



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

HB2172

Introduced 2/7/2023, by Rep. William "Will" Davis

#### SYNOPSIS AS INTRODUCED:

See Index

Amends the Public Utilities Act. Provides that the utilities shall implement energy efficiency measures targeted at low-income households and the amount of expenditures in the utilities' annual energy efficiency program budget to implement these targeted measures shall be, at a minimum, proportional to the percentage of low-income customers within the utilities' service territory. Provides specified requirements for who qualifies as a low-income customer. Provides that a utility shall not disconnect service of: (1) low-income customers 65 years of age or older due to inability to afford the monthly bill; (2) low-income customers with children in the household under the age of 6 due to inability to afford the monthly bill; and (3) customers who have provided a medical certification exemption. Provides that if gas or electricity is used as the only source of space cooling, then a utility with over 100,000 residential customers may not terminate gas or electric utility service to the residential user, including all tenants of mastermeters apartment buildings: (1) on any day when the National Weather Service forecast for the following 24 hours covering the area of the utility in which the residence is located includes a forecast that the temperature or heat index will be 85 (rather than 95) degrees Fahrenheit or above; or (2) on any day preceding or during a holiday or weekend when a forecast indicates that the temperature or heat index will be 85 (rather than 95) degrees Fahrenheit or above during the holiday or weekend. Makes changes to provisions concerning: the Commission's annual report; notice of termination of service; utility credit reporting; consideration of attorney and expert compensation as an expense and intervenor compensation fund; prohibition against preference or prejudice to any corporation; proceedings, investigations, or hearings conducted by the Commission; complaints and notice; and automatic adjustment clause tariffs. Makes other and corresponding changes.

LRB103 28925 AMQ 55311 b

1 AN ACT concerning regulation.

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

4 Section 5. The Public Utilities Act is amended by changing  
5 Sections 1-102, 4-201, 4-304, 8-101.5, 8-103B, 8-104, 8-201,  
6 8-201.10, 8-202, 8-205, 8-206, 8-207, 8-209, 9-229, 9-241,  
7 10-103, 10-108, 10-111, 16-111.8, and 19-145 and by adding  
8 Sections 3-127, 8-201.11, 8-202.5, 8-202.6, 8-202.7, 8-202.8,  
9 and 8-207.5 as follows:

10 (220 ILCS 5/1-102) (from Ch. 111 2/3, par. 1-102)

11 Sec. 1-102. Findings and Intent. The General Assembly  
12 finds that the health, welfare and prosperity of all Illinois  
13 customers ~~citizens~~ require the provision of adequate,  
14 efficient, reliable, affordable, environmentally safe, and  
15 least-cost public utility services at prices which accurately  
16 reflect the long-term cost of such services and which are  
17 equitable to all customers ~~citizens~~. It is therefore declared  
18 to be the policy of the State that public utilities shall  
19 continue to be regulated effectively and comprehensively. It  
20 is further declared that the goals and objectives of such  
21 regulation shall be to ensure

22 (a) Efficiency: the provision of reliable, affordable  
23 energy services at the least possible cost to the

1        customers ~~citizens~~ of the State; in such manner that:

2                (i) physical, human and financial resources are  
3        allocated efficiently;

4                (ii) all supply and demand options are considered  
5        and evaluated using comparable terms and methods in  
6        order to determine how utilities shall meet their  
7        customers' demands for public utility services at the  
8        least cost;

9                (iii) utilities are allowed a sufficient return on  
10       investment so as to enable them to attract capital in  
11       financial markets at competitive rates;

12               (iv) tariff rates for the sale of various public  
13       utility services are authorized such that they  
14       accurately reflect the cost of delivering those  
15       services and allow utilities to recover the total  
16       costs prudently and reasonably incurred;

17               (v) variation in costs by customer class and time  
18       of use is taken into consideration in authorizing  
19       rates for each class.

20               (b) Environmental Quality: the protection of the  
21       environment from the adverse external costs of public  
22       utility services so that

23                (i) environmental costs of proposed actions having  
24       a significant impact on the environment and the  
25       environmental impact of the alternatives are  
26       identified, documented and considered in the

1 regulatory process;

2 (ii) the prudently and reasonably incurred costs  
3 of environmental controls are recovered.

4 (c) Reliability: the ability of utilities to provide  
5 consumers with public utility services under varying  
6 demand conditions in such manner that suppliers of public  
7 utility services are able to provide service at consistent  
8 ~~varying~~ levels of ~~economic~~ reliability, giving appropriate  
9 consideration to the costs likely to be incurred as a  
10 result of service interruptions, and to the costs of  
11 increasing or maintaining current levels of reliability  
12 consistent with commitments to consumers.

13 (d) Equity: the fair treatment of consumers and  
14 investors in order that

15 (i) the public health, safety and welfare shall be  
16 protected;

17 (ii) the application of rates is based on public  
18 understandability and acceptance of the reasonableness  
19 of the rate structure ~~and level~~;

20 (iii) (blank) ~~the cost of supplying public utility~~  
21 ~~services is allocated to those who cause the costs to~~  
22 ~~be incurred~~;

23 (iv) if factors other than cost of service are  
24 considered in regulatory decisions, the rationale for  
25 these actions is set forth;

26 (v) regulation allows for orderly transition

1 periods to accommodate changes in public utility  
2 service markets;

3 (vi) regulation does not result in undue or  
4 sustained adverse impact on utility earnings;

5 (vii) the impacts of regulatory actions on all  
6 sectors of the State are carefully weighed;

7 (viii) the rates for utility services are  
8 affordable and therefore preserve the availability of  
9 such services to all customers; and ~~citizens.~~

10 (ix) no utility policy or rate disproportionately  
11 impacts the availability of essential utility service  
12 to particular communities, as highlighted by data,  
13 including, but not limited to, monthly credit and  
14 collections data filed by a utility under Section  
15 8-201.10.

16 (e) Affordability: the ability of utilities to ensure  
17 uninterrupted access to essential utility service and  
18 minimize disconnections to residential customers in such  
19 manner that ensures:

20 (i) all low-income customers, defined as those  
21 whose income falls at or below 80 percent of area  
22 median income, have access to a discounted utility  
23 rate;

24 (ii) low-income customers 65 years of age or older  
25 are not disconnected from essential utility service  
26 due to inability to afford the monthly bill;

1           (iii) low-income customers with children under the  
2 age of 6 are not disconnected from essential utility  
3 service due to inability to afford the monthly bill;

4           (iv) persons with medical conditions that a  
5 medical or qualified professional as described in  
6 subsection (b) of Section 8-202.7 certifies that an  
7 existing health condition will be exacerbated by  
8 disconnection from essential utility service are not  
9 disconnected from essential utility service;

10           (v) disconnection of essential utility service is  
11 not accelerated based on a utility's payment risk  
12 assessment of a customer; and

13           (vi) a utility assesses whether a customer may be  
14 eligible for energy assistance programs under the  
15 Energy Assistance Act, provides said customer with  
16 specific information as to where and how to obtain  
17 energy assistance, and ceases disconnection activity  
18 for 60 days to allow the customer to apply for and  
19 establish eligibility for said energy assistance. An  
20 utility shall not disconnect any customer who is in  
21 the process of apply for energy assistance as provided  
22 for under the Energy Assistance Act while the  
23 customer's application for energy assistance is  
24 pending if the utility has been notified by a  
25 community action agency that the customer has a  
26 pending application.

1           It is further declared to be the policy of the State that  
2 this Act shall not apply in relation to motor carriers and rail  
3 carriers as defined in the Illinois Commercial Transportation  
4 Law, or to the Commission in the regulation of such carriers.

5           Nothing in this Act shall be construed to limit, restrict,  
6 or mitigate in any way the power and authority of the State's  
7 Attorneys or the Attorney General under the Consumer Fraud and  
8 Deceptive Business Practices Act.

9           (Source: P.A. 92-22, eff. 6-30-01.)

10           (220 ILCS 5/3-127 new)

11           Sec. 3-127. Low-income customer. "Low-income customer"  
12 means an income-qualified residential customer whose income  
13 falls at or below 80% of the area median income.

14           (220 ILCS 5/4-201) (from Ch. 111 2/3, par. 4-201)

15           Sec. 4-201. It is hereby made the duty of the Commission to  
16 see that the provisions of the Constitution and statutes of  
17 this State affecting public utilities, the enforcement of  
18 which is not specifically vested in some other officer or  
19 tribunal, are enforced and obeyed, and that violations thereof  
20 are promptly prosecuted and penalties due the State therefor  
21 recovered and collected, and to this end it may sue in the name  
22 of the People of the State.

23           It shall be the duty of the Commission and the public  
24 utilities under its jurisdiction to provide detailed,

1 accessible, and adequate information to the public on the  
2 availability of financial assistance customers struggling to  
3 afford essential utility service and the rights and remedies  
4 available to utility customers with the goal of ensuring  
5 affordability of utility rates and access to uninterrupted  
6 essential utility service. The Commission shall report  
7 annually to the General Assembly on the impact of its rulings  
8 on the rates of utility customers, including general rate  
9 increases granted, rider surcharges assessed by the utilities,  
10 and how it ensured that certain communities or customers were  
11 not disproportionately impacted by utility rate and policies  
12 in terms of equity, affordability, and environmental impact,  
13 consistent with its obligations under Section 4-304. The  
14 Commission shall conduct quarterly public meetings in the  
15 evening with a minimum of 3 commissioners in attendance that  
16 permit members of the public to communicate issues of concern  
17 regarding utility rates and policies. Two of the quarterly  
18 meetings shall take place in the central and southern part of  
19 this State.

20       It shall be the duty of the Commission, at the direction  
21 and discretion of the Chairman, to assemble and maintain an  
22 electronic trespass enforcement assistance staff consisting of  
23 experts in computer systems, electronics and other  
24 professional disciplines to aid public utilities, businesses,  
25 individuals and law enforcement agencies in detecting and  
26 preventing electronic trespass violations and enforcing the



1 provisions of Sections 17-50, 17-51, and 17-52 of the Criminal  
2 Code of 2012 or any other relevant statute.

3 It shall be the duty of the Commission to assemble and  
4 maintain a staff consisting of experts in computer systems,  
5 public policy, consumer advocacy, accounting, engineering, and  
6 other professional disciplines necessary to ensure the  
7 equitable regulation of public utility rates, policies, and  
8 other utility obligations created under this Act.

9 No cause of action shall exist and no liability may be  
10 imposed either civil or criminal, against the State, the  
11 Chairman of the Commission or any of its members, or any  
12 employee of the Commission, for any act or omission by them in  
13 the performance of any power or duty authorized by this  
14 Section, unless such act or omission was performed in bad  
15 faith and with intent to injure a particular person.

16 (Source: P.A. 97-1150, eff. 1-25-13.)

17 (220 ILCS 5/4-304) (from Ch. 111 2/3, par. 4-304)

18 Sec. 4-304.

19 (a) Beginning in 1986, the Commission shall prepare an  
20 annual report which shall be filed by January 31 of each year  
21 with the Joint Committee on Legislative Support Services of  
22 the General Assembly and the Governor and which shall be  
23 publicly available. Such report shall include:

24 (1) A general review of agency activities and changes,  
25 including:

1 (a) a review of significant decisions and other  
2 regulatory actions for the preceding year, and pending  
3 cases, and an analysis of the impact of such decisions  
4 and actions on customers and low-income customers in  
5 particular, and potential impact of any significant  
6 pending cases;

7 (b) for each significant decision, regulatory  
8 action and pending case, a description of the  
9 positions advocated by major parties, including  
10 Commission staff, and for each such decision rendered  
11 or action taken, the position adopted by the  
12 Commission and reason therefor;

13 (c) a description of the Commission's budget,  
14 caseload, and staff levels, including specifically:

15 (i) a breakdown by type of case of the cases  
16 resolved and filed during the year and of pending  
17 cases;

18 (ii) a description of the allocation of the  
19 Commission's budget, identifying amounts budgeted  
20 for each significant regulatory function or  
21 activity and for each department, bureau, section,  
22 division or office of the Commission and its  
23 employees;

24 (iii) a description of current employee  
25 levels, identifying any change occurring during  
26 the year in the number of employees, personnel

1 policies and practices or compensation levels; and  
2 identifying the number and type of employees  
3 assigned to each Commission regulatory function  
4 and to each department, bureau, section, division  
5 or office of the Commission;

6 (d) a description of any significant changes in  
7 Commission policies, programs or practices with  
8 respect to agency organization and administration,  
9 hearings and procedures or substantive regulatory  
10 activity.

11 (2) A discussion and analysis of the state of each  
12 utility industry regulated by the Commission and  
13 significant changes, trends and developments therein,  
14 including the number and types of firms offering each  
15 utility service, existing, new and prospective  
16 technologies, variations in the quality, availability and  
17 price for utility services in different geographic areas  
18 of the State, and any other industry factors or  
19 circumstances which may affect the public interest or the  
20 regulation of such industries.

21 (3) A specific discussion of the energy planning  
22 responsibilities and activities of the Commission and  
23 energy utilities, including:

24 (a) the extent to which conservation,  
25 cogeneration, renewable energy technologies and  
26 improvements in energy efficiency are being utilized

1 by energy consumers, the extent to which additional  
2 potential exists for the economical utilization of  
3 such supplies, and a description of existing and  
4 proposed programs and policies designed to promote and  
5 encourage such utilization;

6 (b) a description of each energy plan filed with  
7 the Commission pursuant to the provisions of this Act,  
8 and a copy, or detailed summary of the most recent  
9 energy plans adopted by the Commission;

10 (c) a discussion of the powers by which the  
11 Commission is implementing the planning  
12 responsibilities of Article VIII, including a  
13 description of the staff and budget assigned to such  
14 function, the procedures by which Commission staff  
15 reviews and analyzes energy plans submitted by the  
16 utilities, the Department of Natural Resources, and  
17 any other person or party; and

18 (d) a summary of the adoption of solar  
19 photovoltaic systems by residential and small business  
20 consumers in Illinois and a description of any and all  
21 barriers to residential and small business consumers'  
22 financing, installation, and valuation of energy  
23 produced by solar photovoltaic systems; electric  
24 utilities, alternative retail electric suppliers, and  
25 installers of distributed generation shall provide all  
26 information requested by the Commission or its staff

1 necessary to complete the analysis required by this  
2 paragraph (d).

3 (4) A discussion of the extent to which utility  
4 services are available, accessible on an uninterrupted  
5 basis, and consistently reliable to all Illinois customers  
6 ~~citizens~~ including:

7 (a) the percentage and number of persons or  
8 households requiring each such service who are not  
9 receiving such service, and the reasons therefor,  
10 including specifically the number of such persons or  
11 households who are unable to afford such service;

12 (b) a critical analysis of existing programs  
13 designed to promote and preserve the availability and  
14 affordability of utility services; and

15 (c) an analysis of the financial impact on  
16 utilities and other ratepayers of the inability of  
17 some customers or potential customers to afford  
18 utility service, including the number of service  
19 disconnections and reconnections, and cost thereof and  
20 the dollar amount of uncollectible accounts recovered  
21 through rates.

22 (d) an analysis of the financial impact on  
23 low-income customer affordability of rate changes and  
24 low-income customers' access, as compared with other  
25 residential customers, to all existing and proposed  
26 utility programs and services associated with energy

1 market transition, energy efficiency, implementation  
2 of renewable energy, clean energy and transportation  
3 programming, and all rates created pursuant to Public  
4 Act 102-662. Such assessment shall also include said  
5 costs associated with utility research and development  
6 and utility deferred maintenance.

7 As part of this report on the availability of essential  
8 utility service, the Commission's report shall contain the  
9 following information:

10 (1) A plain language summary of the data reported by  
11 public utilities pursuant to Section 8-201.10 for the  
12 reporting year, including any significant trends or  
13 changes concerning customer assistance programs, service  
14 disconnections, and debt collection.

15 (2) The Commission's assessment of the impact of  
16 customer assistance programs, service disconnection  
17 policies, and collections policies on the affordability  
18 and accessibility of utility service, including whether  
19 certain customer segments, by zip code, census tract,  
20 income level, and racial group are disproportionately  
21 impacted by a public utility's disconnections and  
22 collections policies.

23 (3) The Commission's assessment of whether additional  
24 data reporting is needed to understand and address issues  
25 related to the affordability and accessibility of utility  
26 service.

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(4) The Commission's assessment of whether the data reported by public utilities pursuant to Section 8-201.10 indicates the existence of a significant issue disparity impacting the public health, safety, or welfare of particular communities that requires further investigation and remedy by the Commission or other public officials.

(5) A detailed description of the means by which the Commission is implementing its new statutory responsibilities under this Act, and the status of such implementation, including specifically:

(a) Commission reorganization resulting from the addition of an Executive Director and administrative law judge qualifications and review;

(b) Commission responsibilities for construction and rate supervision, including construction cost audits, discount rate tariff and related program evaluations and audits, management audits, excess capacity adjustments, phase-ins of new plant and the means and capability for monitoring and reevaluating existing or future construction projects;

(c) promulgation and application of rules concerning ex parte communications, circulation of recommended orders and transcription of closed meetings.

(6) A description of all appeals taken from Commission

1 orders, findings or decisions and the status and outcome  
2 of such appeals.

3 (7) A description of the status of all studies and  
4 investigations required by this Act, including those  
5 ordered pursuant to Sections 9-244 and 13-301 and all such  
6 subsequently ordered studies or investigations.

7 (8) A discussion of new or potential developments in  
8 federal legislation, and federal agency and judicial  
9 decisions relevant to State regulation of utility  
10 services.

11 (9) All recommendations for appropriate legislative  
12 action by the General Assembly.

13 (10) A description of all household engagement  
14 education, both written and in-person, about utility  
15 regulation, opportunities to participate in Commission  
16 proceedings and open meetings, and how to access energy  
17 assistance and low-income discount rates the Commission  
18 has completed for the year.

19 (11) A summary of the annual reports filed by the  
20 utilities pursuant to Section 5-109 that incorporates  
21 information, including, but not limited to, overall rate  
22 increases that have occurred during the year, amounts  
23 recovered through individual rider surcharge tariffs,  
24 utility net operating income, earned return on equity  
25 levels, uncollectibles levels, and pending arrearage  
26 levels.



1           (12) For all federal and State grants, incentives,  
2           low-cost loans for which the utility has or will apply for  
3           in the coming year, in particular under the Infrastructure  
4           Investment and Jobs Act, Inflation Reduction Act of 2022,  
5           and Justice40 Initiative, utilities shall report on the  
6           details of the projects and partnerships proposed, the  
7           geographies impacted, and any likely impact on customer  
8           rates and bills.

9           The Commission may include such other information as it  
10          deems to be necessary or beneficial in describing or  
11          explaining its activities or regulatory responsibilities. The  
12          report required by this Section shall be adopted by a vote of  
13          the full Commission prior to filing.

14          (b) The Commission shall, within 30 days of the effective  
15          date of this amendatory Act of the 103rd General Assembly,  
16          open a proceeding that analyzes, by zip code and census tract,  
17          the reporting by public utilities of historical data  
18          concerning customer assistance programs, service  
19          disconnections, and debt collection, including: the number of  
20          customers enrolled in customer assistance programs; the number  
21          of service disconnections; the number of service  
22          reconnections; the duration of customer disconnections; the  
23          number of customers in arrears and the total dollar amount  
24          owed and the average amount owed by those customers; and such  
25          other information as the Commission deems appropriate to  
26          promote the public health, safety, and welfare. The Commission

1 shall make findings and conclusions in an order, with specific  
2 direction to utilities on changes in utility practices needed  
3 to ensure the affordability of rates and uninterrupted access  
4 to essential utility service for financially struggling  
5 customers to the maximum extent possible and consistent with  
6 the Act.

7 (Source: P.A. 100-840, eff. 8-13-18; 101-81, eff. 7-12-19.)

8 (220 ILCS 5/8-101.5)

9 Sec. 8-101.5. Use of credit information of prospective and  
10 existing customers. A public utility may not deny, accelerate  
11 disconnection, cancel, or nonrenew utility service solely on  
12 the basis of credit information of prospective or existing  
13 customers. ~~If a public utility denies, cancels, or does not~~  
14 ~~renew service based on credit information, it must provide the~~  
15 ~~affected party with an explanation for the public utility's~~  
16 ~~action and an opportunity for the affected party to explain~~  
17 ~~its credit information.~~ This Section does not apply to a  
18 telecommunications carrier or any of its affiliates.

19 (Source: P.A. 96-560, eff. 8-18-09.)

