

1 volumetric rate;

2 (E) a reference to the water or sewer utility's
3 website where customers can find tips on water
4 conservation; and

5 (F) for customers receiving both water and sewer
6 service from a utility and if the customer has an
7 option to install a separate meter for irrigation to
8 mitigate sewer charges, an explanation of the water
9 and sewer utility's and the customer's
10 responsibilities for installation of a separate meter
11 if such a change is approved.

12 (2) A second notice to all customers shall be included
13 on the first bill after the Commission suspends the
14 tariffs initiating the rate case.

15 (3) Final notice of such change shall be sent to all
16 customers potentially affected by the proposed change by
17 including information required under this paragraph (3)
18 with the first bill after the effective date of the rates
19 approved by the Final Order of the Commission in a rate
20 case. The notice shall include the following:

21 (A) the date when the change or changes went into
22 effect;

23 (B) the water or sewer utility's customer service
24 number or other number as may be appropriate where an
25 authorized agent of the water or sewer utility can
26 explain how the proposed increase might impact an

1 individual customer's bill;

2 (C) an explanation that usage shall now be charged
3 at a volumetric rate rather than a flat rate, if
4 applicable;

5 (D) a reference to the water or sewer utility's
6 website where the customer can find tips on water
7 conservation; and

8 (E) for customers receiving both water and sewer
9 service from a utility and if the customer has an
10 option to install a separate meter for irrigation to
11 mitigate sewer charges, an explanation of the water
12 and sewer utility's and the customer's
13 responsibilities for installation of a separate meter
14 if such a change is approved.

15 (b) Whenever there shall be filed with the Commission any
16 schedule stating an individual or joint rate or other charge,
17 classification, contract, practice, rule or regulation, the
18 Commission shall have power, and it is hereby given authority,
19 either upon complaint or upon its own initiative without
20 complaint, at once, and if it so orders, without answer or
21 other formal pleadings by the interested public utility or
22 utilities, but upon reasonable notice, to enter upon a hearing
23 concerning the propriety of such rate or other charge,
24 classification, contract, practice, rule or regulation, and
25 pending the hearing and decision thereon, such rate or other
26 charge, classification, contract, practice, rule or regulation

1 shall not go into effect. The period of suspension of such rate
2 or other charge, classification, contract, practice, rule or
3 regulation shall not extend more than 105 days beyond the time
4 when such rate or other charge, classification, contract,
5 practice, rule or regulation would otherwise go into effect
6 unless the Commission, in its discretion, extends the period
7 of suspension for a further period not exceeding 6 months.

8 All rates or other charges, classifications, contracts,
9 practices, rules or regulations not so suspended shall, on the
10 expiration of 45 days from the time of filing the same with the
11 Commission, or of such lesser time as the Commission may
12 grant, go into effect and be the established and effective
13 rates or other charges, classifications, contracts, practices,
14 rules and regulations, subject to the power of the Commission,
15 after a hearing had on its own motion or upon complaint, as
16 herein provided, to alter or modify the same.

17 Within 30 days after such changes have been authorized by
18 the Commission, copies of the new or revised schedules shall
19 be posted or filed in accordance with the terms of Section
20 9-103 of this Act, in such a manner that all changes shall be
21 plainly indicated. The Commission shall incorporate into the
22 period of suspension a review period of 4 business days during
23 which the Commission may review and determine whether the new
24 or revised schedules comply with the Commission's decision
25 approving a change to the public utility's rates. Such review
26 period shall not extend the suspension period by more than 2

1 days. Absent notification to the contrary within the 4
2 business day period, the new or revised schedules shall be
3 deemed approved.