20 (220 ILCS 5/8-103B)

21 Sec. 8-103B. Energy efficiency and demand-response  
22 measures.

23 (a) It is the policy of the State that electric utilities  
24 are required to use cost-effective energy efficiency and

1 demand-response measures to reduce delivery load. Requiring  
2 investment in cost-effective energy efficiency and  
3 demand-response measures will reduce direct and indirect costs  
4 to consumers by decreasing environmental impacts and by  
5 avoiding or delaying the need for new generation,  
6 transmission, and distribution infrastructure. It serves the  
7 public interest to allow electric utilities to recover costs  
8 for reasonably and prudently incurred expenditures for energy  
9 efficiency and demand-response measures. As used in this  
10 Section, "cost-effective" means that the measures satisfy the  
11 total resource cost test. The low-income measures described in  
12 subsection (c) of this Section shall not be required to meet  
13 the total resource cost test. For purposes of this Section,  
14 the terms "energy-efficiency", "demand-response", "electric  
15 utility", and "total resource cost test" have the meanings set  
16 forth in the Illinois Power Agency Act. "Black, indigenous,  
17 and people of color" and "BIPOC" means people who are members  
18 of the groups described in subparagraphs (a) through (e) of  
19 paragraph (A) of subsection (1) of Section 2 of the Business  
20 Enterprise for Minorities, Women, and Persons with  
21 Disabilities Act.

22 (a-5) This Section applies to electric utilities serving  
23 more than 500,000 retail customers in the State for those  
24 multi-year plans commencing after December 31, 2017.

25 (b) For purposes of this Section, electric utilities  
26 subject to this Section that serve more than 3,000,000 retail

1 customers in the State shall be deemed to have achieved a  
2 cumulative persisting annual savings of 6.6% from energy  
3 efficiency measures and programs implemented during the period  
4 beginning January 1, 2012 and ending December 31, 2017, which  
5 percent is based on the deemed average weather normalized  
6 sales of electric power and energy during calendar years 2014,  
7 2015, and 2016 of 88,000,000 MWhs. For the purposes of this  
8 subsection (b) and subsection (b-5), the 88,000,000 MWhs of  
9 deemed electric power and energy sales shall be reduced by the  
10 number of MWhs equal to the sum of the annual consumption of  
11 customers that have opted out of subsections (a) through (j)  
12 of this Section under paragraph (1) of subsection (1) of this  
13 Section, as averaged across the calendar years 2014, 2015, and  
14 2016. After 2017, the deemed value of cumulative persisting  
15 annual savings from energy efficiency measures and programs  
16 implemented during the period beginning January 1, 2012 and  
17 ending December 31, 2017, shall be reduced each year, as  
18 follows, and the applicable value shall be applied to and  
19 count toward the utility's achievement of the cumulative  
20 persisting annual savings goals set forth in subsection (b-5):

21 (1) 5.8% deemed cumulative persisting annual savings  
22 for the year ending December 31, 2018;

23 (2) 5.2% deemed cumulative persisting annual savings  
24 for the year ending December 31, 2019;

25 (3) 4.5% deemed cumulative persisting annual savings  
26 for the year ending December 31, 2020;

1 (4) 4.0% deemed cumulative persisting annual savings  
2 for the year ending December 31, 2021;

3 (5) 3.5% deemed cumulative persisting annual savings  
4 for the year ending December 31, 2022;

5 (6) 3.1% deemed cumulative persisting annual savings  
6 for the year ending December 31, 2023;

7 (7) 2.8% deemed cumulative persisting annual savings  
8 for the year ending December 31, 2024;

9 (8) 2.5% deemed cumulative persisting annual savings  
10 for the year ending December 31, 2025;

11 (9) 2.3% deemed cumulative persisting annual savings  
12 for the year ending December 31, 2026;

13 (10) 2.1% deemed cumulative persisting annual savings  
14 for the year ending December 31, 2027;

15 (11) 1.8% deemed cumulative persisting annual savings  
16 for the year ending December 31, 2028;

17 (12) 1.7% deemed cumulative persisting annual savings  
18 for the year ending December 31, 2029;

19 (13) 1.5% deemed cumulative persisting annual savings  
20 for the year ending December 31, 2030;

21 (14) 1.3% deemed cumulative persisting annual savings  
22 for the year ending December 31, 2031;

23 (15) 1.1% deemed cumulative persisting annual savings  
24 for the year ending December 31, 2032;

25 (16) 0.9% deemed cumulative persisting annual savings  
26 for the year ending December 31, 2033;

1 (17) 0.7% deemed cumulative persisting annual savings  
2 for the year ending December 31, 2034;

3 (18) 0.5% deemed cumulative persisting annual savings  
4 for the year ending December 31, 2035;

5 (19) 0.4% deemed cumulative persisting annual savings  
6 for the year ending December 31, 2036;

7 (20) 0.3% deemed cumulative persisting annual savings  
8 for the year ending December 31, 2037;

9 (21) 0.2% deemed cumulative persisting annual savings  
10 for the year ending December 31, 2038;

11 (22) 0.1% deemed cumulative persisting annual savings  
12 for the year ending December 31, 2039; and

13 (23) 0.0% deemed cumulative persisting annual savings  
14 for the year ending December 31, 2040 and all subsequent  
15 years.

16 For purposes of this Section, "cumulative persisting  
17 annual savings" means the total electric energy savings in a  
18 given year from measures installed in that year or in previous  
19 years, but no earlier than January 1, 2012, that are still  
20 operational and providing savings in that year because the  
21 measures have not yet reached the end of their useful lives.

22 (b-5) Beginning in 2018, electric utilities subject to  
23 this Section that serve more than 3,000,000 retail customers  
24 in the State shall achieve the following cumulative persisting  
25 annual savings goals, as modified by subsection (f) of this  
26 Section and as compared to the deemed baseline of 88,000,000

1 MWhs of electric power and energy sales set forth in  
2 subsection (b), as reduced by the number of MWhs equal to the  
3 sum of the annual consumption of customers that have opted out  
4 of subsections (a) through (j) of this Section under paragraph  
5 (1) of subsection (l) of this Section as averaged across the  
6 calendar years 2014, 2015, and 2016, through the  
7 implementation of energy efficiency measures during the  
8 applicable year and in prior years, but no earlier than  
9 January 1, 2012:

10 (1) 7.8% cumulative persisting annual savings for the  
11 year ending December 31, 2018;

12 (2) 9.1% cumulative persisting annual savings for the  
13 year ending December 31, 2019;

14 (3) 10.4% cumulative persisting annual savings for the  
15 year ending December 31, 2020;

16 (4) 11.8% cumulative persisting annual savings for the  
17 year ending December 31, 2021;

18 (5) 13.1% cumulative persisting annual savings for the  
19 year ending December 31, 2022;

20 (6) 14.4% cumulative persisting annual savings for the  
21 year ending December 31, 2023;

22 (7) 15.7% cumulative persisting annual savings for the  
23 year ending December 31, 2024;

24 (8) 17% cumulative persisting annual savings for the  
25 year ending December 31, 2025;

26 (9) 17.9% cumulative persisting annual savings for the

1 year ending December 31, 2026;

2 (10) 18.8% cumulative persisting annual savings for  
3 the year ending December 31, 2027;

4 (11) 19.7% cumulative persisting annual savings for  
5 the year ending December 31, 2028;

6 (12) 20.6% cumulative persisting annual savings for  
7 the year ending December 31, 2029; and

8 (13) 21.5% cumulative persisting annual savings for  
9 the year ending December 31, 2030.

10 No later than December 31, 2021, the Illinois Commerce  
11 Commission shall establish additional cumulative persisting  
12 annual savings goals for the years 2031 through 2035. No later  
13 than December 31, 2024, the Illinois Commerce Commission shall  
14 establish additional cumulative persisting annual savings  
15 goals for the years 2036 through 2040. The Commission shall  
16 also establish additional cumulative persisting annual savings  
17 goals every 5 years thereafter to ensure that utilities always  
18 have goals that extend at least 11 years into the future. The  
19 cumulative persisting annual savings goals beyond the year  
20 2030 shall increase by 0.9 percentage points per year, absent  
21 a Commission decision to initiate a proceeding to consider  
22 establishing goals that increase by more or less than that  
23 amount. Such a proceeding must be conducted in accordance with  
24 the procedures described in subsection (f) of this Section. If  
25 such a proceeding is initiated, the cumulative persisting  
26 annual savings goals established by the Commission through



1 that proceeding shall reflect the Commission's best estimate  
2 of the maximum amount of additional savings that are forecast  
3 to be cost-effectively achievable unless such best estimates  
4 would result in goals that represent less than 0.5 percentage  
5 point annual increases in total cumulative persisting annual  
6 savings. The Commission may only establish goals that  
7 represent less than 0.5 percentage point annual increases in  
8 cumulative persisting annual savings if it can demonstrate,  
9 based on clear and convincing evidence and through independent  
10 analysis, that 0.5 percentage point increases are not  
11 cost-effectively achievable. The Commission shall inform its  
12 decision based on an energy efficiency potential study that  
13 conforms to the requirements of this Section.

14 (b-10) For purposes of this Section, electric utilities  
15 subject to this Section that serve less than 3,000,000 retail  
16 customers but more than 500,000 retail customers in the State  
17 shall be deemed to have achieved a cumulative persisting  
18 annual savings of 6.6% from energy efficiency measures and  
19 programs implemented during the period beginning January 1,  
20 2012 and ending December 31, 2017, which is based on the deemed  
21 average weather normalized sales of electric power and energy  
22 during calendar years 2014, 2015, and 2016 of 36,900,000 MWhs.  
23 For the purposes of this subsection (b-10) and subsection  
24 (b-15), the 36,900,000 MWhs of deemed electric power and  
25 energy sales shall be reduced by the number of MWhs equal to  
26 the sum of the annual consumption of customers that have opted

1 out of 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. After 2017,  
4 the deemed value of cumulative persisting annual savings from  
5 energy efficiency measures and programs implemented during the  
6 period beginning January 1, 2012 and ending December 31, 2017,  
7 shall be reduced each year, as follows, and the applicable  
8 value shall be applied to and count toward the utility's  
9 achievement of the cumulative persisting annual savings goals  
10 set forth in subsection (b-15):

11 (1) 5.8% deemed cumulative persisting annual savings  
12 for the year ending December 31, 2018;

13 (2) 5.2% deemed cumulative persisting annual savings  
14 for the year ending December 31, 2019;

15 (3) 4.5% deemed cumulative persisting annual savings  
16 for the year ending December 31, 2020;

17 (4) 4.0% deemed cumulative persisting annual savings  
18 for the year ending December 31, 2021;

19 (5) 3.5% deemed cumulative persisting annual savings  
20 for the year ending December 31, 2022;

21 (6) 3.1% deemed cumulative persisting annual savings  
22 for the year ending December 31, 2023;

23 (7) 2.8% deemed cumulative persisting annual savings  
24 for the year ending December 31, 2024;

25 (8) 2.5% deemed cumulative persisting annual savings  
26 for the year ending December 31, 2025;

1 (9) 2.3% deemed cumulative persisting annual savings  
2 for the year ending December 31, 2026;

3 (10) 2.1% deemed cumulative persisting annual savings  
4 for the year ending December 31, 2027;

5 (11) 1.8% deemed cumulative persisting annual savings  
6 for the year ending December 31, 2028;

7 (12) 1.7% deemed cumulative persisting annual savings  
8 for the year ending December 31, 2029;

9 (13) 1.5% deemed cumulative persisting annual savings  
10 for the year ending December 31, 2030;

11 (14) 1.3% deemed cumulative persisting annual savings  
12 for the year ending December 31, 2031;

13 (15) 1.1% deemed cumulative persisting annual savings  
14 for the year ending December 31, 2032;

15 (16) 0.9% deemed cumulative persisting annual savings  
16 for the year ending December 31, 2033;

17 (17) 0.7% deemed cumulative persisting annual savings  
18 for the year ending December 31, 2034;

19 (18) 0.5% deemed cumulative persisting annual savings  
20 for the year ending December 31, 2035;

21 (19) 0.4% deemed cumulative persisting annual savings  
22 for the year ending December 31, 2036;

23 (20) 0.3% deemed cumulative persisting annual savings  
24 for the year ending December 31, 2037;

25 (21) 0.2% deemed cumulative persisting annual savings  
26 for the year ending December 31, 2038;

1           (22) 0.1% deemed cumulative persisting annual savings  
2           for the year ending December 31, 2039; and

3           (23) 0.0% deemed cumulative persisting annual savings  
4           for the year ending December 31, 2040 and all subsequent  
5           years.

6           (b-15) Beginning in 2018, electric utilities subject to  
7           this Section that serve less than 3,000,000 retail customers  
8           but more than 500,000 retail customers in the State shall  
9           achieve the following cumulative persisting annual savings  
10          goals, as modified by subsection (b-20) and subsection (f) of  
11          this Section and as compared to the deemed baseline as reduced  
12          by the number of MWhs equal to the sum of the annual  
13          consumption of customers that have opted out of subsections  
14          (a) through (j) of this Section under paragraph (1) of  
15          subsection (1) of this Section as averaged across the calendar  
16          years 2014, 2015, and 2016, through the implementation of  
17          energy efficiency measures during the applicable year and in  
18          prior years, but no earlier than January 1, 2012:

19                 (1) 7.4% cumulative persisting annual savings for the  
20                 year ending December 31, 2018;

21                 (2) 8.2% cumulative persisting annual savings for the  
22                 year ending December 31, 2019;

23                 (3) 9.0% cumulative persisting annual savings for the  
24                 year ending December 31, 2020;

25                 (4) 9.8% cumulative persisting annual savings for the  
26                 year ending December 31, 2021;

1 (5) 10.6% cumulative persisting annual savings for the  
2 year ending December 31, 2022;

3 (6) 11.4% cumulative persisting annual savings for the  
4 year ending December 31, 2023;

5 (7) 12.2% cumulative persisting annual savings for the  
6 year ending December 31, 2024;

7 (8) 13% cumulative persisting annual savings for the  
8 year ending December 31, 2025;

9 (9) 13.6% cumulative persisting annual savings for the  
10 year ending December 31, 2026;

11 (10) 14.2% cumulative persisting annual savings for  
12 the year ending December 31, 2027;

13 (11) 14.8% cumulative persisting annual savings for  
14 the year ending December 31, 2028;

15 (12) 15.4% cumulative persisting annual savings for  
16 the year ending December 31, 2029; and

17 (13) 16% cumulative persisting annual savings for the  
18 year ending December 31, 2030.

19 No later than December 31, 2021, the Illinois Commerce  
20 Commission shall establish additional cumulative persisting  
21 annual savings goals for the years 2031 through 2035. No later  
22 than December 31, 2024, the Illinois Commerce Commission shall  
23 establish additional cumulative persisting annual savings  
24 goals for the years 2036 through 2040. The Commission shall  
25 also establish additional cumulative persisting annual savings  
26 goals every 5 years thereafter to ensure that utilities always

1 have goals that extend at least 11 years into the future. The  
2 cumulative persisting annual savings goals beyond the year  
3 2030 shall increase by 0.6 percentage points per year, absent  
4 a Commission decision to initiate a proceeding to consider  
5 establishing goals that increase by more or less than that  
6 amount. Such a proceeding must be conducted in accordance with  
7 the procedures described in subsection (f) of this Section. If  
8 such a proceeding is initiated, the cumulative persisting  
9 annual savings goals established by the Commission through  
10 that proceeding shall reflect the Commission's best estimate  
11 of the maximum amount of additional savings that are forecast  
12 to be cost-effectively achievable unless such best estimates  
13 would result in goals that represent less than 0.4 percentage  
14 point annual increases in total cumulative persisting annual  
15 savings. The Commission may only establish goals that  
16 represent less than 0.4 percentage point annual increases in  
17 cumulative persisting annual savings if it can demonstrate,  
18 based on clear and convincing evidence and through independent  
19 analysis, that 0.4 percentage point increases are not  
20 cost-effectively achievable. The Commission shall inform its  
21 decision based on an energy efficiency potential study that  
22 conforms to the requirements of this Section.

23 (b-20) Each electric utility subject to this Section may  
24 include cost-effective voltage optimization measures in its  
25 plans submitted under subsections (f) and (g) of this Section,  
26 and the costs incurred by a utility to implement the measures

1 under a Commission-approved plan shall be recovered under the  
2 provisions of Article IX or Section 16-108.5 of this Act. For  
3 purposes of this Section, the measure life of voltage  
4 optimization measures shall be 15 years. The measure life  
5 period is independent of the depreciation rate of the voltage  
6 optimization assets deployed. Utilities may claim savings from  
7 voltage optimization on circuits for more than 15 years if  
8 they can demonstrate that they have made additional  
9 investments necessary to enable voltage optimization savings  
10 to continue beyond 15 years. Such demonstrations must be  
11 subject to the review of independent evaluation.

12 Within 270 days after June 1, 2017 (the effective date of  
13 Public Act 99-906), an electric utility that serves less than  
14 3,000,000 retail customers but more than 500,000 retail  
15 customers in the State shall file a plan with the Commission  
16 that identifies the cost-effective voltage optimization  
17 investment the electric utility plans to undertake through  
18 December 31, 2024. The Commission, after notice and hearing,  
19 shall approve or approve with modification the plan within 120  
20 days after the plan's filing and, in the order approving or  
21 approving with modification the plan, the Commission shall  
22 adjust the applicable cumulative persisting annual savings  
23 goals set forth in subsection (b-15) to reflect any amount of  
24 cost-effective energy savings approved by the Commission that  
25 is greater than or less than the following cumulative  
26 persisting annual savings values attributable to voltage

1 optimization for the applicable year:

2 (1) 0.0% of cumulative persisting annual savings for  
3 the year ending December 31, 2018;

4 (2) 0.17% of cumulative persisting annual savings for  
5 the year ending December 31, 2019;

6 (3) 0.17% of cumulative persisting annual savings for  
7 the year ending December 31, 2020;

8 (4) 0.33% of cumulative persisting annual savings for  
9 the year ending December 31, 2021;

10 (5) 0.5% of cumulative persisting annual savings for  
11 the year ending December 31, 2022;

12 (6) 0.67% of cumulative persisting annual savings for  
13 the year ending December 31, 2023;

14 (7) 0.83% of cumulative persisting annual savings for  
15 the year ending December 31, 2024; and

16 (8) 1.0% of cumulative persisting annual savings for  
17 the year ending December 31, 2025 and all subsequent  
18 years.

19 (b-25) In the event an electric utility jointly offers an  
20 energy efficiency measure or program with a gas utility under  
21 plans approved under this Section and Section 8-104 of this  
22 Act, the electric utility may continue offering the program,  
23 including the gas energy efficiency measures, in the event the  
24 gas utility discontinues funding the program. In that event,  
25 the energy savings value associated with such other fuels  
26 shall be converted to electric energy savings on an equivalent



1 Btu basis for the premises. However, the electric utility  
2 shall prioritize programs for low-income residential customers  
3 to the extent practicable. An electric utility may recover the  
4 costs of offering the gas energy efficiency measures under  
5 this subsection (b-25).

6 For those energy efficiency measures or programs that save  
7 both electricity and other fuels but are not jointly offered  
8 with a gas utility under plans approved under this Section and  
9 Section 8-104 or not offered with an affiliated gas utility  
10 under paragraph (6) of subsection (f) of Section 8-104 of this  
11 Act, the electric utility may count savings of fuels other  
12 than electricity toward the achievement of its annual savings  
13 goal, and the energy savings value associated with such other  
14 fuels shall be converted to electric energy savings on an  
15 equivalent Btu basis at the premises.

16 In no event shall more than 10% of each year's applicable  
17 annual total savings requirement as defined in paragraph (7.5)  
18 of subsection (g) of this Section be met through savings of  
19 fuels other than electricity.

20 (b-27) Beginning in 2022, an electric utility may offer  
21 and promote measures that electrify space heating, water  
22 heating, cooling, drying, cooking, industrial processes, and  
23 other building and industrial end uses that would otherwise be  
24 served by combustion of fossil fuel at the premises, provided  
25 that the electrification measures reduce total energy  
26 consumption at the premises. The electric utility may count

1 the reduction in energy consumption at the premises toward  
2 achievement of its annual savings goals. The reduction in  
3 energy consumption at the premises shall be calculated as the  
4 difference between: (A) the reduction in Btu consumption of  
5 fossil fuels as a result of electrification, converted to  
6 kilowatt-hour equivalents by dividing by 3,412 Btus ~~Btu's~~ per  
7 kilowatt hour; and (B) the increase in kilowatt hours of  
8 electricity consumption resulting from the displacement of  
9 fossil fuel consumption as a result of electrification. An  
10 electric utility may recover the costs of offering and  
11 promoting electrification measures under this subsection  
12 (b-27).

13 In no event shall electrification savings counted toward  
14 each year's applicable annual total savings requirement, as  
15 defined in paragraph (7.5) of subsection (g) of this Section,  
16 be greater than:

17 (1) 5% per year for each year from 2022 through 2025;

18 (2) 10% per year for each year from 2026 through 2029;

19 and

20 (3) 15% per year for 2030 and all subsequent years.

21 In addition, a minimum of 25% of all electrification savings  
22 counted toward a utility's applicable annual total savings  
23 requirement must be from electrification of end uses in  
24 low-income housing. The limitations on electrification savings  
25 that may be counted toward a utility's annual savings goals  
26 are separate from and in addition to the subsection (b-25)

1 limitations governing the counting of the other fuel savings  
2 resulting from efficiency measures and programs.

3 As part of the annual informational filing to the  
4 Commission that is required under paragraph (9) of subsection  
5 (g) of this Section, each utility shall identify the specific  
6 electrification measures offered under this subsection  
7 ~~subsection~~ (b-27); the quantity of each electrification  
8 measure that was installed by its customers; the average total  
9 cost, average utility cost, average reduction in fossil fuel  
10 consumption, and average increase in electricity consumption  
11 associated with each electrification measure; the portion of  
12 installations of each electrification measure that were in  
13 low-income single-family housing, low-income multifamily  
14 housing, non-low-income single-family housing, non-low-income  
15 multifamily housing, commercial buildings, and industrial  
16 facilities; and the quantity of savings associated with each  
17 measure category in each customer category that are being  
18 counted toward the utility's applicable annual total savings  
19 requirement. Prior to installing an electrification measure,  
20 the utility shall provide a customer with an estimate of the  
21 impact of the new measure on the customer's average monthly  
22 electric bill and total annual energy expenses.

23 (c) Electric utilities shall be responsible for overseeing  
24 the design, development, and filing of energy efficiency plans  
25 with the Commission and may, as part of that implementation,  
26 outsource various aspects of program development and

1 implementation. A minimum of 10%, for electric utilities that  
2 serve more than 3,000,000 retail customers in the State, and a  
3 minimum of 7%, for electric utilities that serve less than  
4 3,000,000 retail customers but more than 500,000 retail  
5 customers in the State, of the utility's entire portfolio  
6 funding level for a given year shall be used to procure  
7 cost-effective energy efficiency measures from units of local  
8 government, municipal corporations, school districts, public  
9 housing, and community college districts, provided that a  
10 minimum percentage of available funds shall be used to procure  
11 energy efficiency from public housing, which percentage shall  
12 be equal to public housing's share of public building energy  
13 consumption.

14 The utilities shall also implement energy efficiency  
15 measures targeted at low-income households, which, for  
16 purposes of this Section, shall be defined as households at or  
17 below 80% of area median income, and the amount of  
18 expenditures in the utilities' annual energy efficiency  
19 program budget to implement these targeted ~~the~~ measures shall  
20 be, at a minimum, proportional to the percentage of low-income  
21 customers within the utilities' service territory ~~no less than~~  
22 ~~\$40,000,000 per year for electric utilities that serve more~~  
23 ~~than 3,000,000 retail customers in the State and no less than~~  
24 ~~\$13,000,000 per year for electric utilities that serve less~~  
25 ~~than 3,000,000 retail customers but more than 500,000 retail~~  
26 ~~customers in the State.~~ The ratio of spending on efficiency

1 programs targeted at low-income multifamily buildings to  
2 spending on efficiency programs targeted at low-income  
3 single-family buildings shall be designed to achieve levels of  
4 savings from each building type that are approximately  
5 proportional to the magnitude of cost-effective lifetime  
6 savings potential in each building type. Investment in  
7 low-income whole-building weatherization programs shall  
8 constitute a minimum of 80% of a utility's total budget  
9 specifically dedicated to serving low-income customers.

10 The utilities shall work to bundle low-income energy  
11 efficiency offerings with other programs that serve low-income  
12 households to maximize the benefits going to these households.  
13 The utilities shall market and implement low-income energy  
14 efficiency programs in coordination with low-income assistance  
15 programs, the Illinois Solar for All Program, and  
16 weatherization whenever practicable. The program implementer  
17 shall walk the customer through the enrollment process for any  
18 programs for which the customer is eligible. The utilities  
19 shall also pilot targeting customers with high arrearages,  
20 high energy intensity (ratio of energy usage divided by home  
21 or unit square footage), or energy assistance programs with  
22 energy efficiency offerings, and then track reduction in  
23 arrearages as a result of the targeting. This targeting and  
24 bundling of low-income energy programs shall be offered to  
25 both low-income single-family and multifamily customers  
26 (owners and residents).

1           The utilities shall invest in health and safety measures  
2 appropriate and necessary for comprehensively weatherizing a  
3 home or multifamily building, and shall implement a health and  
4 safety fund of at least 15% of the total income-qualified  
5 weatherization budget that shall be used for the purpose of  
6 making grants for technical assistance, construction,  
7 reconstruction, improvement, or repair of buildings to  
8 facilitate their participation in the energy efficiency  
9 programs targeted at low-income single-family and multifamily  
10 households. These funds may also be used for the purpose of  
11 making grants for technical assistance, construction,  
12 reconstruction, improvement, or repair of the following  
13 buildings to facilitate their participation in the energy  
14 efficiency programs created by this Section: (1) buildings  
15 that are owned or operated by registered 501(c)(3) public  
16 charities; and (2) day care centers, day care homes, or group  
17 day care homes, as defined under 89 Ill. Adm. Code Part 406,  
18 407, or 408, respectively.

19           Each electric utility shall assess opportunities to  
20 implement cost-effective energy efficiency measures and  
21 programs through a public housing authority or authorities  
22 located in its service territory. If such opportunities are  
23 identified, the utility shall propose such measures and  
24 programs to address the opportunities. Expenditures to address  
25 such opportunities shall be credited toward the minimum  
26 procurement and expenditure requirements set forth in this

1 subsection (c).

2 Implementation of energy efficiency measures and programs  
3 targeted at low-income households should be contracted, when  
4 it is practicable, to independent third parties that have  
5 demonstrated capabilities to serve such households, with a  
6 preference for not-for-profit entities and government agencies  
7 that have existing relationships with or experience serving  
8 low-income communities in the State.

9 Each electric utility shall develop and implement  
10 reporting procedures that address and assist in determining  
11 the amount of energy savings that can be applied to the  
12 low-income procurement and expenditure requirements set forth  
13 in this subsection (c). Each electric utility shall also track  
14 the types and quantities or volumes of insulation and air  
15 sealing materials, and their associated energy saving  
16 benefits, installed in energy efficiency programs targeted at  
17 low-income single-family and multifamily households.

18 The electric utilities shall participate in a low-income  
19 energy efficiency accountability committee ("the committee"),  
20 which will directly inform the design, implementation, and  
21 evaluation of the low-income and public-housing energy  
22 efficiency programs. The committee shall be comprised of the  
23 electric utilities subject to the requirements of this  
24 Section, the gas utilities subject to the requirements of  
25 Section 8-104 of this Act, the utilities' low-income energy  
26 efficiency implementation contractors, nonprofit

1 organizations, community action agencies, advocacy groups,  
2 State and local governmental agencies, public-housing  
3 organizations, and representatives of community-based  
4 organizations, especially those living in or working with  
5 environmental justice communities and BIPOC communities. The  
6 committee shall be composed of 2 geographically differentiated  
7 subcommittees: one for stakeholders in northern Illinois and  
8 one for stakeholders in central and southern Illinois. The  
9 subcommittees shall meet together at least twice per year.

10 There shall be one statewide leadership committee led by  
11 and composed of community-based organizations that are  
12 representative of BIPOC and environmental justice communities  
13 and that includes equitable representation from BIPOC  
14 communities. The leadership committee shall be composed of an  
15 equal number of representatives from the 2 subcommittees. The  
16 subcommittees shall address specific programs and issues, with  
17 the leadership committee convening targeted workgroups as  
18 needed. The leadership committee may elect to work with an  
19 independent facilitator to solicit and organize feedback,  
20 recommendations and meeting participation from a wide variety  
21 of community-based stakeholders. If a facilitator is used,  
22 they shall be fair and responsive to the needs of all  
23 stakeholders involved in the committee.

24 All committee meetings must be accessible, with rotating  
25 locations if meetings are held in-person, virtual  
26 participation options, and materials and agendas circulated in



1 advance.

2       There shall also be opportunities for direct input by  
3 committee members outside of committee meetings, such as via  
4 individual meetings, surveys, emails and calls, to ensure  
5 robust participation by stakeholders with limited capacity and  
6 ability to attend committee meetings. Committee meetings shall  
7 emphasize opportunities to bundle and coordinate delivery of  
8 low-income energy efficiency with other programs that serve  
9 low-income communities, such as the Illinois Solar for All  
10 Program and bill payment assistance programs. Meetings shall  
11 include educational opportunities for stakeholders to learn  
12 more about these additional offerings, and the committee shall  
13 assist in figuring out the best methods for coordinated  
14 delivery and implementation of offerings when serving  
15 low-income communities. The committee shall directly and  
16 equitably influence and inform utility low-income and  
17 public-housing energy efficiency programs and priorities.  
18 Participating utilities shall implement recommendations from  
19 the committee whenever possible.

20       Participating utilities shall track and report how input  
21 from the committee has led to new approaches and changes in  
22 their energy efficiency portfolios. This reporting shall occur  
23 at committee meetings and in quarterly energy efficiency  
24 reports to the Stakeholder Advisory Group and Illinois  
25 Commerce Commission, and other relevant reporting mechanisms.  
26 Participating utilities shall also report on relevant equity

1 data and metrics requested by the committee, such as energy  
2 burden data, geographic, racial, and other relevant  
3 demographic data on where programs are being delivered and  
4 what populations programs are serving.

5 The Illinois Commerce Commission shall oversee and have  
6 relevant staff participate in the committee. The committee  
7 shall have a budget of 0.25% of each utility's entire  
8 efficiency portfolio funding for a given year. The budget  
9 shall be overseen by the Commission. The budget shall be used  
10 to provide grants for community-based organizations serving on  
11 the leadership committee, stipends for community-based  
12 organizations participating in the committee, grants for  
13 community-based organizations to do energy efficiency outreach  
14 and education, and relevant meeting needs as determined by the  
15 leadership committee. The education and outreach shall  
16 include, but is not limited to, basic energy efficiency  
17 education, information about low-income energy efficiency  
18 programs, and information on the committee's purpose,  
19 structure, and activities.

20 (d) Notwithstanding any other provision of law to the  
21 contrary, a utility providing approved energy efficiency  
22 measures and, if applicable, demand-response measures in the  
23 State shall be permitted to recover all reasonable and  
24 prudently incurred costs of those measures from all retail  
25 customers, except as provided in subsection (1) of this  
26 Section, as follows, provided that nothing in this subsection

1 (d) permits the double recovery of such costs from customers:

2 (1) The utility may recover its costs through an  
3 automatic adjustment clause tariff filed with and approved  
4 by the Commission. The tariff shall be established outside  
5 the context of a general rate case. Each year the  
6 Commission shall initiate a review to reconcile any  
7 amounts collected with the actual costs and to determine  
8 the required adjustment to the annual tariff factor to  
9 match annual expenditures. To enable the financing of the  
10 incremental capital expenditures, including regulatory  
11 assets, for electric utilities that serve less than  
12 3,000,000 retail customers but more than 500,000 retail  
13 customers in the State, the utility's actual year-end  
14 capital structure that includes a common equity ratio,  
15 excluding goodwill, of up to and including 50% of the  
16 total capital structure shall be deemed reasonable and  
17 used to set rates.

18 (2) A utility may recover its costs through an energy  
19 efficiency formula rate approved by the Commission under a  
20 filing under subsections (f) and (g) of this Section,  
21 which shall specify the cost components that form the  
22 basis of the rate charged to customers with sufficient  
23 specificity to operate in a standardized manner and be  
24 updated annually with transparent information that  
25 reflects the utility's actual costs to be recovered during  
26 the applicable rate year, which is the period beginning

1 with the first billing day of January and extending  
2 through the last billing day of the following December.  
3 The energy efficiency formula rate shall be implemented  
4 through a tariff filed with the Commission under  
5 subsections (f) and (g) of this Section that is consistent  
6 with the provisions of this paragraph (2) and that shall  
7 be applicable to all delivery services customers. The  
8 Commission shall conduct an investigation of the tariff in  
9 a manner consistent with the provisions of this paragraph  
10 (2), subsections (f) and (g) of this Section, and the  
11 provisions of Article IX of this Act to the extent they do  
12 not conflict with this paragraph (2). The energy  
13 efficiency formula rate approved by the Commission shall  
14 remain in effect at the discretion of the utility and  
15 shall do the following:

16 (A) Provide for the recovery of the utility's  
17 actual costs incurred under this Section that are  
18 prudently incurred and reasonable in amount consistent  
19 with Commission practice and law. The sole fact that a  
20 cost differs from that incurred in a prior calendar  
21 year or that an investment is different from that made  
22 in a prior calendar year shall not imply the  
23 imprudence or unreasonableness of that cost or  
24 investment.

25 (B) Reflect the utility's actual year-end capital  
26 structure for the applicable calendar year, excluding

1 goodwill, subject to a determination of prudence and  
2 reasonableness consistent with Commission practice and  
3 law. To enable the financing of the incremental  
4 capital expenditures, including regulatory assets, for  
5 electric utilities that serve less than 3,000,000  
6 retail customers but more than 500,000 retail  
7 customers in the State, a participating electric  
8 utility's actual year-end capital structure that  
9 includes a common equity ratio, excluding goodwill, of  
10 up to and including 50% of the total capital structure  
11 shall be deemed reasonable and used to set rates.

12 (C) Include a cost of equity, which shall be  
13 calculated as the sum of the following:

14 (i) the average for the applicable calendar  
15 year of the monthly average yields of 30-year U.S.  
16 Treasury bonds published by the Board of Governors  
17 of the Federal Reserve System in its weekly H.15  
18 Statistical Release or successor publication; and

19 (ii) 580 basis points.

20 At such time as the Board of Governors of the  
21 Federal Reserve System ceases to include the monthly  
22 average yields of 30-year U.S. Treasury bonds in its  
23 weekly H.15 Statistical Release or successor  
24 publication, the monthly average yields of the U.S.  
25 Treasury bonds then having the longest duration  
26 published by the Board of Governors in its weekly H.15

1 Statistical Release or successor publication shall  
2 instead be used for purposes of this paragraph (2).

3 (D) Permit and set forth protocols, subject to a  
4 determination of prudence and reasonableness  
5 consistent with Commission practice and law, for the  
6 following:

7 (i) recovery of incentive compensation expense  
8 that is based on the achievement of operational  
9 metrics, including metrics related to budget  
10 controls, outage duration and frequency, safety,  
11 customer service, efficiency and productivity, and  
12 environmental compliance; however, this protocol  
13 shall not apply if such expense related to costs  
14 incurred under this Section is recovered under  
15 Article IX or Section 16-108.5 of this Act;  
16 incentive compensation expense that is based on  
17 net income or an affiliate's earnings per share  
18 shall not be recoverable under the energy  
19 efficiency formula rate;

20 (ii) recovery of pension and other  
21 post-employment benefits expense, provided that  
22 such costs are supported by an actuarial study;  
23 however, this protocol shall not apply if such  
24 expense related to costs incurred under this  
25 Section is recovered under Article IX or Section  
26 16-108.5 of this Act;

1 (iii) recovery of existing regulatory assets  
2 over the periods previously authorized by the  
3 Commission;

4 (iv) as described in subsection (e),  
5 amortization of costs incurred under this Section;  
6 and

7 (v) projected, weather normalized billing  
8 determinants for the applicable rate year.

9 (E) Provide for an annual reconciliation, as  
10 described in paragraph (3) of this subsection (d),  
11 less any deferred taxes related to the reconciliation,  
12 with interest at an annual rate of return equal to the  
13 utility's weighted average cost of capital, including  
14 a revenue conversion factor calculated to recover or  
15 refund all additional income taxes that may be payable  
16 or receivable as a result of that return, of the energy  
17 efficiency revenue requirement reflected in rates for  
18 each calendar year, beginning with the calendar year  
19 in which the utility files its energy efficiency  
20 formula rate tariff under this paragraph (2), with  
21 what the revenue requirement would have been had the  
22 actual cost information for the applicable calendar  
23 year been available at the filing date.

24 The utility shall file, together with its tariff, the  
25 projected costs to be incurred by the utility during the  
26 rate year under the utility's multi-year plan approved

1 under subsections (f) and (g) of this Section, including,  
2 but not limited to, the projected capital investment costs  
3 and projected regulatory asset balances with  
4 correspondingly updated depreciation and amortization  
5 reserves and expense, that shall populate the energy  
6 efficiency formula rate and set the initial rates under  
7 the formula.

8 The Commission shall review the proposed tariff in  
9 conjunction with its review of a proposed multi-year plan,  
10 as specified in paragraph (5) of subsection (g) of this  
11 Section. The review shall be based on the same evidentiary  
12 standards, including, but not limited to, those concerning  
13 the prudence and reasonableness of the costs incurred by  
14 the utility, the Commission applies in a hearing to review  
15 a filing for a general increase in rates under Article IX  
16 of this Act. The initial rates shall take effect beginning  
17 with the January monthly billing period following the  
18 Commission's approval.

19 The tariff's rate design and cost allocation across  
20 customer classes shall be consistent with the utility's  
21 automatic adjustment clause tariff in effect on June 1,  
22 2017 (the effective date of Public Act 99-906); however,  
23 the Commission may revise the tariff's rate design and  
24 cost allocation in subsequent proceedings under paragraph  
25 (3) of this subsection (d).

26 If the energy efficiency formula rate is terminated,



1 the then current rates shall remain in effect until such  
2 time as the energy efficiency costs are incorporated into  
3 new rates that are set under this subsection (d) or  
4 Article IX of this Act, subject to retroactive rate  
5 adjustment, with interest, to reconcile rates charged with  
6 actual costs.

7 (3) The provisions of this paragraph (3) shall only  
8 apply to an electric utility that has elected to file an  
9 energy efficiency formula rate under paragraph (2) of this  
10 subsection (d). Subsequent to the Commission's issuance of  
11 an order approving the utility's energy efficiency formula  
12 rate structure and protocols, and initial rates under  
13 paragraph (2) of this subsection (d), the utility shall  
14 file, on or before June 1 of each year, with the Chief  
15 Clerk of the Commission its updated cost inputs to the  
16 energy efficiency formula rate for the applicable rate  
17 year and the corresponding new charges, as well as the  
18 information described in paragraph (9) of subsection (g)  
19 of this Section. Each such filing shall conform to the  
20 following requirements and include the following  
21 information:

22 (A) The inputs to the energy efficiency formula  
23 rate for the applicable rate year shall be based on the  
24 projected costs to be incurred by the utility during  
25 the rate year under the utility's multi-year plan  
26 approved under subsections (f) and (g) of this

1 Section, including, but not limited to, projected  
2 capital investment costs and projected regulatory  
3 asset balances with correspondingly updated  
4 depreciation and amortization reserves and expense.  
5 The filing shall also include a reconciliation of the  
6 energy efficiency revenue requirement that was in  
7 effect for the prior rate year (as set by the cost  
8 inputs for the prior rate year) with the actual  
9 revenue requirement for the prior rate year  
10 (determined using a year-end rate base) that uses  
11 amounts reflected in the applicable FERC Form 1 that  
12 reports the actual costs for the prior rate year. Any  
13 over-collection or under-collection indicated by such  
14 reconciliation shall be reflected as a credit against,  
15 or recovered as an additional charge to, respectively,  
16 with interest calculated at a rate equal to the  
17 utility's weighted average cost of capital approved by  
18 the Commission for the prior rate year, the charges  
19 for the applicable rate year. Such over-collection or  
20 under-collection shall be adjusted to remove any  
21 deferred taxes related to the reconciliation, for  
22 purposes of calculating interest at an annual rate of  
23 return equal to the utility's weighted average cost of  
24 capital approved by the Commission for the prior rate  
25 year, including a revenue conversion factor calculated  
26 to recover or refund all additional income taxes that

1           may be payable or receivable as a result of that  
2           return. Each reconciliation shall be certified by the  
3           participating utility in the same manner that FERC  
4           Form 1 is certified. The filing shall also include the  
5           charge or credit, if any, resulting from the  
6           calculation required by subparagraph (E) of paragraph  
7           (2) of this subsection (d).

8           Notwithstanding any other provision of law to the  
9           contrary, the intent of the reconciliation is to  
10          ultimately reconcile both the revenue requirement  
11          reflected in rates for each calendar year, beginning  
12          with the calendar year in which the utility files its  
13          energy efficiency formula rate tariff under paragraph  
14          (2) of this subsection (d), with what the revenue  
15          requirement determined using a year-end rate base for  
16          the applicable calendar year would have been had the  
17          actual cost information for the applicable calendar  
18          year been available at the filing date.

19          For purposes of this Section, "FERC Form 1" means  
20          the Annual Report of Major Electric Utilities,  
21          Licensees and Others that electric utilities are  
22          required to file with the Federal Energy Regulatory  
23          Commission under the Federal Power Act, Sections 3,  
24          4(a), 304 and 209, modified as necessary to be  
25          consistent with 83 Ill. Adm. ~~Admin.~~ Code Part 415 as of  
26          May 1, 2011. Nothing in this Section is intended to

1 allow costs that are not otherwise recoverable to be  
2 recoverable by virtue of inclusion in FERC Form 1.