4 (c) If the Commission enters upon a hearing concerning the
5 propriety of any proposed rate or other charge,
6 classification, contract, practice, rule or regulation, the
7 Commission shall establish the rates or other charges,
8 classifications, contracts, practices, rules or regulations
9 proposed, in whole or in part, or others in lieu thereof, which
10 it shall find to be just and reasonable. In such hearing, the
11 burden of proof to establish the justness and reasonableness
12 of the proposed rates or other charges, classifications,
13 contracts, practices, rules or regulations, in whole and in
14 part, shall be upon the utility. The utility, the staff of the
15 Commission, the Attorney General, or any party to a proceeding
16 initiated under this Section who has been granted intervenor
17 status and submitted a post-hearing brief must be given the
18 opportunity to present oral argument, if requested no later
19 than the date for filing exceptions, on the propriety of any
20 proposed rate or other charge, classification, contract,
21 practice, rule, or regulation. No rate or other charge,
22 classification, contract, practice, rule or regulation shall
23 be found just and reasonable unless it is consistent with
24 Sections of this Article. In considering the justness and
25 reasonableness of a proposed rate or other charge,
26 classification, contract, investment, certificate, practice,

1 rule, or regulation, the Commission shall consider the impact
2 the order has on bargaining unit jobs in Illinois, including
3 utility and contractor bargaining unit jobs. The Commission
4 shall make a bargaining unit job impact finding for any order
5 addressing a proposed rate or other charge, classification,
6 contract, investment, certificate, practice, rule, or
7 regulation if the Commission determines that 50 or more
8 bargaining unit jobs may be negatively affected or at least
9 one party to the proceeding has taken the position that 50 or
10 more bargaining unit jobs may be negatively affected. The
11 bargaining unit job impact finding shall detail the effects of
12 the Commission's order on bargaining unit jobs, including, but
13 not limited to, an assessment of past or future investment
14 levels, investments, utility rates, or rate designs. Within 30
15 days of the order, the Commission shall submit a report to the
16 General Assembly including its bargaining unit job impact
17 finding and the Commission's justification supporting its
18 conclusion that the order may negatively affect 50 or more
19 bargaining unit jobs.

20 (d) Except where compliance with Section 8-401 of this Act
21 is of urgent and immediate concern, no representative of a
22 public utility may discuss with a commissioner, commissioner's
23 assistant, or administrative law judge in a non-public setting
24 a planned filing for a general rate increase. If a public
25 utility makes a filing under this Section, then no substantive
26 communication by any such person with a commissioner,

1 commissioner's assistant, or administrative law judge
2 concerning the filing is permitted until a notice of hearing
3 has been issued. After the notice of hearing has been issued,
4 the only communications by any such person with a
5 commissioner, commissioner's assistant, or administrative law
6 judge concerning the filing permitted are communications
7 permitted under Section 10-103 of this Act. If any such
8 communication does occur, then within 5 days of the docket
9 being initiated all details relating to the communication
10 shall be placed on the public record of the proceeding. The
11 record shall include any materials, whether written, recorded,
12 filmed, or graphic in nature, produced or reproduced on any
13 media, used in connection with the communication. The record
14 shall reflect the names of all persons who transmitted,
15 received, or were otherwise involved in the communication, the
16 duration of the communication, and whether the communication
17 occurred in person or by other means. In the case of an oral
18 communication, the record shall also reflect the location or
19 locations of all persons involved in the communication and, if
20 the communication occurred by telephone, the telephone numbers
21 for the callers and recipients of the communication. A
22 commissioner, commissioner's assistant, or administrative law
23 judge who is involved in any such communication shall be
24 recused from the affected proceeding. The Commission, or any
25 commissioner or administrative law judge presiding over the
26 proceeding shall, in the event of a violation of this Section,

1 take action necessary to ensure that such violation does not
2 prejudice any party or adversely affect the fairness of the
3 proceedings including dismissing the affected proceeding.
4 Nothing in this subsection (d) is intended to preclude
5 otherwise allowable updates on issues that may be indirectly
6 related to a general rate case filing because cost recovery
7 for the underlying activity may be requested. Such updates may
8 include, without limitation, issues related to outages and
9 restoration, credit ratings, security issuances, reliability,
10 Federal Energy Regulatory Commission matters, Federal
11 Communications Commission matters, regional reliability
12 organizations, consumer education, or labor matters, provided
13 that such updates may not include cost recovery in a planned
14 rate case.

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