3 (B) The new charges shall take effect beginning on  
4 the first billing day of the following January billing  
5 period and remain in effect through the last billing  
6 day of the next December billing period regardless of  
7 whether the Commission enters upon a hearing under  
8 this paragraph (3).

9 (C) The filing shall include relevant and  
10 necessary data and documentation for the applicable  
11 rate year. Normalization adjustments shall not be  
12 required.

13 Within 45 days after the utility files its annual  
14 update of cost inputs to the energy efficiency formula  
15 rate, the Commission shall with reasonable notice,  
16 initiate a proceeding concerning whether the projected  
17 costs to be incurred by the utility and recovered during  
18 the applicable rate year, and that are reflected in the  
19 inputs to the energy efficiency formula rate, are  
20 consistent with the utility's approved multi-year plan  
21 under subsections (f) and (g) of this Section and whether  
22 the costs incurred by the utility during the prior rate  
23 year were prudent and reasonable. The Commission shall  
24 also have the authority to investigate the information and  
25 data described in paragraph (9) of subsection (g) of this  
26 Section, including the proposed adjustment to the

1 utility's return on equity component of its weighted  
2 average cost of capital. During the course of the  
3 proceeding, each objection shall be stated with  
4 particularity and evidence provided in support thereof,  
5 after which the utility shall have the opportunity to  
6 rebut the evidence. Discovery shall be allowed consistent  
7 with the Commission's Rules of Practice, which Rules of  
8 Practice shall be enforced by the Commission or the  
9 assigned administrative law judge. The Commission shall  
10 apply the same evidentiary standards, including, but not  
11 limited to, those concerning the prudence and  
12 reasonableness of the costs incurred by the utility,  
13 during the proceeding as it would apply in a proceeding to  
14 review a filing for a general increase in rates under  
15 Article IX of this Act. The Commission shall not, however,  
16 have the authority in a proceeding under this paragraph  
17 (3) to consider or order any changes to the structure or  
18 protocols of the energy efficiency formula rate approved  
19 under paragraph (2) of this subsection (d). In a  
20 proceeding under this paragraph (3), the Commission shall  
21 enter its order no later than the earlier of 195 days after  
22 the utility's filing of its annual update of cost inputs  
23 to the energy efficiency formula rate or December 15. The  
24 utility's proposed return on equity calculation, as  
25 described in paragraphs (7) through (9) of subsection (g)  
26 of this Section, shall be deemed the final, approved

1 calculation on December 15 of the year in which it is filed  
2 unless the Commission enters an order on or before  
3 December 15, after notice and hearing, that modifies such  
4 calculation consistent with this Section. The Commission's  
5 determinations of the prudence and reasonableness of the  
6 costs incurred, and determination of such return on equity  
7 calculation, for the applicable calendar year shall be  
8 final upon entry of the Commission's order and shall not  
9 be subject to reopening, reexamination, or collateral  
10 attack in any other Commission proceeding, case, docket,  
11 order, rule, or regulation; however, nothing in this  
12 paragraph (3) shall prohibit a party from petitioning the  
13 Commission to rehear or appeal to the courts the order  
14 under the provisions of this Act.

15 (e) Beginning on June 1, 2017 (the effective date of  
16 Public Act 99-906), a utility subject to the requirements of  
17 this Section may elect to defer, as a regulatory asset, up to  
18 the full amount of its expenditures incurred under this  
19 Section for each annual period, including, but not limited to,  
20 any expenditures incurred above the funding level set by  
21 subsection (f) of this Section for a given year. The total  
22 expenditures deferred as a regulatory asset in a given year  
23 shall be amortized and recovered over a period that is equal to  
24 the weighted average of the energy efficiency measure lives  
25 implemented for that year that are reflected in the regulatory  
26 asset. The unamortized balance shall be recognized as of

1 December 31 for a given year. The utility shall also earn a  
2 return on the total of the unamortized balances of all of the  
3 energy efficiency regulatory assets, less any deferred taxes  
4 related to those unamortized balances, at an annual rate equal  
5 to the utility's weighted average cost of capital that  
6 includes, based on a year-end capital structure, the utility's  
7 actual cost of debt for the applicable calendar year and a cost  
8 of equity, which shall be calculated as the sum of the (i) the  
9 average for the applicable calendar year of the monthly  
10 average yields of 30-year U.S. Treasury bonds published by the  
11 Board of Governors of the Federal Reserve System in its weekly  
12 H.15 Statistical Release or successor publication; and (ii)  
13 580 basis points, including a revenue conversion factor  
14 calculated to recover or refund all additional income taxes  
15 that may be payable or receivable as a result of that return.  
16 Capital investment costs shall be depreciated and recovered  
17 over their useful lives consistent with generally accepted  
18 accounting principles. The weighted average cost of capital  
19 shall be applied to the capital investment cost balance, less  
20 any accumulated depreciation and accumulated deferred income  
21 taxes, as of December 31 for a given year.

22 When an electric utility creates a regulatory asset under  
23 the provisions of this Section, the costs are recovered over a  
24 period during which customers also receive a benefit which is  
25 in the public interest. Accordingly, it is the intent of the  
26 General Assembly that an electric utility that elects to

1 create a regulatory asset under the provisions of this Section  
2 shall recover all of the associated costs as set forth in this  
3 Section. After the Commission has approved the prudence and  
4 reasonableness of the costs that comprise the regulatory  
5 asset, the electric utility shall be permitted to recover all  
6 such costs, and the value and recoverability through rates of  
7 the associated regulatory asset shall not be limited, altered,  
8 impaired, or reduced.

9 (f) Beginning in 2017, each electric utility shall file an  
10 energy efficiency plan with the Commission to meet the energy  
11 efficiency standards for the next applicable multi-year period  
12 beginning January 1 of the year following the filing,  
13 according to the schedule set forth in paragraphs (1) through  
14 (3) of this subsection (f). If a utility does not file such a  
15 plan on or before the applicable filing deadline for the plan,  
16 it shall face a penalty of \$100,000 per day until the plan is  
17 filed.

18 (1) No later than 30 days after June 1, 2017 (the  
19 effective date of Public Act 99-906), each electric  
20 utility shall file a 4-year energy efficiency plan  
21 commencing on January 1, 2018 that is designed to achieve  
22 the cumulative persisting annual savings goals specified  
23 in paragraphs (1) through (4) of subsection (b-5) of this  
24 Section or in paragraphs (1) through (4) of subsection  
25 (b-15) of this Section, as applicable, through  
26 implementation of energy efficiency measures; however, the



1 goals may be reduced if the utility's expenditures are  
2 limited pursuant to subsection (m) of this Section or, for  
3 a utility that serves less than 3,000,000 retail  
4 customers, if each of the following conditions are met:

5 (A) the plan's analysis and forecasts of the utility's  
6 ability to acquire energy savings demonstrate that  
7 achievement of such goals is not cost effective; and (B)  
8 the amount of energy savings achieved by the utility as  
9 determined by the independent evaluator for the most  
10 recent year for which savings have been evaluated  
11 preceding the plan filing was less than the average annual  
12 amount of savings required to achieve the goals for the  
13 applicable 4-year plan period. Except as provided in  
14 subsection (m) of this Section, annual increases in  
15 cumulative persisting annual savings goals during the  
16 applicable 4-year plan period shall not be reduced to  
17 amounts that are less than the maximum amount of  
18 cumulative persisting annual savings that is forecast to  
19 be cost-effectively achievable during the 4-year plan  
20 period. The Commission shall review any proposed goal  
21 reduction as part of its review and approval of the  
22 utility's proposed plan.

23 (2) No later than March 1, 2021, each electric utility  
24 shall file a 4-year energy efficiency plan commencing on  
25 January 1, 2022 that is designed to achieve the cumulative  
26 persisting annual savings goals specified in paragraphs

1 (5) through (8) of subsection (b-5) of this Section or in  
2 paragraphs (5) through (8) of subsection (b-15) of this  
3 Section, as applicable, through implementation of energy  
4 efficiency measures; however, the goals may be reduced if  
5 either (1) clear and convincing evidence demonstrates,  
6 through independent analysis, that the expenditure limits  
7 in subsection (m) of this Section preclude full  
8 achievement of the goals or (2) each of the following  
9 conditions are met: (A) the plan's analysis and forecasts  
10 of the utility's ability to acquire energy savings  
11 demonstrate by clear and convincing evidence and through  
12 independent analysis that achievement of such goals is not  
13 cost effective; and (B) the amount of energy savings  
14 achieved by the utility as determined by the independent  
15 evaluator for the most recent year for which savings have  
16 been evaluated preceding the plan filing was less than the  
17 average annual amount of savings required to achieve the  
18 goals for the applicable 4-year plan period. If there is  
19 not clear and convincing evidence that achieving the  
20 savings goals specified in paragraph (b-5) or (b-15) of  
21 this Section is possible both cost-effectively and within  
22 the expenditure limits in subsection (m), such savings  
23 goals shall not be reduced. Except as provided in  
24 subsection (m) of this Section, annual increases in  
25 cumulative persisting annual savings goals during the  
26 applicable 4-year plan period shall not be reduced to

1 amounts that are less than the maximum amount of  
2 cumulative persisting annual savings that is forecast to  
3 be cost-effectively achievable during the 4-year plan  
4 period. The Commission shall review any proposed goal  
5 reduction as part of its review and approval of the  
6 utility's proposed plan.

7 (3) No later than March 1, 2025, each electric utility  
8 shall file a 4-year energy efficiency plan commencing on  
9 January 1, 2026 that is designed to achieve the cumulative  
10 persisting annual savings goals specified in paragraphs  
11 (9) through (12) of subsection (b-5) of this Section or in  
12 paragraphs (9) through (12) of subsection (b-15) of this  
13 Section, as applicable, through implementation of energy  
14 efficiency measures; however, the goals may be reduced if  
15 either (1) clear and convincing evidence demonstrates,  
16 through independent analysis, that the expenditure limits  
17 in subsection (m) of this Section preclude full  
18 achievement of the goals or (2) each of the following  
19 conditions are met: (A) the plan's analysis and forecasts  
20 of the utility's ability to acquire energy savings  
21 demonstrate by clear and convincing evidence and through  
22 independent analysis that achievement of such goals is not  
23 cost effective; and (B) the amount of energy savings  
24 achieved by the utility as determined by the independent  
25 evaluator for the most recent year for which savings have  
26 been evaluated preceding the plan filing was less than the

1 average annual amount of savings required to achieve the  
2 goals for the applicable 4-year plan period. If there is  
3 not clear and convincing evidence that achieving the  
4 savings goals specified in paragraphs (b-5) or (b-15) of  
5 this Section is possible both cost-effectively and within  
6 the expenditure limits in subsection (m), such savings  
7 goals shall not be reduced. Except as provided in  
8 subsection (m) of this Section, annual increases in  
9 cumulative persisting annual savings goals during the  
10 applicable 4-year plan period shall not be reduced to  
11 amounts that are less than the maximum amount of  
12 cumulative persisting annual savings that is forecast to  
13 be cost-effectively achievable during the 4-year plan  
14 period. The Commission shall review any proposed goal  
15 reduction as part of its review and approval of the  
16 utility's proposed plan.

17 (4) No later than March 1, 2029, and every 4 years  
18 thereafter, each electric utility shall file a 4-year  
19 energy efficiency plan commencing on January 1, 2030, and  
20 every 4 years thereafter, respectively, that is designed  
21 to achieve the cumulative persisting annual savings goals  
22 established by the Illinois Commerce Commission pursuant  
23 to direction of subsections (b-5) and (b-15) of this  
24 Section, as applicable, through implementation of energy  
25 efficiency measures; however, the goals may be reduced if  
26 either (1) clear and convincing evidence and independent

1 analysis demonstrates that the expenditure limits in  
2 subsection (m) of this Section preclude full achievement  
3 of the goals or (2) each of the following conditions are  
4 met: (A) the plan's analysis and forecasts of the  
5 utility's ability to acquire energy savings demonstrate by  
6 clear and convincing evidence and through independent  
7 analysis that achievement of such goals is not  
8 cost-effective; and (B) the amount of energy savings  
9 achieved by the utility as determined by the independent  
10 evaluator for the most recent year for which savings have  
11 been evaluated preceding the plan filing was less than the  
12 average annual amount of savings required to achieve the  
13 goals for the applicable 4-year plan period. If there is  
14 not clear and convincing evidence that achieving the  
15 savings goals specified in paragraphs (b-5) or (b-15) of  
16 this Section is possible both cost-effectively and within  
17 the expenditure limits in subsection (m), such savings  
18 goals shall not be reduced. Except as provided in  
19 subsection (m) of this Section, annual increases in  
20 cumulative persisting annual savings goals during the  
21 applicable 4-year plan period shall not be reduced to  
22 amounts that are less than the maximum amount of  
23 cumulative persisting annual savings that is forecast to  
24 be cost-effectively achievable during the 4-year plan  
25 period. The Commission shall review any proposed goal  
26 reduction as part of its review and approval of the

1 utility's proposed plan.

2 Each utility's plan shall set forth the utility's  
3 proposals to meet the energy efficiency standards identified  
4 in subsection (b-5) or (b-15), as applicable and as such  
5 standards may have been modified under this subsection (f),  
6 taking into account the unique circumstances of the utility's  
7 service territory. For those plans commencing on January 1,  
8 2018, the Commission shall seek public comment on the  
9 utility's plan and shall issue an order approving or  
10 disapproving each plan no later than 105 days after June 1,  
11 2017 (the effective date of Public Act 99-906). For those  
12 plans commencing after December 31, 2021, the Commission shall  
13 seek public comment on the utility's plan and shall issue an  
14 order approving or disapproving each plan within 6 months  
15 after its submission. If the Commission disapproves a plan,  
16 the Commission shall, within 30 days, describe in detail the  
17 reasons for the disapproval and describe a path by which the  
18 utility may file a revised draft of the plan to address the  
19 Commission's concerns satisfactorily. If the utility does not  
20 refile with the Commission within 60 days, the utility shall  
21 be subject to penalties at a rate of \$100,000 per day until the  
22 plan is filed. This process shall continue, and penalties  
23 shall accrue, until the utility has successfully filed a  
24 portfolio of energy efficiency and demand-response measures.  
25 Penalties shall be deposited into the Energy Efficiency Trust  
26 Fund.

1 (g) In submitting proposed plans and funding levels under  
2 subsection (f) of this Section to meet the savings goals  
3 identified in subsection (b-5) or (b-15) of this Section, as  
4 applicable, the utility shall:

5 (1) Demonstrate that its proposed energy efficiency  
6 measures will achieve the applicable requirements that are  
7 identified in subsection (b-5) or (b-15) of this Section,  
8 as modified by subsection (f) of this Section.

9 (2) (Blank).

10 (2.5) Demonstrate consideration of program options for  
11 (A) advancing new building codes, appliance standards, and  
12 municipal regulations governing existing and new building  
13 efficiency improvements and (B) supporting efforts to  
14 improve compliance with new building codes, appliance  
15 standards and municipal regulations, as potentially  
16 cost-effective means of acquiring energy savings to count  
17 toward savings goals.

18 (3) Demonstrate that its overall portfolio of  
19 measures, not including low-income programs described in  
20 subsection (c) of this Section, is cost-effective using  
21 the total resource cost test or complies with paragraphs  
22 (1) through (3) of subsection (f) of this Section and  
23 represents a diverse cross-section of opportunities for  
24 customers of all rate classes, other than those customers  
25 described in subsection (1) of this Section, to  
26 participate in the programs. Individual measures need not

1 be cost effective.

2 (3.5) Demonstrate that the utility's plan integrates  
3 the delivery of energy efficiency programs with natural  
4 gas efficiency programs, programs promoting distributed  
5 solar, programs promoting demand response and other  
6 efforts to address bill payment issues, including, but not  
7 limited to, LIHEAP and the Percentage of Income Payment  
8 Plan, to the extent such integration is practical and has  
9 the potential to enhance customer engagement, minimize  
10 market confusion, or reduce administrative costs.

11 (4) Present a third-party energy efficiency  
12 implementation program subject to the following  
13 requirements:

14 (A) beginning with the year commencing January 1,  
15 2019, electric utilities that serve more than  
16 3,000,000 retail customers in the State shall fund  
17 third-party energy efficiency programs in an amount  
18 that is no less than \$25,000,000 per year, and  
19 electric utilities that serve less than 3,000,000  
20 retail customers but more than 500,000 retail  
21 customers in the State shall fund third-party energy  
22 efficiency programs in an amount that is no less than  
23 \$8,350,000 per year;

24 (B) during 2018, the utility shall conduct a  
25 solicitation process for purposes of requesting  
26 proposals from third-party vendors for those



1 third-party energy efficiency programs to be offered  
2 during one or more of the years commencing January 1,  
3 2019, January 1, 2020, and January 1, 2021; for those  
4 multi-year plans commencing on January 1, 2022 and  
5 January 1, 2026, the utility shall conduct a  
6 solicitation process during 2021 and 2025,  
7 respectively, for purposes of requesting proposals  
8 from third-party vendors for those third-party energy  
9 efficiency programs to be offered during one or more  
10 years of the respective multi-year plan period; for  
11 each solicitation process, the utility shall identify  
12 the sector, technology, or geographical area for which  
13 it is seeking requests for proposals; the solicitation  
14 process must be either for programs that fill gaps in  
15 the utility's program portfolio and for programs that  
16 target low-income customers, business sectors,  
17 building types, geographies, or other specific parts  
18 of its customer base with initiatives that would be  
19 more effective at reaching these customer segments  
20 than the utilities' programs filed in its energy  
21 efficiency plans;

22 (C) the utility shall propose the bidder  
23 qualifications, performance measurement process, and  
24 contract structure, which must include a performance  
25 payment mechanism and general terms and conditions;  
26 the proposed qualifications, process, and structure

1 shall be subject to Commission approval; and

2 (D) the utility shall retain an independent third  
3 party to score the proposals received through the  
4 solicitation process described in this paragraph (4),  
5 rank them according to their cost per lifetime  
6 kilowatt-hours saved, and assemble the portfolio of  
7 third-party programs.

8 The electric utility shall recover all costs  
9 associated with Commission-approved, third-party  
10 administered programs regardless of the success of those  
11 programs.

12 (4.5) Implement cost-effective demand-response  
13 measures to reduce peak demand by 0.1% over the prior year  
14 for eligible retail customers, as defined in Section  
15 16-111.5 of this Act, and for customers that elect hourly  
16 service from the utility pursuant to Section 16-107 of  
17 this Act, provided those customers have not been declared  
18 competitive. This requirement continues until December 31,  
19 2026.

20 (5) Include a proposed or revised cost-recovery tariff  
21 mechanism, as provided for under subsection (d) of this  
22 Section, to fund the proposed energy efficiency and  
23 demand-response measures and to ensure the recovery of the  
24 prudently and reasonably incurred costs of  
25 Commission-approved programs.

26 (6) Provide for an annual independent evaluation of

1 the performance of the cost-effectiveness of the utility's  
2 portfolio of measures, as well as a full review of the  
3 multi-year plan results of the broader net program impacts  
4 and, to the extent practical, for adjustment of the  
5 measures on a going-forward basis as a result of the  
6 evaluations. The resources dedicated to evaluation shall  
7 not exceed 3% of portfolio resources in any given year.

8 (7) For electric utilities that serve more than  
9 3,000,000 retail customers in the State:

10 (A) Through December 31, 2025, provide for an  
11 adjustment to the return on equity component of the  
12 utility's weighted average cost of capital calculated  
13 under subsection (d) of this Section:

14 (i) If the independent evaluator determines  
15 that the utility achieved a cumulative persisting  
16 annual savings that is less than the applicable  
17 annual incremental goal, then the return on equity  
18 component shall be reduced by a maximum of 200  
19 basis points in the event that the utility  
20 achieved no more than 75% of such goal. If the  
21 utility achieved more than 75% of the applicable  
22 annual incremental goal but less than 100% of such  
23 goal, then the return on equity component shall be  
24 reduced by 8 basis points for each percent by  
25 which the utility failed to achieve the goal.

26 (ii) If the independent evaluator determines

1           that the utility achieved a cumulative persisting  
2           annual savings that is more than the applicable  
3           annual incremental goal, then the return on equity  
4           component shall be increased by a maximum of 200  
5           basis points in the event that the utility  
6           achieved at least 125% of such goal. If the  
7           utility achieved more than 100% of the applicable  
8           annual incremental goal but less than 125% of such  
9           goal, then the return on equity component shall be  
10          increased by 8 basis points for each percent by  
11          which the utility achieved above the goal. If the  
12          applicable annual incremental goal was reduced  
13          under paragraph ~~paragraphs~~ (1) or (2) of  
14          subsection (f) of this Section, then the following  
15          adjustments shall be made to the calculations  
16          described in this item (ii):

17                 (aa) the calculation for determining  
18                 achievement that is at least 125% of the  
19                 applicable annual incremental goal shall use  
20                 the unreduced applicable annual incremental  
21                 goal to set the value; and

22                 (bb) the calculation for determining  
23                 achievement that is less than 125% but more  
24                 than 100% of the applicable annual incremental  
25                 goal shall use the reduced applicable annual  
26                 incremental goal to set the value for 100%

1 achievement of the goal and shall use the  
2 unreduced goal to set the value for 125%  
3 achievement. The 8 basis point value shall  
4 also be modified, as necessary, so that the  
5 200 basis points are evenly apportioned among  
6 each percentage point value between 100% and  
7 125% achievement.

8 (B) For the period January 1, 2026 through  
9 December 31, 2029 and in all subsequent 4-year  
10 periods, provide for an adjustment to the return on  
11 equity component of the utility's weighted average  
12 cost of capital calculated under subsection (d) of  
13 this Section:

14 (i) If the independent evaluator determines  
15 that the utility achieved a cumulative persisting  
16 annual savings that is less than the applicable  
17 annual incremental goal, then the return on equity  
18 component shall be reduced by a maximum of 200  
19 basis points in the event that the utility  
20 achieved no more than 66% of such goal. If the  
21 utility achieved more than 66% of the applicable  
22 annual incremental goal but less than 100% of such  
23 goal, then the return on equity component shall be  
24 reduced by 6 basis points for each percent by  
25 which the utility failed to achieve the goal.

26 (ii) If the independent evaluator determines

1           that the utility achieved a cumulative persisting  
2           annual savings that is more than the applicable  
3           annual incremental goal, then the return on equity  
4           component shall be increased by a maximum of 200  
5           basis points in the event that the utility  
6           achieved at least 134% of such goal. If the  
7           utility achieved more than 100% of the applicable  
8           annual incremental goal but less than 134% of such  
9           goal, then the return on equity component shall be  
10          increased by 6 basis points for each percent by  
11          which the utility achieved above the goal. If the  
12          applicable annual incremental goal was reduced  
13          under paragraph (3) of subsection (f) of this  
14          Section, then the following adjustments shall be  
15          made to the calculations described in this item  
16          (ii):

17                 (aa) the calculation for determining  
18                 achievement that is at least 134% of the  
19                 applicable annual incremental goal shall use  
20                 the unreduced applicable annual incremental  
21                 goal to set the value; and

22                 (bb) the calculation for determining  
23                 achievement that is less than 134% but more  
24                 than 100% of the applicable annual incremental  
25                 goal shall use the reduced applicable annual  
26                 incremental goal to set the value for 100%

1 achievement of the goal and shall use the  
2 unreduced goal to set the value for 134%  
3 achievement. The 6 basis point value shall  
4 also be modified, as necessary, so that the  
5 200 basis points are evenly apportioned among  
6 each percentage point value between 100% and  
7 134% achievement.

8 (C) Notwithstanding the provisions of  
9 subparagraphs (A) and (B) of this paragraph (7), if  
10 the applicable annual incremental goal for an electric  
11 utility is ever less than 0.6% of deemed average  
12 weather normalized sales of electric power and energy  
13 during calendar years 2014, 2015, and 2016, an  
14 adjustment to the return on equity component of the  
15 utility's weighted average cost of capital calculated  
16 under subsection (d) of this Section shall be made as  
17 follows:

18 (i) If the independent evaluator determines  
19 that the utility achieved a cumulative persisting  
20 annual savings that is less than would have been  
21 achieved had the applicable annual incremental  
22 goal been achieved, then the return on equity  
23 component shall be reduced by a maximum of 200  
24 basis points if the utility achieved no more than  
25 75% of its applicable annual total savings  
26 requirement as defined in paragraph (7.5) of this

1 subsection. If the utility achieved more than 75%  
2 of the applicable annual total savings requirement  
3 but less than 100% of such goal, then the return on  
4 equity component shall be reduced by 8 basis  
5 points for each percent by which the utility  
6 failed to achieve the goal.

7 (ii) If the independent evaluator determines  
8 that the utility achieved a cumulative persisting  
9 annual savings that is more than would have been  
10 achieved had the applicable annual incremental  
11 goal been achieved, then the return on equity  
12 component shall be increased by a maximum of 200  
13 basis points if the utility achieved at least 125%  
14 of its applicable annual total savings  
15 requirement. If the utility achieved more than  
16 100% of the applicable annual total savings  
17 requirement but less than 125% of such goal, then  
18 the return on equity component shall be increased  
19 by 8 basis points for each percent by which the  
20 utility achieved above the applicable annual total  
21 savings requirement. If the applicable annual  
22 incremental goal was reduced under paragraph (1)  
23 or (2) of subsection (f) of this Section, then the  
24 following adjustments shall be made to the  
25 calculations described in this item (ii):

26 (aa) the calculation for determining



1 achievement that is at least 125% of the  
2 applicable annual total savings requirement  
3 shall use the unreduced applicable annual  
4 incremental goal to set the value; and

5 (bb) the calculation for determining  
6 achievement that is less than 125% but more  
7 than 100% of the applicable annual total  
8 savings requirement shall use the reduced  
9 applicable annual incremental goal to set the  
10 value for 100% achievement of the goal and  
11 shall use the unreduced goal to set the value  
12 for 125% achievement. The 8 basis point value  
13 shall also be modified, as necessary, so that  
14 the 200 basis points are evenly apportioned  
15 among each percentage point value between 100%  
16 and 125% achievement.

17 (7.5) For purposes of this Section, the term  
18 "applicable annual incremental goal" means the difference  
19 between the cumulative persisting annual savings goal for  
20 the calendar year that is the subject of the independent  
21 evaluator's determination and the cumulative persisting  
22 annual savings goal for the immediately preceding calendar  
23 year, as such goals are defined in subsections (b-5) and  
24 (b-15) of this Section and as these goals may have been  
25 modified as provided for under subsection (b-20) and  
26 paragraphs (1) through (3) of subsection (f) of this

1 Section. Under subsections (b), (b-5), (b-10), and (b-15)  
2 of this Section, a utility must first replace energy  
3 savings from measures that have expired before any  
4 progress towards achievement of its applicable annual  
5 incremental goal may be counted. Savings may expire  
6 because measures installed in previous years have reached  
7 the end of their lives, because measures installed in  
8 previous years are producing lower savings in the current  
9 year than in the previous year, or for other reasons  
10 identified by independent evaluators. Notwithstanding  
11 anything else set forth in this Section, the difference  
12 between the actual annual incremental savings achieved in  
13 any given year, including the replacement of energy  
14 savings that have expired, and the applicable annual  
15 incremental goal shall not affect adjustments to the  
16 return on equity for subsequent calendar years under this  
17 subsection (g).

18 In this Section, "applicable annual total savings  
19 requirement" means the total amount of new annual savings  
20 that the utility must achieve in any given year to achieve  
21 the applicable annual incremental goal. This is equal to  
22 the applicable annual incremental goal plus the total new  
23 annual savings that are required to replace savings that  
24 expired in or at the end of the previous year.

25 (8) For electric utilities that serve less than  
26 3,000,000 retail customers but more than 500,000 retail

1 customers in the State:

2 (A) Through December 31, 2025, the applicable  
3 annual incremental goal shall be compared to the  
4 annual incremental savings as determined by the  
5 independent evaluator.

6 (i) The return on equity component shall be  
7 reduced by 8 basis points for each percent by  
8 which the utility did not achieve 84.4% of the  
9 applicable annual incremental goal.

10 (ii) The return on equity component shall be  
11 increased by 8 basis points for each percent by  
12 which the utility exceeded 100% of the applicable  
13 annual incremental goal.

14 (iii) The return on equity component shall not  
15 be increased or decreased if the annual  
16 incremental savings as determined by the  
17 independent evaluator is greater than 84.4% of the  
18 applicable annual incremental goal and less than  
19 100% of the applicable annual incremental goal.

20 (iv) The return on equity component shall not  
21 be increased or decreased by an amount greater  
22 than 200 basis points pursuant to this  
23 subparagraph (A).

24 (B) For the period of January 1, 2026 through  
25 December 31, 2029 and in all subsequent 4-year  
26 periods, the applicable annual incremental goal shall

1 be compared to the annual incremental savings as  
2 determined by the independent evaluator.

3 (i) The return on equity component shall be  
4 reduced by 6 basis points for each percent by  
5 which the utility did not achieve 100% of the  
6 applicable annual incremental goal.

7 (ii) The return on equity component shall be  
8 increased by 6 basis points for each percent by  
9 which the utility exceeded 100% of the applicable  
10 annual incremental goal.

11 (iii) The return on equity component shall not  
12 be increased or decreased by an amount greater  
13 than 200 basis points pursuant to this  
14 subparagraph (B).

15 (C) Notwithstanding provisions in subparagraphs  
16 (A) and (B) of paragraph (7) of this subsection, if the  
17 applicable annual incremental goal for an electric  
18 utility is ever less than 0.6% of deemed average  
19 weather normalized sales of electric power and energy  
20 during calendar years 2014, 2015 and 2016, an  
21 adjustment to the return on equity component of the  
22 utility's weighted average cost of capital calculated  
23 under subsection (d) of this Section shall be made as  
24 follows:

25 (i) The return on equity component shall be  
26 reduced by 8 basis points for each percent by

1           which the utility did not achieve 100% of the  
2           applicable annual total savings requirement.

3           (ii) The return on equity component shall be  
4           increased by 8 basis points for each percent by  
5           which the utility exceeded 100% of the applicable  
6           annual total savings requirement.

7           (iii) The return on equity component shall not  
8           be increased or decreased by an amount greater  
9           than 200 basis points pursuant to this  
10          subparagraph (C).

11          (D) If the applicable annual incremental goal was  
12          reduced under paragraph (1), (2), (3), or (4) of  
13          subsection (f) of this Section, then the following  
14          adjustments shall be made to the calculations  
15          described in subparagraphs (A), (B), and (C) of this  
16          paragraph (8):

17               (i) The calculation for determining  
18               achievement that is at least 125% or 134%, as  
19               applicable, of the applicable annual incremental  
20               goal or the applicable annual total savings  
21               requirement, as applicable, shall use the  
22               unreduced applicable annual incremental goal to  
23               set the value.

24               (ii) For the period through December 31, 2025,  
25               the calculation for determining achievement that  
26               is less than 125% but more than 100% of the

1 applicable annual incremental goal or the  
2 applicable annual total savings requirement, as  
3 applicable, shall use the reduced applicable  
4 annual incremental goal to set the value for 100%  
5 achievement of the goal and shall use the  
6 unreduced goal to set the value for 125%  
7 achievement. The 8 basis point value shall also be  
8 modified, as necessary, so that the 200 basis  
9 points are evenly apportioned among each  
10 percentage point value between 100% and 125%  
11 achievement.

12 (iii) For the period of January 1, 2026  
13 through December 31, 2029 and all subsequent  
14 4-year periods, the calculation for determining  
15 achievement that is less than 125% or 134%, as  
16 applicable, but more than 100% of the applicable  
17 annual incremental goal or the applicable annual  
18 total savings requirement, as applicable, shall  
19 use the reduced applicable annual incremental goal  
20 to set the value for 100% achievement of the goal  
21 and shall use the unreduced goal to set the value  
22 for 125% achievement. The 6 basis-point value or 8  
23 basis-point value, as applicable, shall also be  
24 modified, as necessary, so that the 200 basis  
25 points are evenly apportioned among each  
26 percentage point value between 100% and 125% or

1           between 100% and 134% achievement, as applicable.

2           (9) The utility shall submit the energy savings data  
3           to the independent evaluator no later than 30 days after  
4           the close of the plan year. The independent evaluator  
5           shall determine the cumulative persisting annual savings  
6           for a given plan year, as well as an estimate of job  
7           impacts and other macroeconomic impacts of the efficiency  
8           programs for that year, no later than 120 days after the  
9           close of the plan year. The utility shall submit an  
10          informational filing to the Commission no later than 160  
11          days after the close of the plan year that attaches the  
12          independent evaluator's final report identifying the  
13          cumulative persisting annual savings for the year and  
14          calculates, under paragraph (7) or (8) of this subsection  
15          (g), as applicable, any resulting change to the utility's  
16          return on equity component of the weighted average cost of  
17          capital applicable to the next plan year beginning with  
18          the January monthly billing period and extending through  
19          the December monthly billing period. However, if the  
20          utility recovers the costs incurred under this Section  
21          under paragraphs (2) and (3) of subsection (d) of this  
22          Section, then the utility shall not be required to submit  
23          such informational filing, and shall instead submit the  
24          information that would otherwise be included in the  
25          informational filing as part of its filing under paragraph  
26          (3) of such subsection (d) that is due on or before June 1

1 of each year.

2 For those utilities that must submit the informational  
3 filing, the Commission may, on its own motion or by  
4 petition, initiate an investigation of such filing,  
5 provided, however, that the utility's proposed return on  
6 equity calculation shall be deemed the final, approved  
7 calculation on December 15 of the year in which it is filed  
8 unless the Commission enters an order on or before  
9 December 15, after notice and hearing, that modifies such  
10 calculation consistent with this Section.

11 The adjustments to the return on equity component  
12 described in paragraphs (7) and (8) of this subsection (g)  
13 shall be applied as described in such paragraphs through a  
14 separate tariff mechanism, which shall be filed by the  
15 utility under subsections (f) and (g) of this Section.

16 (9.5) The utility must demonstrate how it will ensure  
17 that program implementation contractors and energy  
18 efficiency installation vendors will promote workforce  
19 equity and quality jobs.

20 (9.6) Utilities shall collect data necessary to ensure  
21 compliance with paragraph (9.5) no less than quarterly and  
22 shall communicate progress toward compliance with  
23 paragraph (9.5) to program implementation contractors and  
24 energy efficiency installation vendors no less than  
25 quarterly. Utilities shall work with relevant vendors,  
26 providing education, training, and other resources needed



1 to ensure compliance and, where necessary, adjusting or  
2 terminating work with vendors that cannot assist with  
3 compliance.

4 (10) Utilities required to implement efficiency  
5 programs under subsections (b-5) and (b-10) shall report  
6 annually to the Illinois Commerce Commission and the  
7 General Assembly on how hiring, contracting, job training,  
8 and other practices related to its energy efficiency  
9 programs enhance the diversity of vendors working on such  
10 programs. These reports must include data on vendor and  
11 employee diversity, including data on the implementation  
12 of paragraphs (9.5) and (9.6). If the utility is not  
13 meeting the requirements of paragraphs (9.5) and (9.6),  
14 the utility shall submit a plan to adjust their activities  
15 so that they meet the requirements of paragraphs (9.5) and  
16 (9.6) within the following year.

17 (h) No more than 4% of energy efficiency and  
18 demand-response program revenue may be allocated for research,  
19 development, or pilot deployment of new equipment or measures.  
20 Electric utilities shall work with interested stakeholders to  
21 formulate a plan for how these funds should be spent,  
22 incorporate statewide approaches for these allocations, and  
23 file a 4-year plan that demonstrates that collaboration. If a  
24 utility files a request for modified annual energy savings  
25 goals with the Commission, then a utility shall forgo spending  
26 portfolio dollars on research and development proposals.

1           (i) When practicable, electric utilities shall incorporate  
2 advanced metering infrastructure data into the planning,  
3 implementation, and evaluation of energy efficiency measures  
4 and programs, subject to the data privacy and confidentiality  
5 protections of applicable law.

6           (j) The independent evaluator shall follow the guidelines  
7 and use the savings set forth in Commission-approved energy  
8 efficiency policy manuals and technical reference manuals, as  
9 each may be updated from time to time. Until such time as  
10 measure life values for energy efficiency measures implemented  
11 for low-income households under subsection (c) of this Section  
12 are incorporated into such Commission-approved manuals, the  
13 low-income measures shall have the same measure life values  
14 that are established for same measures implemented in  
15 households that are not low-income households.

16           (k) Notwithstanding any provision of law to the contrary,  
17 an electric utility subject to the requirements of this  
18 Section may file a tariff cancelling an automatic adjustment  
19 clause tariff in effect under this Section or Section 8-103,  
20 which shall take effect no later than one business day after  
21 the date such tariff is filed. Thereafter, the utility shall  
22 be authorized to defer and recover its expenditures incurred  
23 under this Section through a new tariff authorized under  
24 subsection (d) of this Section or in the utility's next rate  
25 case under Article IX or Section 16-108.5 of this Act, with  
26 interest at an annual rate equal to the utility's weighted

1 average cost of capital as approved by the Commission in such  
2 case. If the utility elects to file a new tariff under  
3 subsection (d) of this Section, the utility may file the  
4 tariff within 10 days after June 1, 2017 (the effective date of  
5 Public Act 99-906), and the cost inputs to such tariff shall be  
6 based on the projected costs to be incurred by the utility  
7 during the calendar year in which the new tariff is filed and  
8 that were not recovered under the tariff that was cancelled as  
9 provided for in this subsection. Such costs shall include  
10 those incurred or to be incurred by the utility under its  
11 multi-year plan approved under subsections (f) and (g) of this  
12 Section, including, but not limited to, projected capital  
13 investment costs and projected regulatory asset balances with  
14 correspondingly updated depreciation and amortization reserves  
15 and expense. The Commission shall, after notice and hearing,  
16 approve, or approve with modification, such tariff and cost  
17 inputs no later than 75 days after the utility filed the  
18 tariff, provided that such approval, or approval with  
19 modification, shall be consistent with the provisions of this  
20 Section to the extent they do not conflict with this  
21 subsection (k). The tariff approved by the Commission shall  
22 take effect no later than 5 days after the Commission enters  
23 its order approving the tariff.

24 No later than 60 days after the effective date of the  
25 tariff cancelling the utility's automatic adjustment clause  
26 tariff, the utility shall file a reconciliation that

1 reconciles the moneys collected under its automatic adjustment  
2 clause tariff with the costs incurred during the period  
3 beginning June 1, 2016 and ending on the date that the electric  
4 utility's automatic adjustment clause tariff was cancelled. In  
5 the event the reconciliation reflects an under-collection, the  
6 utility shall recover the costs as specified in this  
7 subsection (k). If the reconciliation reflects an  
8 over-collection, the utility shall apply the amount of such  
9 over-collection as a one-time credit to retail customers'  
10 bills.

11 (1) For the calendar years covered by a multi-year plan  
12 commencing after December 31, 2017, subsections (a) through  
13 (j) of this Section do not apply to eligible large private  
14 energy customers that have chosen to opt out of multi-year  
15 plans consistent with this subsection (1).

16 (1) For purposes of this subsection (1), "eligible  
17 large private energy customer" means any retail customers,  
18 except for federal, State, municipal, and other public  
19 customers, of an electric utility that serves more than  
20 3,000,000 retail customers, except for federal, State,  
21 municipal and other public customers, in the State and  
22 whose total highest 30 minute demand was more than 10,000  
23 kilowatts, or any retail customers of an electric utility  
24 that serves less than 3,000,000 retail customers but more  
25 than 500,000 retail customers in the State and whose total  
26 highest 15 minute demand was more than 10,000 kilowatts.

1 For purposes of this subsection (1), "retail customer" has  
2 the meaning set forth in Section 16-102 of this Act.  
3 However, for a business entity with multiple sites located  
4 in the State, where at least one of those sites qualifies  
5 as an eligible large private energy customer, then any of  
6 that business entity's sites, properly identified on a  
7 form for notice, shall be considered eligible large  
8 private energy customers for the purposes of this  
9 subsection (1). A determination of whether this subsection  
10 is applicable to a customer shall be made for each  
11 multi-year plan beginning after December 31, 2017. The  
12 criteria for determining whether this subsection (1) is  
13 applicable to a retail customer shall be based on the 12  
14 consecutive billing periods prior to the start of the  
15 first year of each such multi-year plan.

16 (2) Within 45 days after September 15, 2021 (the  
17 effective date of Public Act 102-662) ~~this amendatory Act~~  
18 ~~of the 102nd General Assembly~~, the Commission shall  
19 prescribe the form for notice required for opting out of  
20 energy efficiency programs. The notice must be submitted  
21 to the retail electric utility 12 months before the next  
22 energy efficiency planning cycle. However, within 120 days  
23 after the Commission's initial issuance of the form for  
24 notice, eligible large private energy customers may submit  
25 a form for notice to an electric utility. The form for  
26 notice for opting out of energy efficiency programs shall

1 include all of the following:

2 (A) a statement indicating that the customer has  
3 elected to opt out;

4 (B) the account numbers for the customer accounts  
5 to which the opt out shall apply;

6 (C) the mailing address associated with the  
7 customer accounts identified under subparagraph (B);

8 (D) an American Society of Heating, Refrigerating,  
9 and Air-Conditioning Engineers (ASHRAE) level 2 or  
10 higher audit report conducted by an independent  
11 third-party expert identifying cost-effective energy  
12 efficiency project opportunities that could be  
13 invested in over the next 10 years. A retail customer  
14 with specialized processes may utilize a self-audit  
15 process in lieu of the ASHRAE audit;

16 (E) a description of the customer's plans to  
17 reallocate the funds toward internal energy efficiency  
18 efforts identified in the subparagraph (D) report,  
19 including, but not limited to: (i) strategic energy  
20 management or other programs, including descriptions  
21 of targeted buildings, equipment and operations; (ii)  
22 eligible energy efficiency measures; and (iii)  
23 expected energy savings, itemized by technology. If  
24 the subparagraph (D) audit report identifies that the  
25 customer currently utilizes the best available energy  
26 efficient technology, equipment, programs, and

1 operations, the customer may provide a statement that  
2 more efficient technology, equipment, programs, and  
3 operations are not reasonably available as a means of  
4 satisfying this subparagraph (E); and

5 (F) the effective date of the opt out, which will  
6 be the next January 1 following notice of the opt out.

7 (3) Upon receipt of a properly and timely noticed  
8 request for opt out submitted by an eligible large private  
9 energy customer, the retail electric utility shall grant  
10 the request, file the request with the Commission and,  
11 beginning January 1 of the following year, the opted out  
12 customer shall no longer be assessed the costs of the plan  
13 and shall be prohibited from participating in that 4-year  
14 plan cycle to give the retail utility the certainty to  
15 design program plan proposals.

16 (4) Upon a customer's election to opt out under  
17 paragraphs (1) and (2) of this subsection (1) and  
18 commencing on the effective date of said opt out, the  
19 account properly identified in the customer's notice under  
20 paragraph (2) shall not be subject to any cost recovery  
21 and shall not be eligible to participate in, or directly  
22 benefit from, compliance with energy efficiency cumulative  
23 persisting savings requirements under subsections (a)  
24 through (j).

25 (5) A utility's cumulative persisting annual savings  
26 targets will exclude any opted out load.

1           (6) The request to opt out is only valid for the  
2 requested plan cycle. An eligible large private energy  
3 customer must also request to opt out for future energy  
4 plan cycles, otherwise the customer will be included in  
5 the future energy plan cycle.

6           (m) Notwithstanding the requirements of this Section, as  
7 part of a proceeding to approve a multi-year plan under  
8 subsections (f) and (g) of this Section if the multi-year plan  
9 has been designed to maximize savings, but does not meet the  
10 cost cap limitations of this Section, the Commission shall  
11 reduce the amount of energy efficiency measures implemented  
12 for any single year, and whose costs are recovered under  
13 subsection (d) of this Section, by an amount necessary to  
14 limit the estimated average net increase due to the cost of the  
15 measures to no more than

16           (1) 3.5% for each of the 4 years beginning January 1,  
17 2018,

18           (2) (blank),

19           (3) 4% for each of the 4 years beginning January 1,  
20 2022,

21           (4) 4.25% for the 4 years beginning January 1, 2026,  
22 and

23           (5) 4.25% plus an increase sufficient to account for  
24 the rate of inflation between January 1, 2026 and January  
25 1 of the first year of each subsequent 4-year plan cycle,  
26 of the average amount paid per kilowatthour by residential



1 eligible retail customers during calendar year 2015. An  
2 electric utility may plan to spend up to 10% more in any year  
3 during an applicable multi-year plan period to  
4 cost-effectively achieve additional savings so long as the  
5 average over the applicable multi-year plan period does not  
6 exceed the percentages defined in items (1) through (5). To  
7 determine the total amount that may be spent by an electric  
8 utility in any single year, the applicable percentage of the  
9 average amount paid per kilowatthour shall be multiplied by  
10 the total amount of energy delivered by such electric utility  
11 in the calendar year 2015, adjusted to reflect the proportion  
12 of the utility's load attributable to customers that have  
13 opted out of subsections (a) through (j) of this Section under  
14 subsection (l) of this Section. For purposes of this  
15 subsection (m), the amount paid per kilowatthour includes,  
16 without limitation, estimated amounts paid for supply,  
17 transmission, distribution, surcharges, and add-on taxes. For  
18 purposes of this Section, "eligible retail customers" shall  
19 have the meaning set forth in Section 16-111.5 of this Act.  
20 Once the Commission has approved a plan under subsections (f)  
21 and (g) of this Section, no subsequent rate impact  
22 determinations shall be made.

23 (n) A utility shall take advantage of the efficiencies  
24 available through existing Illinois Home Weatherization  
25 Assistance Program infrastructure and services, such as  
26 enrollment, marketing, quality assurance and implementation,

1 which can reduce the need for similar services at a lower cost  
2 than utility-only programs, subject to capacity constraints at  
3 community action agencies, for both single-family and  
4 multifamily weatherization services, to the extent Illinois  
5 Home Weatherization Assistance Program community action  
6 agencies provide multifamily services. A utility's plan shall  
7 demonstrate that in formulating annual weatherization budgets,  
8 it has sought input and coordination with community action  
9 agencies regarding agencies' capacity to expand and maximize  
10 Illinois Home Weatherization Assistance Program delivery using  
11 the ratepayer dollars collected under this Section.

12 (Source: P.A. 101-81, eff. 7-12-19; 102-662, eff. 9-15-21;  
13 revised 2-28-22.)

14 (220 ILCS 5/8-104)

15 Sec. 8-104. Natural gas energy efficiency programs.

16 (a) It is the policy of the State that natural gas  
17 utilities and the Department of Commerce and Economic  
18 Opportunity are required to use cost-effective energy  
19 efficiency to reduce direct and indirect costs to consumers.  
20 It serves the public interest to allow natural gas utilities  
21 to recover costs for reasonably and prudently incurred  
22 expenses for cost-effective energy efficiency measures.

23 (b) For purposes of this Section, "energy efficiency"  
24 means measures that reduce the amount of energy required to  
25 achieve a given end use. "Energy efficiency" also includes

1 measures that reduce the total Btus of electricity and natural  
2 gas needed to meet the end use or uses. "Cost-effective" means  
3 that the measures satisfy the total resource cost test which,  
4 for purposes of this Section, means a standard that is met if,  
5 for an investment in energy efficiency, the benefit-cost ratio  
6 is greater than one. The benefit-cost ratio is the ratio of the  
7 net present value of the total benefits of the measures to the  
8 net present value of the total costs as calculated over the  
9 lifetime of the measures. The total resource cost test  
10 compares the sum of avoided natural gas utility costs,  
11 representing the benefits that accrue to the system and the  
12 participant in the delivery of those efficiency measures, as  
13 well as other quantifiable societal benefits, including  
14 avoided electric utility costs, to the sum of all incremental  
15 costs of end use measures (including both utility and  
16 participant contributions), plus costs to administer, deliver,  
17 and evaluate each demand-side measure, to quantify the net  
18 savings obtained by substituting demand-side measures for  
19 supply resources. In calculating avoided costs, reasonable  
20 estimates shall be included for financial costs likely to be  
21 imposed by future regulation of emissions of greenhouse gases.  
22 The low-income programs described in item (4) of subsection  
23 (f) of this Section shall not be required to meet the total  
24 resource cost test.

25 (c) Natural gas utilities shall implement cost-effective  
26 energy efficiency measures to meet at least the following

1 natural gas savings requirements, which shall be based upon  
2 the total amount of gas delivered to retail customers, other  
3 than the customers described in subsection (m) of this  
4 Section, during calendar year 2009 multiplied by the  
5 applicable percentage. Natural gas utilities may comply with  
6 this Section by meeting the annual incremental savings goal in  
7 the applicable year or by showing that total cumulative annual  
8 savings within a multi-year planning period associated with  
9 measures implemented after May 31, 2011 were equal to the sum  
10 of each annual incremental savings requirement from the first  
11 day of the multi-year planning period through the last day of  
12 the multi-year planning period:

13 (1) 0.2% by May 31, 2012;

14 (2) an additional 0.4% by May 31, 2013, increasing  
15 total savings to .6%;

16 (3) an additional 0.6% by May 31, 2014, increasing  
17 total savings to 1.2%;

18 (4) an additional 0.8% by May 31, 2015, increasing  
19 total savings to 2.0%;

20 (5) an additional 1% by May 31, 2016, increasing total  
21 savings to 3.0%;

22 (6) an additional 1.2% by May 31, 2017, increasing  
23 total savings to 4.2%;

24 (7) an additional 1.4% in the year commencing January  
25 1, 2018;

26 (8) an additional 1.5% in the year commencing January

1           1, 2019; and

2           (9) an additional 1.5% in each 12-month period  
3           thereafter.

4           (d) Notwithstanding the requirements of subsection (c) of  
5           this Section, a natural gas utility shall limit the amount of  
6           energy efficiency implemented in any multi-year reporting  
7           period established by subsection (f) of Section 8-104 of this  
8           Act, by an amount necessary to limit the estimated average  
9           increase in the amounts paid by retail customers in connection  
10          with natural gas service to no more than 2% in the applicable  
11          multi-year reporting period. The energy savings requirements  
12          in subsection (c) of this Section may be reduced by the  
13          Commission for the subject plan, if the utility demonstrates  
14          by substantial evidence that it is highly unlikely that the  
15          requirements could be achieved without exceeding the  
16          applicable spending limits in any multi-year reporting period.  
17          No later than September 1, 2013, the Commission shall review  
18          the limitation on the amount of energy efficiency measures  
19          implemented pursuant to this Section and report to the General  
20          Assembly, in the report required by subsection (k) of this  
21          Section, its findings as to whether that limitation unduly  
22          constrains the procurement of energy efficiency measures.

23          (e) The provisions of this subsection (e) apply to those  
24          multi-year plans that commence prior to January 1, 2018. The  
25          utility shall utilize 75% of the available funding associated  
26          with energy efficiency programs approved by the Commission,

1 and may outsource various aspects of program development and  
2 implementation. The remaining 25% of available funding shall  
3 be used by the Department of Commerce and Economic Opportunity  
4 to implement energy efficiency measures that achieve no less  
5 than 20% of the requirements of subsection (c) of this  
6 Section. Such measures shall be designed in conjunction with  
7 the utility and approved by the Commission. The Department may  
8 outsource development and implementation of energy efficiency  
9 measures. A minimum of 10% of the entire portfolio of  
10 cost-effective energy efficiency measures shall be procured  
11 from local government, municipal corporations, school  
12 districts, and community college districts. Five percent of  
13 the entire portfolio of cost-effective energy efficiency  
14 measures may be granted to local government and municipal  
15 corporations for market transformation initiatives. The  
16 Department shall coordinate the implementation of these  
17 measures and shall integrate delivery of natural gas  
18 efficiency programs with electric efficiency programs  
19 delivered pursuant to Section 8-103 of this Act, unless the  
20 Department can show that integration is not feasible.

21 The apportionment of the dollars to cover the costs to  
22 implement the Department's share of the portfolio of energy  
23 efficiency measures shall be made to the Department once the  
24 Department has executed rebate agreements, grants, or  
25 contracts for energy efficiency measures and provided  
26 supporting documentation for those rebate agreements, grants,

1 and contracts to the utility. The Department is authorized to  
2 adopt any rules necessary and prescribe procedures in order to  
3 ensure compliance by applicants in carrying out the purposes  
4 of rebate agreements for energy efficiency measures  
5 implemented by the Department made under this Section.

6 The details of the measures implemented by the Department  
7 shall be submitted by the Department to the Commission in  
8 connection with the utility's filing regarding the energy  
9 efficiency measures that the utility implements.

10 The portfolio of measures, administered by both the  
11 utilities and the Department, shall, in combination, be  
12 designed to achieve the annual energy savings requirements set  
13 forth in subsection (c) of this Section, as modified by  
14 subsection (d) of this Section.

15 The utility and the Department shall agree upon a  
16 reasonable portfolio of measures and determine the measurable  
17 corresponding percentage of the savings goals associated with  
18 measures implemented by the Department.

19 No utility shall be assessed a penalty under subsection  
20 (f) of this Section for failure to make a timely filing if that  
21 failure is the result of a lack of agreement with the  
22 Department with respect to the allocation of responsibilities  
23 or related costs or target assignments. In that case, the  
24 Department and the utility shall file their respective plans  
25 with the Commission and the Commission shall determine an  
26 appropriate division of measures and programs that meets the

1 requirements of this Section.

2 (e-5) The provisions of this subsection (e-5) shall be  
3 applicable to those multi-year plans that commence after  
4 December 31, 2017. Natural gas utilities shall be responsible  
5 for overseeing the design, development, and filing of their  
6 efficiency plans with the Commission and may outsource  
7 development and implementation of energy efficiency measures.  
8 A minimum of 10% of the entire portfolio of cost-effective  
9 energy efficiency measures shall be procured from local  
10 government, municipal corporations, school districts, and  
11 community college districts. Five percent of the entire  
12 portfolio of cost-effective energy efficiency measures may be  
13 granted to local government and municipal corporations for  
14 market transformation initiatives.

15 The utilities shall also present a portfolio of energy  
16 efficiency measures proportionate to the share of total annual  
17 utility revenues in Illinois from households at or below 150%  
18 of the poverty level. Such programs shall be targeted to  
19 households with incomes at or below 80% of area median income.

20 (e-10) A utility providing approved energy efficiency  
21 measures in this State shall be permitted to recover costs of  
22 those measures through an automatic adjustment clause tariff  
23 filed with and approved by the Commission. The tariff shall be  
24 established outside the context of a general rate case and  
25 shall be applicable to the utility's customers other than the  
26 customers described in subsection (m) of this Section. Each



1 year the Commission shall initiate a review to reconcile any  
2 amounts collected with the actual costs and to determine the  
3 required adjustment to the annual tariff factor to match  
4 annual expenditures.

5 (e-15) For those multi-year plans that commence prior to  
6 January 1, 2018, each utility shall include, in its recovery  
7 of costs, the costs estimated for both the utility's and the  
8 Department's implementation of energy efficiency measures.  
9 Costs collected by the utility for measures implemented by the  
10 Department shall be submitted to the Department pursuant to  
11 Section 605-323 of the Civil Administrative Code of Illinois,  
12 shall be deposited into the Energy Efficiency Portfolio  
13 Standards Fund, and shall be used by the Department solely for  
14 the purpose of implementing these measures. A utility shall  
15 not be required to advance any moneys to the Department but  
16 only to forward such funds as it has collected. The Department  
17 shall report to the Commission on an annual basis regarding  
18 the costs actually incurred by the Department in the  
19 implementation of the measures. Any changes to the costs of  
20 energy efficiency measures as a result of plan modifications  
21 shall be appropriately reflected in amounts recovered by the  
22 utility and turned over to the Department.

23 (f) No later than October 1, 2010, each gas utility shall  
24 file an energy efficiency plan with the Commission to meet the  
25 energy efficiency standards through May 31, 2014. No later  
26 than October 1, 2013, each gas utility shall file an energy

1 efficiency plan with the Commission to meet the energy  
2 efficiency standards through May 31, 2017. Beginning in 2017  
3 and every 4 years thereafter, each utility shall file an  
4 energy efficiency plan with the Commission to meet the energy  
5 efficiency standards for the next applicable 4-year period  
6 beginning January 1 of the year following the filing. For  
7 those multi-year plans commencing on January 1, 2018, each  
8 utility shall file its proposed energy efficiency plan no  
9 later than 30 days after the effective date of this amendatory  
10 Act of the 99th General Assembly or May 1, 2017, whichever is  
11 later. Beginning in 2021 and every 4 years thereafter, each  
12 utility shall file its energy efficiency plan no later than  
13 March 1. If a utility does not file such a plan on or before  
14 the applicable filing deadline for the plan, then it shall  
15 face a penalty of \$100,000 per day until the plan is filed.

16 Each utility's plan shall set forth the utility's  
17 proposals to meet the utility's portion of the energy  
18 efficiency standards identified in subsection (c) of this  
19 Section, as modified by subsection (d) of this Section, taking  
20 into account the unique circumstances of the utility's service  
21 territory. For those plans commencing after December 31, 2021,  
22 the Commission shall seek public comment on the utility's plan  
23 and shall issue an order approving or disapproving each plan  
24 within 6 months after its submission. For those plans  
25 commencing on January 1, 2018, the Commission shall seek  
26 public comment on the utility's plan and shall issue an order

1 approving or disapproving each plan no later than August 31,  
2 2017, or 105 days after the effective date of this amendatory  
3 Act of the 99th General Assembly, whichever is later. If the  
4 Commission disapproves a plan, the Commission shall, within 30  
5 days, describe in detail the reasons for the disapproval and  
6 describe a path by which the utility may file a revised draft  
7 of the plan to address the Commission's concerns  
8 satisfactorily. If the utility does not refile with the  
9 Commission within 60 days after the disapproval, the utility  
10 shall be subject to penalties at a rate of \$100,000 per day  
11 until the plan is filed. This process shall continue, and  
12 penalties shall accrue, until the utility has successfully  
13 filed a portfolio of energy efficiency measures. Penalties  
14 shall be deposited into the Energy Efficiency Trust Fund and  
15 the cost of any such penalties may not be recovered from  
16 ratepayers. In submitting proposed energy efficiency plans and  
17 funding levels to meet the savings goals adopted by this Act  
18 the utility shall:

19 (1) Demonstrate that its proposed energy efficiency  
20 measures will achieve the requirements that are identified  
21 in subsection (c) of this Section, as modified by  
22 subsection (d) of this Section.

23 (2) Present specific proposals to implement new  
24 building and appliance standards that have been placed  
25 into effect.

26 (3) Present estimates of the total amount paid for gas

1 service expressed on a per therm basis associated with the  
2 proposed portfolio of measures designed to meet the  
3 requirements that are identified in subsection (c) of this  
4 Section, as modified by subsection (d) of this Section.

5 (4) For those multi-year plans that commence prior to  
6 January 1, 2018, coordinate with the Department to present  
7 a portfolio of energy efficiency measures proportionate to  
8 the share of total annual utility revenues in Illinois  
9 from households at or below 150% of the poverty level.  
10 Such programs shall be targeted to households with incomes  
11 at or below 80% of area median income.

12 (5) Demonstrate that its overall portfolio of energy  
13 efficiency measures, not including low-income programs  
14 described in item (4) of this subsection (f) and  
15 subsection (e-5) of this Section, are cost-effective using  
16 the total resource cost test and represent a diverse cross  
17 section of opportunities for customers of all rate classes  
18 to participate in the programs. Notwithstanding this  
19 requirement, the utilities shall also implement energy  
20 efficiency measures targeted at low-income households,  
21 which, for purposes of this Section, shall be defined as  
22 households at or below 80% of area median income, and the  
23 amount of expenditures in the utilities' annual energy  
24 efficiency program budget to implement these targeted  
25 measures shall be, at a minimum, proportional to the  
26 percentage of low-income customers within the utilities'

1       service territory.

2           (6) Demonstrate that a gas utility affiliated with an  
3       electric utility that is required to comply with Section  
4       8-103 or 8-103B of this Act has integrated gas and  
5       electric efficiency measures into a single program that  
6       reduces program or participant costs and appropriately  
7       allocates costs to gas and electric ratepayers. For those  
8       multi-year plans that commence prior to January 1, 2018,  
9       the Department shall integrate all gas and electric  
10      programs it delivers in any such utilities' service  
11      territories, unless the Department can show that  
12      integration is not feasible or appropriate.

13          (7) Include a proposed cost recovery tariff mechanism  
14      to fund the proposed energy efficiency measures and to  
15      ensure the recovery of the prudently and reasonably  
16      incurred costs of Commission-approved programs.

17          (8) Provide for quarterly status reports tracking  
18      implementation of and expenditures for the utility's  
19      portfolio of measures and, if applicable, the Department's  
20      portfolio of measures, an annual independent review, and a  
21      full independent evaluation of the multi-year results of  
22      the performance and the cost-effectiveness of the  
23      utility's and, if applicable, Department's portfolios of  
24      measures and broader net program impacts and, to the  
25      extent practical, for adjustment of the measures on a  
26      going forward basis as a result of the evaluations. The

1 resources dedicated to evaluation shall not exceed 3% of  
2 portfolio resources in any given multi-year period.

3 (g) No more than 3% of expenditures on energy efficiency  
4 measures may be allocated for demonstration of breakthrough  
5 equipment and devices.

6 (h) Illinois natural gas utilities that are affiliated by  
7 virtue of a common parent company may, at the utilities'  
8 request, be considered a single natural gas utility for  
9 purposes of complying with this Section.

10 (i) If, after 3 years, a gas utility fails to meet the  
11 efficiency standard specified in subsection (c) of this  
12 Section as modified by subsection (d), then it shall make a  
13 contribution to the Low-Income Home Energy Assistance Program.  
14 The total liability for failure to meet the goal shall be  
15 assessed as follows:

16 (1) a large gas utility shall pay \$600,000;

17 (2) a medium gas utility shall pay \$400,000; and

18 (3) a small gas utility shall pay \$200,000.

19 For purposes of this Section, (i) a "large gas utility" is  
20 a gas utility that on December 31, 2008, served more than  
21 1,500,000 gas customers in Illinois; (ii) a "medium gas  
22 utility" is a gas utility that on December 31, 2008, served  
23 fewer than 1,500,000, but more than 500,000 gas customers in  
24 Illinois; and (iii) a "small gas utility" is a gas utility that  
25 on December 31, 2008, served fewer than 500,000 and more than  
26 100,000 gas customers in Illinois. The costs of this

1 contribution may not be recovered from ratepayers.

2 If a gas utility fails to meet the efficiency standard  
3 specified in subsection (c) of this Section, as modified by  
4 subsection (d) of this Section, in any 2 consecutive  
5 multi-year planning periods, then the responsibility for  
6 implementing the utility's energy efficiency measures shall be  
7 transferred to an independent program administrator selected  
8 by the Commission. Reasonable and prudent costs incurred by  
9 the independent program administrator to meet the efficiency  
10 standard specified in subsection (c) of this Section, as  
11 modified by subsection (d) of this Section, may be recovered  
12 from the customers of the affected gas utilities, other than  
13 customers described in subsection (m) of this Section. The  
14 utility shall provide the independent program administrator  
15 with all information and assistance necessary to perform the  
16 program administrator's duties including but not limited to  
17 customer, account, and energy usage data, and shall allow the  
18 program administrator to include inserts in customer bills.  
19 The utility may recover reasonable costs associated with any  
20 such assistance.

21 (j) No utility shall be deemed to have failed to meet the  
22 energy efficiency standards to the extent any such failure is  
23 due to a failure of the Department.

24 (k) Not later than January 1, 2012, the Commission shall  
25 develop and solicit public comment on a plan to foster  
26 statewide coordination and consistency between statutorily

1 mandated natural gas and electric energy efficiency programs  
2 to reduce program or participant costs or to improve program  
3 performance. Not later than September 1, 2013, the Commission  
4 shall issue a report to the General Assembly containing its  
5 findings and recommendations.

6 (l) This Section does not apply to a gas utility that on  
7 January 1, 2009, provided gas service to fewer than 100,000  
8 customers in Illinois.

9 (m) Subsections (a) through (k) of this Section do not  
10 apply to customers of a natural gas utility that have a North  
11 American Industry Classification System code number that is  
12 22111 or any such code number beginning with the digits 31, 32,  
13 or 33 and (i) annual usage in the aggregate of 4 million therms  
14 or more within the service territory of the affected gas  
15 utility or with aggregate usage of 8 million therms or more in  
16 this State and complying with the provisions of item (l) of  
17 this subsection (m); or (ii) using natural gas as feedstock  
18 and meeting the usage requirements described in item (i) of  
19 this subsection (m), to the extent such annual feedstock usage  
20 is greater than 60% of the customer's total annual usage of  
21 natural gas.

22 (1) Customers described in this subsection (m) of this  
23 Section shall apply, on a form approved on or before  
24 October 1, 2009 by the Department, to the Department to be  
25 designated as a self-directing customer ("SDC") or as an  
26 exempt customer using natural gas as a feedstock from



1       which other products are made, including, but not limited  
2       to, feedstock for a hydrogen plant, on or before the 1st  
3       day of February, 2010. Thereafter, application may be made  
4       not less than 6 months before the filing date of the gas  
5       utility energy efficiency plan described in subsection (f)  
6       of this Section; however, a new customer that commences  
7       taking service from a natural gas utility after February  
8       1, 2010 may apply to become a SDC or exempt customer up to  
9       30 days after beginning service. Customers described in  
10      this subsection (m) that have not already been approved by  
11      the Department may apply to be designated a self-directing  
12      customer or exempt customer, on a form approved by the  
13      Department, between September 1, 2013 and September 30,  
14      2013. Customer applications that are approved by the  
15      Department under this amendatory Act of the 98th General  
16      Assembly shall be considered to be a self-directing  
17      customer or exempt customer, as applicable, for the  
18      current 3-year planning period effective December 1, 2013.  
19      Such application shall contain the following:

20           (A) the customer's certification that, at the time  
21           of its application, it qualifies to be a SDC or exempt  
22           customer described in this subsection (m) of this  
23           Section;

24           (B) in the case of a SDC, the customer's  
25           certification that it has established or will  
26           establish by the beginning of the utility's multi-year

1 planning period commencing subsequent to the  
2 application, and will maintain for accounting  
3 purposes, an energy efficiency reserve account and  
4 that the customer will accrue funds in said account to  
5 be held for the purpose of funding, in whole or in  
6 part, energy efficiency measures of the customer's  
7 choosing, which may include, but are not limited to,  
8 projects involving combined heat and power systems  
9 that use the same energy source both for the  
10 generation of electrical or mechanical power and the  
11 production of steam or another form of useful thermal  
12 energy or the use of combustible gas produced from  
13 biomass, or both;

14 (C) in the case of a SDC, the customer's  
15 certification that annual funding levels for the  
16 energy efficiency reserve account will be equal to 2%  
17 of the customer's cost of natural gas, composed of the  
18 customer's commodity cost and the delivery service  
19 charges paid to the gas utility, or \$150,000,  
20 whichever is less;

21 (D) in the case of a SDC, the customer's  
22 certification that the required reserve account  
23 balance will be capped at 3 years' worth of accruals  
24 and that the customer may, at its option, make further  
25 deposits to the account to the extent such deposit  
26 would increase the reserve account balance above the

1 designated cap level;

2 (E) in the case of a SDC, the customer's  
3 certification that by October 1 of each year,  
4 beginning no sooner than October 1, 2012, the customer  
5 will report to the Department information, for the  
6 12-month period ending May 31 of the same year, on all  
7 deposits and reductions, if any, to the reserve  
8 account during the reporting year, and to the extent  
9 deposits to the reserve account in any year are in an  
10 amount less than \$150,000, the basis for such reduced  
11 deposits; reserve account balances by month; a  
12 description of energy efficiency measures undertaken  
13 by the customer and paid for in whole or in part with  
14 funds from the reserve account; an estimate of the  
15 energy saved, or to be saved, by the measure; and that  
16 the report shall include a verification by an officer  
17 or plant manager of the customer or by a registered  
18 professional engineer or certified energy efficiency  
19 trade professional that the funds withdrawn from the  
20 reserve account were used for the energy efficiency  
21 measures;

22 (F) in the case of an exempt customer, the  
23 customer's certification of the level of gas usage as  
24 feedstock in the customer's operation in a typical  
25 year and that it will provide information establishing  
26 this level, upon request of the Department;

1 (G) in the case of either an exempt customer or a  
2 SDC, the customer's certification that it has provided  
3 the gas utility or utilities serving the customer with  
4 a copy of the application as filed with the  
5 Department;

6 (H) in the case of either an exempt customer or a  
7 SDC, certification of the natural gas utility or  
8 utilities serving the customer in Illinois including  
9 the natural gas utility accounts that are the subject  
10 of the application; and

11 (I) in the case of either an exempt customer or a  
12 SDC, a verification signed by a plant manager or an  
13 authorized corporate officer attesting to the  
14 truthfulness and accuracy of the information contained  
15 in the application.

16 (2) The Department shall review the application to  
17 determine that it contains the information described in  
18 provisions (A) through (I) of item (1) of this subsection  
19 (m), as applicable. The review shall be completed within  
20 30 days after the date the application is filed with the  
21 Department. Absent a determination by the Department  
22 within the 30-day period, the applicant shall be  
23 considered to be a SDC or exempt customer, as applicable,  
24 for all subsequent multi-year planning periods, as of the  
25 date of filing the application described in this  
26 subsection (m). If the Department determines that the

1 application does not contain the applicable information  
2 described in provisions (A) through (I) of item (1) of  
3 this subsection (m), it shall notify the customer, in  
4 writing, of its determination that the application does  
5 not contain the required information and identify the  
6 information that is missing, and the customer shall  
7 provide the missing information within 15 working days  
8 after the date of receipt of the Department's  
9 notification.

10 (3) The Department shall have the right to audit the  
11 information provided in the customer's application and  
12 annual reports to ensure continued compliance with the  
13 requirements of this subsection. Based on the audit, if  
14 the Department determines the customer is no longer in  
15 compliance with the requirements of items (A) through (I)  
16 of item (1) of this subsection (m), as applicable, the  
17 Department shall notify the customer in writing of the  
18 noncompliance. The customer shall have 30 days to  
19 establish its compliance, and failing to do so, may have  
20 its status as a SDC or exempt customer revoked by the  
21 Department. The Department shall treat all information  
22 provided by any customer seeking SDC status or exemption  
23 from the provisions of this Section as strictly  
24 confidential.

25 (4) Upon request, or on its own motion, the Commission  
26 may open an investigation, no more than once every 3 years

1 and not before October 1, 2014, to evaluate the  
2 effectiveness of the self-directing program described in  
3 this subsection (m).

4 Customers described in this subsection (m) that applied to  
5 the Department on January 3, 2013, were approved by the  
6 Department on February 13, 2013 to be a self-directing  
7 customer or exempt customer, and receive natural gas from a  
8 utility that provides gas service to at least 500,000 retail  
9 customers in Illinois and electric service to at least  
10 1,000,000 retail customers in Illinois shall be considered to  
11 be a self-directing customer or exempt customer, as  
12 applicable, for the current 3-year planning period effective  
13 December 1, 2013.

14 (n) The applicability of this Section to customers  
15 described in subsection (m) of this Section is conditioned on  
16 the existence of the SDC program. In no event will any  
17 provision of this Section apply to such customers after  
18 January 1, 2020.

19 (o) Utilities' 3-year energy efficiency plans approved by  
20 the Commission on or before the effective date of this  
21 amendatory Act of the 99th General Assembly for the period  
22 June 1, 2014 through May 31, 2017 shall continue to be in force  
23 and effect through December 31, 2017 so that the energy  
24 efficiency programs set forth in those plans continue to be  
25 offered during the period June 1, 2017 through December 31,  
26 2017. Each utility is authorized to increase, on a pro rata

1 basis, the energy savings goals and budgets approved in its  
2 plan to reflect the additional 7 months of the plan's  
3 operation.

4 (Source: P.A. 98-90, eff. 7-15-13; 98-225, eff. 8-9-13;  
5 98-604, eff. 12-17-13; 99-906, eff. 6-1-17.)

6 (220 ILCS 5/8-201) (from Ch. 111 2/3, par. 8-201)  
7 Sec. 8-201.

8 (a) It is the policy of this State that no person should be  
9 denied essential utility service ~~during the winter months~~ due  
10 to financial inability to pay. It is also the policy of this  
11 State that public utilities and prospective and existing  
12 residential ~~heating~~ customers deal with each other in good  
13 faith and fair manner.

14 (b) It is further the policy of this State that public  
15 utilities shall treat qualifying low-income prospective or  
16 existing customers in good faith and in a fair manner to  
17 protect the customers' access to essential utility service, to  
18 set deferred payment arrangements for past due amounts that  
19 are affordable and which shall be based on the customer's  
20 ability to make payments on the past due balance while paying  
21 current bills, and to maximize the opportunity to use  
22 essential utility service without interruption or  
23 disconnection.

24 (Source: P.A. 84-617.)

1 (220 ILCS 5/8-201.10)

2 Sec. 8-201.10. Disconnection and credit and collections  
3 reporting.

4 (a) The Commission shall require all gas, electric, water  
5 and sewer public utilities under its authority to submit an  
6 annual report by May 1, 2022 and every May 1 thereafter,  
7 reporting and making publicly available in executable,  
8 electronic spreadsheet format, by zip code, on the number of  
9 disconnections for nonpayment and reconnections that occurred  
10 in the immediately preceding calendar year, as identified in  
11 subsection (b).

12 (b) Each such public utility shall report to the  
13 Commission by the 15th day of each month and make publicly  
14 available in executable, electronic spreadsheet format the  
15 following information, by zip code, for the immediately  
16 preceding month:

17 (1) the number of customers, by customer class and  
18 type of utility service provided, during each month;

19 (2) the number of customers, by customer class and  
20 type of utility service, receiving disconnection notices  
21 during each month;

22 (3) the number of customers, by customer class and  
23 type of utility service, disconnected for nonpayment  
24 during each month;

25 (4) the number of customers, by customer class and  
26 type of utility service, reconnected because they have



1           paid in full or set up payment arrangements during each  
2           month;

3           (5) the number of new deferred payment agreements, by  
4           customer class and type of utility service, each month;

5           (6) the number of customers, by customer class and  
6           type of utility service, taking service at the beginning  
7           of the month under existing deferred payment arrangements;

8           (7) the number of customers, by customer class and  
9           type of utility service, completing deferred payment  
10          arrangements during the month;

11          (8) the number of payment agreements, by customer  
12          class and type of utility service, that failed during each  
13          month;

14          (9) the number of customers, by customer class and  
15          type of utility service, renegotiating deferred payment  
16          arrangements during the month;

17          (10) the number of customers, by customer class and  
18          type of utility service, assessed late payment fees or  
19          charges during the month;

20          (11) the number of customers, by customer class and  
21          type of utility service, taking service at the beginning  
22          of the month under existing medical payment arrangements;

23          (12) the number of customers, by utility service,  
24          completing medical payment arrangements during the month;

25          (13) the number of customers, by utility service,  
26          enrolling in new medical payment arrangements during the

1 month;

2 (14) the number of customers, by utility service,  
3 renegotiating medical payment arrangements plans during  
4 the month;

5 (15) the number of customers, by customer class and  
6 utility service, with required deposits with the company  
7 at the beginning of the month;

8 (16) the number of customers, by customer class and  
9 utility service, required to submit new deposits or  
10 increased deposits during the month;

11 (17) the number of customers, by customer class and  
12 utility service, whose required deposits were reduced in  
13 part or forgone during the month;

14 (18) the number of customers, by customer class and  
15 utility service, whose deposits were returned in full  
16 during the month;

17 (19) the number of customers, by customer class and  
18 utility service, with past due amounts greater than 30  
19 days past due at the beginning of the month and taking  
20 service at the beginning of the month under existing  
21 deferred payment arrangements;

22 (20) the dollar volume of past due accounts, by  
23 customer class and utility service, for customers with  
24 past due amounts greater than 30 days past due at the  
25 beginning of the month and taking service at the beginning  
26 of the month under existing deferred payment arrangements;

1           (21) the number of customers, by customer class and  
2 utility service, with past due amounts greater than 30  
3 days past due at the beginning of the month and not taking  
4 service at the beginning of the month under existing  
5 deferred payment arrangements; and

6           (22) the dollar volume of past due accounts, by  
7 customer class and utility service, for customers with  
8 past due amounts greater than 30 days past due at the  
9 beginning of the month and not taking service at the  
10 beginning of the month under existing deferred payment  
11 arrangements.

12           (c) The Commission may specify the executable, electronic  
13 spreadsheet format that utilities must adhere to when  
14 submitting the information required by this Section.  
15 Notwithstanding the requirements of this Section, the  
16 Commission may establish an online reporting system and  
17 require each public utility to report using the online  
18 reporting system instead of filing information in executable,  
19 electronic spreadsheet format. The Commission shall make each  
20 monthly report submitted by each public utility publicly  
21 available on its website within 30 days of receipt.

22           (d) The Commission shall, within 30 days of the effective  
23 date of this amendatory Act of the 103rd General Assembly,  
24 open a proceeding that analyzes, by zip code and census tract,  
25 the reporting by public utilities of historical data  
26 concerning customer assistance programs, service

1 disconnections, and debt collection, including: the number of  
2 customers enrolled in customer assistance programs; the number  
3 of service disconnections; the number of service  
4 reconnections; the duration of customer disconnections; the  
5 number of customers in arrears and the total dollar amount  
6 owed and the average amount owed by those customers; and such  
7 other information as the Commission deems appropriate to  
8 promote the public health, safety, and welfare. The Commission  
9 shall make findings and conclusions in an order, with specific  
10 direction to utilities on changes in utility practices needed  
11 to ensure the affordability of rates and uninterrupted access  
12 to essential utility service for financially struggling  
13 customers to the maximum extent possible and consistent with  
14 the Act.

15 (Source: P.A. 102-662, eff. 9-15-21.)

16 (220 ILCS 5/8-201.11 new)

17 Sec. 8-201.11. Qualified low-income customer.

18 (a) Within 60 days after the effective date of this  
19 amendatory act of the 103rd General Assembly, public utilities  
20 shall treat a prospective or existing residential customer  
21 that participates in the programs identified in subsection (b)  
22 as a qualified low-income customer for purposes of this Act.  
23 All rules implemented under this Act shall use the definition  
24 of qualified low-income customer contained in this Section and  
25 include additional criteria only if the additional criteria

1 expand a customer's eligibility for services as a qualified  
2 low-income customer.

3 (b) For purposes of this Act and the rules adopted to  
4 implement this Act, a qualified low-income customers is a  
5 prospective or existing customer who:

6 (1) is a parent or guardian of a child enrolled in Head  
7 Start or who is eligible to receive free or reduced-price  
8 lunches or breakfasts under the federal Child Nutrition  
9 Act of 1966 and under the National School Lunch Act;

10 (2) has received grant assistance for medical services  
11 within the last 12 months;

12 (3) participates in or receives benefits pursuant to  
13 one or more of the following programs:

14 (A) the Women, Infants and Children Nutrition  
15 Program;

16 (B) the Supplemental Nutrition Assistance Program;

17 (C) the Low-Income Home Energy Assistance Program;

18 (D) the Percentage of Income Payment Plan Program;

19 (E) the Federal Temporary Assistance for Needy  
20 Families;

21 (F) the Rental Housing Support Program;

22 (G) the Housing Choice Voucher Program under  
23 Section 8 of the United States Housing Act of 1937;

24 (H) supplemental security income;

25 (I) Medicaid;

26 (J) the federal lifeline service;

1           (K) dependency and indemnity compensation for a  
2           surviving spouse or parents of a veteran; or

3           (L) Social Security disability insurance; or

4           (4) can demonstrate income at or below 80% of area  
5           median income guidelines.

6           (c) To the extent that a public utility cannot obtain  
7           electronic verification of a prospective or existing  
8           customer's participation in the programs identified in  
9           subsection (b) or of low-income status from State or federal  
10           agencies, a public utility shall accept, in either paper or  
11           electronic format, any of the following documentation as proof  
12           that a customer participates in or receives benefits pursuant  
13           to one or more of the qualifying programs:

14           (1) a current or prior year's statement of benefits  
15           from a qualifying program or a notice or letter of  
16           participation in a qualifying program;

17           (2) program participation documents, or other official  
18           documents, demonstrating that the customer, the customer's  
19           dependents, or the customer's household receives benefits  
20           from a qualifying program;

21           (3) the prior year's State, federal, or tribal tax  
22           return;

23           (4) a current income statement from an employer or a  
24           paycheck stub;

25           (5) a Social Security statement of benefits;

26           (6) a federal Veterans Affairs statement of benefits;

1           (7) a retirement or pension statement of benefits;

2           (8) an unemployment or workers' compensation statement  
3           of benefits;

4           (9) a federal or tribal notice letter of participation  
5           in general assistance from the federal Temporary  
6           Assistance for Needy Families; or

7           (10) a divorce decree, child support award, or other  
8           official document containing income information.

9           (d) A public utility may communicate with State and  
10          federal benefits agencies and with qualified community-based  
11          organizations, such as community action agencies, public  
12          housing authorities, or community development corporations, to  
13          verify that a prospective or existing customer is a qualified  
14          low-income customer and may utilize electronic and information  
15          technology to verify that a prospective or existing customer  
16          is a qualified low-income customer in place of documentation  
17          provided by the customer.

18          (e) A public utility shall verify a customer as a  
19          qualified low-income customer as soon as practicable. A public  
20          utility shall not disconnect a customer's utility service or  
21          engage in any other collection activities during the  
22          verification process.

23          (f) Notwithstanding any other provision of this Act,  
24          nothing in this Section shall prohibit a utility from  
25          accepting a customer's self-certification that the customer  
26          qualifies for low-income customer status for the purpose of

1 establishing eligibility for programs and protections  
2 identified in this Act. A utility shall not be obligated to  
3 conduct an independent authentication of the documentation  
4 provided by the prospective or existing customer pursuant to  
5 subsection (c). A utility shall not be held liable if the  
6 documentation provided by the prospective or existing customer  
7 is determined to be fraudulent.

8 (220 ILCS 5/8-202) (from Ch. 111 2/3, par. 8-202)

9 Sec. 8-202. Any public utility, or two or more public  
10 utilities, which furnishes electricity or gas ~~for space~~  
11 ~~heating~~ shall, in every case in which service may be  
12 terminated or cut off due to nonpayment and to any residential  
13 customer during the calendar months of November, December,  
14 January, February, and March:

15 (a) give written notice of its intention to terminate or  
16 cut off such service or supply for any reason, other than by  
17 request of the customer, to the customer. Such notice shall be  
18 sent by U.S. Mail at least 8 days prior to termination of  
19 service or supply or delivered by other means to the customer 5  
20 days prior to such termination; and

21 (b) deliver written notice of intention to terminate or  
22 cut off such service or supply for any reason, other than by  
23 request of the customer, to the Director of the local  
24 department of public health or, if there is no local  
25 department of public health, then to the township supervisor



1 or, if there is no township supervisor, then to the county  
2 sheriff where the premises receiving such service or supply is  
3 located; and

4 (c) send, by certified mail, prior written notice of its  
5 intention to terminate or cut off such service or supply for  
6 any reason, other than by request of the customer, to the owner  
7 of record and/or the mortgagee of the premises receiving such  
8 service or supply, should the owner of record or mortgagee  
9 make request to the public utility for any such notice.

10 Such notice shall include a prominent notice, within 60  
11 days of the effective date of this amendatory act of the 103rd  
12 General Assembly, substantially in the same form provided in  
13 Section 8-202.6, stating that customers may be entitled to  
14 accommodations as required by law to preserve service,  
15 including the availability of deferred payment arrangements  
16 and the option to be treated as a qualified low-income  
17 customer, pursuant to Section 8-201.7 and shall be sent by  
18 U.S. Mail at least 14 days prior to termination of service or  
19 supply or delivered by other means to the customer 7 days prior  
20 to such termination.

21 Additionally, consistent with paragraph (1) of subsection  
22 (b) of Section 2 of the Energy Assistance Act, the utility  
23 shall:

24 (i) demonstrate efforts to notify and advise the  
25 customer of weatherization and energy efficiency services  
26 to treat the customers' homes and thereby reduce the

1 customers' bill;

2 (ii) provide the customer with information about  
3 accessing any available financial assistance or other  
4 resources to help reduce the customers' existing  
5 arrearages and monthly utility bill;

6 (iii) notify the customer of options for leveling the  
7 customers' bill; and

8 (iv) provide adequate and accessible written notice in  
9 the appropriate language of its intention to terminate or  
10 cut off such service or supply for any reason, other than  
11 by request of the customer, to the customer.

12 The notice required by paragraphs (b) and (c) of this  
13 Section shall be delivered or mailed at least 24 hours and not  
14 more than 48 hours prior to the termination of service or  
15 supply.

16 Any termination notice delivered or mailed to a customer  
17 shall include a statement advising said customer that the  
18 township supervisor, local department of public health, or  
19 county sheriff, and the owner and/or the mortgagee, if  
20 applicable, will be notified of the termination action at  
21 least 24 hours prior to the termination of service or supply.

22 Nothing in this Act shall be construed to limit the power  
23 of the Commission to adopt other rules and regulations  
24 pursuant to service termination notices consistent with this  
25 Act.

26 No public official to whom notice is given pursuant to

1 subparagraph (b) of this Section shall be liable for death,  
2 injury or damages resulting from cut-off of electricity or gas  
3 service or supply.

4 (Source: P.A. 84-617.)

5 (220 ILCS 5/8-202.5 new)

6 Sec. 8-202.5. Deferred payment arrangements.

7 (a) If a prospective or existing customer of a public  
8 utility has past due arrearages, the public utility may  
9 provide the customer a prominent notice, substantially in the  
10 same form provided in Section 8-202.6, stating that the  
11 customer may be entitled to accommodation as required by law  
12 to pay the amounts past due and to preserve utility service,  
13 including the availability of deferred payment arrangements  
14 and the option to be treated as a qualified low-income  
15 customer pursuant to Section 8-201.11. Notice shall be sent by  
16 U.S. Mail. In addition to the written notice, if a prospective  
17 or existing customer contacts the utility about a past due  
18 bill or inability to pay, the utility shall notify the  
19 customer of the option to become a qualified low-income  
20 customer pursuant to Section 8-201.11.

21 (b) The utility shall offer a deferred payment arrangement  
22 to any prospective or existing residential customer who has a  
23 past due amount for utility service to retire the debt. Every  
24 deferred payment arrangement shall be determined by both the  
25 utility and the customer receiving residential utility service

1 and shall be designed to reflect each customer's particular  
2 financial circumstances. The utility has an affirmative  
3 obligation to take into account the customer's ability to  
4 successfully complete the deferred payment arrangement, which  
5 shall be based on the customer's ability to make payments on  
6 the past due balance while paying current bills. The customer  
7 shall have the option, when negotiating a deferred payment  
8 arrangement, to include the current month's bill in the total  
9 amount to be paid over the term of the deferred payment  
10 arrangement.

11 (c) The utility shall offer to a prospective or existing  
12 customer who is a qualified low-income customer pursuant to  
13 Section 8-201.11 a deferred payment arrangement with no down  
14 payment, installments as low as \$10 per month, and the option  
15 to enter into a levelized payment plan for the payment of  
16 future bills, or up to 36 months in length, whichever is  
17 longer. If the customer is not eligible to be a qualified  
18 low-income customer, the utility shall not require the  
19 customer to pay as a down payment more than the lesser of \$100  
20 or 10% of the total outstanding bill, unless the customer  
21 expressly offers to pay a larger down payment. The amount of  
22 time negotiated with the customer for the completion of the  
23 deferred payment agreement shall take into account the ability  
24 of the customer to successfully complete the deferred payment  
25 arrangement. The term of the deferred payment arrangement  
26 shall be no less than 12 months, unless the customer expressly

1 agrees to a shorter term.

2 (d) The public utility shall not require a deposit or  
3 charge a fee for entering into, renegotiating, or reinstating  
4 a deferred payment arrangement or charge any interest or late  
5 payment charge on deferred payment plan balances or payments  
6 or for reconnecting utility service after disconnection.

7 (e) As a part of establishing a deferred payment  
8 arrangement, the public utility shall have an affirmative  
9 obligation to

10 (1) check a customer's eligibility for qualified low  
11 income status;

12 (2) determine if weatherization or energy efficiency  
13 services were offered to the customer eligible for such  
14 services and direct the customer to a telephone number and  
15 website at which the customer can request said services;

16 (3) offer information about grants or other available  
17 bill and arrearage payment supports, including programs  
18 offered under the Energy Assistance Act; and

19 (4) offer the customer the opportunity to evaluate the  
20 effectiveness of a levelized bill.

21 (f) No later than 10 business days after the utility and  
22 the customer have reached a mutually agreeable deferred  
23 payment arrangement, the utility shall provide a written  
24 statement to the customer that includes the terms of the  
25 deferred payment arrangement, including: (i) the date the  
26 payment is due; (ii) the amount of the down payment, if any;

1 (iii) the amount of the monthly installment; (iv) the length  
2 of the deferred payment arrangement, in months; and (v) the  
3 date the final payment is due.

4 (g) A qualified low-income customer who has failed to  
5 complete a previous deferred payment arrangement shall be  
6 entitled to enter into a new or renegotiated deferred payment  
7 arrangement. The amount of time negotiated with the customer  
8 for the completion of a new deferred payment agreement shall  
9 take into account the ability of the customer's financial  
10 circumstances and to successfully complete the deferred  
11 payment arrangement, notwithstanding the terms of any earlier  
12 agreement.

13 (h) A customer whose financial circumstances change during  
14 the course of a deferred payment agreement shall be allowed to  
15 renegotiate the installment amounts and length of the deferred  
16 payment arrangement with the utility in accordance with this  
17 Section to ensure the successful completion of the deferred  
18 payment arrangement. The amount of time negotiated with the  
19 customer for the completion of the deferred payment agreement  
20 shall take into account the ability of the customer's  
21 financial circumstances and to successfully complete the  
22 deferred payment arrangement, notwithstanding any earlier  
23 agreement.

24 (i) No public utility shall require a deposit from a  
25 prospective or existing customer to obtain or continue service  
26 or as a condition of a deferred payment arrangement.

1       (j) Each public utility shall develop written procedures  
2 for evaluating the financial need of a customer or applicant,  
3 to be reviewed by the Commission for ensuring the confidential  
4 handling of such information, for arriving at fair and  
5 reasonable payment terms consistent with this Section, and for  
6 training its personnel. Such plans, including customer service  
7 representative scripts to be used by the utilities in  
8 providing these requirements, shall be filed with the Office  
9 of the Attorney General and the Commission. The Commission  
10 shall have a duty to develop guidelines for the utilities'  
11 development of written procedures.

12       (220 ILCS 5/8-202.6 new)

13       Sec. 8-202.6. Required notice to residential customers.

14       (a) Within 60 days of the effective date of this  
15 amendatory Act of the 103rd General Assembly, every public  
16 utility shall include the notice specified in subsection (b)  
17 at least twice every year to every residential customer and  
18 shall include the notice specified in subsection (b) in every  
19 bill with an amount past due and in every notice of  
20 disconnection. The Commission shall ensure that its rules and  
21 all notices required in its rules reflect the provisions of  
22 this amendatory Act of the 103rd General Assembly. The notice  
23 specified in subsection (b) is in addition to other customer  
24 notices required by the Commission.

25       (b) The notice required in subsection (a) shall be

1 substantially in the following form, in at least 12-point  
2 font:

3 "IF YOU CANNOT PAY YOUR ENTIRE BILL NOW OR ARE FACING  
4 DISCONNECTION, SEE IMPORTANT PROTECTIONS BELOW:

5 All residential customers are eligible for certain  
6 protections to maintain their utility service. If you  
7 have amounts past due or are in danger of  
8 disconnection, your utility must first (i) check your  
9 eligibility for low-income customer status to see if  
10 you qualify for certain protections and rights under  
11 the Act; (ii) provide specific information about  
12 financial assistance programs offered by the utility  
13 and that are available under the Energy Assistance  
14 Act; (iii) provide information about accessing energy  
15 efficiency programs offered by the State and the  
16 utility, including weatherization services; and (iv)  
17 provide the opportunity for new bill payment due  
18 dates, levelized billing, and a deferred payment  
19 arrangement pursuant to Section 202.5 of the Public  
20 Utilities Act. The utility cannot discontinue your  
21 service unless it has offered you a deferred payment  
22 arrangement that is designed to reflect your specific  
23 financial circumstances. The utility cannot charge you  
24 a deposit to maintain your utility service and cannot  
25 charge a fee, interest, or late payment fee or charge  
26 for entering into or renegotiating a plan to repay



1           your past due balance.

2           If you participate in or receive benefits from one  
3 of the programs listed below, you may be eligible for  
4 financial assistance and are eligible for a deferred  
5 payment arrangement with no down payment, installments  
6 as low as \$10 per month, no less than 12 months to pay  
7 off the past due balance, and the option to enter into  
8 a levelized payment plan (budget billing) for the  
9 payment of future bills.

10           If you do not qualify as a low-income customer,  
11 the utility shall not require you to make a down  
12 payment of more than the lesser of \$100 or 10% of the  
13 total outstanding bill and no less than 12 months to  
14 pay off the past due balance unless you expressly  
15 agree to pay a larger down payment or agree to a  
16 shorter term. You may also enter into a levelized  
17 payment plan (budget billing) for the payment of  
18 future bills.

19           You are a qualified low-income customer if you or  
20 a household member participate in or receive benefits  
21 from one of the following programs:

22                   (1) Women, Infants and Children Nutrition  
23 Program (WIC);

24                   (2) Supplemental Nutrition Assistance Program  
25 (SNAP);

26                   (3) A free school breakfast and lunch program;

- 1                   (4) Head Start;  
2                   (5) Low-Income Home Energy Assistance Program  
3                   (LIHEAP);  
4                   (6) Percentage of Income Payment Plan (PIPP);  
5                   (7) Temporary Assistance for Needy Families  
6                   (TANF);  
7                   (8) Illinois Housing Development Authority's  
8                   Rental Housing Support Program;  
9                   (9) Federal public housing assistance (Section  
10                   8);  
11                   (10) Supplemental Security Income (SSI);  
12                   (11) Medicaid;  
13                   (12) Federal telephone lifeline service; or  
14                   (13) Dependency and Indemnity Compensation  
15                   (DIC) for a surviving spouse or parents of a  
16                   veteran.  
17                   You are also a qualified low-income customer if  
18                   you:  
19                   (1) have received grant assistance for medical  
20                   services within the last 12 months; or  
21                   (2) can demonstrate income at or below 80% of  
22                   area median income."

23                   (220 ILCS 5/8-202.7 new)

24                   Sec. 8-202.7. Medical certification; prohibition on  
25                   disconnection.

1       (a) A utility shall not disconnect service to a residence  
2 upon receipt of a valid medical certificate for a resident of a  
3 customer household for the duration of the medical condition  
4 in cases of certified medical necessity and provide an  
5 opportunity for the customer to retire past due amounts by  
6 periodic installments under an automatic medical payment  
7 arrangement commencing after 30 days.

8       (b) Certification may be made by either a licensed  
9 physician, nurse practitioner, physician assistant,  
10 psychiatrist, psychologist, social services representative,  
11 law enforcement official, or a local board of health.

12       (c) A utility shall certify a medical certificate  
13 protection from disconnection, initially, by phone call, and  
14 then through written notification provided within 10 days  
15 after an initial certification by phone call. A utility shall  
16 not reject any certification complying with the requirements  
17 provided in this subsection and subsection (b). A utility  
18 seeking to challenge a submitted medical certificate shall  
19 file a petition with the Commission that states the reasons  
20 why the certificate should be invalidated. The burden of  
21 proving a challenge to the validity of the medical certificate  
22 shall be on the utility with service of the petition provided  
23 to the certificated customer. Notice and an opportunity to  
24 appear before the Commission shall be provided to the customer  
25 referenced in the utility petition. The Commission may  
26 establish rules consistent with these provisions. When a valid

1 medical certification is provided to the utility up to 14 days  
2 after disconnection, service shall be restored within one day  
3 after the provision of certification.

4 The utility shall not treat the disconnected customer as  
5 an applicant for service for purposes of restoration under a  
6 medical certificate.

7 (d) The certificate shall protect the account from  
8 disconnection for 60 days after the date of certification and  
9 may be renewed every 6 months for the duration of the medical  
10 condition referenced in the certification. If the customer was  
11 disconnected prior to certification, the 60 day period shall  
12 not begin until the utility restores the customer's service.

13 (e) A utility shall notify customers of the serious  
14 illness protection rules when a customer starts service,  
15 annually thereafter, in all collection and disconnection  
16 notices and communications, including telephone communications  
17 by utility customer service representatives with customers and  
18 in any post-disconnection communications, in both English and  
19 any other language used by substantial numbers of the  
20 utility's customers, consistent with the second language  
21 requirements provided in the Commission's rules. A utility  
22 shall act affirmatively to identify medically vulnerable  
23 customers and avoid terminating the customers' service. A  
24 utility shall, at the time of a customer's application and  
25 annually by mailing a preaddressed, postage-paid postcard, ask  
26 the new and existing customer to identify if the household

1 includes a resident who is 65 or older, has children under the  
2 age of 6 in the household, or a disability or an emergency  
3 medical problem. The utility shall solicit customers quarterly  
4 to determine the presence of any life-sustaining equipment in  
5 the household.

6 (220 ILCS 5/8-202.8 new)

7 Sec. 8-202.8. Prohibition on disconnection of medically  
8 vulnerable customers due to financial inability to pay.  
9 Notwithstanding any other provision of this Act, a public  
10 utility shall not disconnect the service of:

11 (1) low-income customers 65 years of age or older due  
12 to inability to afford the monthly bill;

13 (2) low-income customers with children in the  
14 household under the age of 6 due to inability to afford the  
15 monthly bill; and

16 (3) customers who have provided a medical  
17 certification exemption consistent with Section 8-202.7.

18 (220 ILCS 5/8-205) (from Ch. 111 2/3, par. 8-205)

19 Sec. 8-205. (a) Termination of gas and electric utility  
20 service to all residential users, including all tenants of  
21 mastermetered apartment buildings, for nonpayment of bills,  
22 where gas or electricity is used as the only source of space  
23 heating or to control or operate the only space heating  
24 equipment at the residence is prohibited,

1           (1) on any day when the National Weather Service  
2 forecast for the following 24 hours covering the area of  
3 the utility in which the residence is located includes a  
4 forecast that the temperature will be 32 degrees  
5 Fahrenheit or below; or

6           (2) on any day preceding a holiday or a weekend when  
7 such a forecast indicated that the temperature will be 32  
8 degrees Fahrenheit or below during the holiday or weekend.

9           (b) If gas or electricity is used as the only source of  
10 space cooling or to control or operate the only space cooling  
11 equipment at a residence, then a utility with over 100,000  
12 residential customers may not terminate gas or electric  
13 utility service to the residential user, including all tenants  
14 of mastermetersed apartment buildings:

15           (1) on any day when the National Weather Service  
16 forecast for the following 24 hours covering the area of  
17 the utility in which the residence is located includes a  
18 forecast that the temperature or heat index will be 85 ~~95~~  
19 degrees Fahrenheit or above; or

20           (2) on any day preceding or during a holiday or  
21 weekend when a forecast indicates that the temperature or  
22 heat index will be 85 ~~95~~ degrees Fahrenheit or above  
23 during the holiday or weekend.

24 (Source: P.A. 95-772, eff. 8-1-08.)

25 (220 ILCS 5/8-206) (from Ch. 111 2/3, par. 8-206)

1           Sec. 8-206. Winter prohibition on termination for  
2 nonpayment.

3           (a) Notwithstanding any other provision of this Act, no  
4 electric or gas public utility shall disconnect service to any  
5 residential customer or mastermetered apartment building for  
6 nonpayment of a bill ~~or deposit~~ where gas or electricity is  
7 used as the primary source of space heating or is used to  
8 control or operate the primary source of space heating  
9 equipment at the premises during the period of time from  
10 December 1 through and including March 31 of the immediately  
11 succeeding calendar year. Customers with arrearages prior to  
12 December 1 shall be assessed for eligibility as qualified  
13 low-income customers, advised about weatherization and energy  
14 efficiency services, educated about the option of a levelized  
15 bill, and offered a deferred payment arrangement in accordance  
16 with Section 8-202.5. , unless:

17           ~~(1) The utility (i) has offered the customer a~~  
18 ~~deferred payment arrangement allowing for payment of past~~  
19 ~~due amounts over a period of not less than 4 months not to~~  
20 ~~extend beyond the following November and the option to~~  
21 ~~enter into a levelized payment plan for the payment of~~  
22 ~~future bills. The maximum down payment requirements shall~~  
23 ~~not exceed 10% of the amount past due and owing at the time~~  
24 ~~of entering into the agreement; and (ii) has provided the~~  
25 ~~customer with the names, addresses and telephone numbers~~  
26 ~~of governmental and private agencies which may provide~~

1 ~~assistance to customers of public utilities in paying~~  
2 ~~their utility bills; the utility shall obtain the approval~~  
3 ~~of an agency before placing the name of that agency on any~~  
4 ~~list which will be used to provide such information to~~  
5 ~~customers;~~

6 ~~(2) The customer has refused or failed to enter into a~~  
7 ~~deferred payment arrangement as described in paragraph (1)~~  
8 ~~of this subsection (a); and~~

9 ~~(3) All notice requirements as provided by law and~~  
10 ~~rules or regulations of the Commission have been met.~~

11 (b) (Blank). ~~Prior to termination of service for any~~  
12 ~~residential customer or mastermeters apartment building~~  
13 ~~during the period from December 1 through and including March~~  
14 ~~31 of the immediately succeeding calendar year, all electric~~  
15 ~~and gas public utilities shall, in addition to all other~~  
16 ~~notices:~~

17 ~~(1) Notify the customer or an adult residing at the~~  
18 ~~customer's premises by telephone, a personal visit to the~~  
19 ~~customer's premises or by first class mail, informing the~~  
20 ~~customer that:~~

21 ~~(i) the customer's account is in arrears and the~~  
22 ~~customer's service is subject to termination for~~  
23 ~~nonpayment of a bill;~~

24 ~~(ii) the customer can avoid disconnection of~~  
25 ~~service by entering into a deferred payment agreement~~  
26 ~~to pay past due amounts over a period not to extend~~



1 ~~beyond the following November and the customer has the~~  
2 ~~option to enter into a levelized payment plan for the~~  
3 ~~payment of future bills;~~

4 ~~(iii) the customer may apply for any available~~  
5 ~~assistance to aid in the payment of utility bills from~~  
6 ~~any governmental or private agencies from the list of~~  
7 ~~such agencies provided to the customer by the utility.~~

8 ~~Provided, however, that a public utility shall be~~  
9 ~~required to make only one such contact with the customer~~  
10 ~~during any such period from December 1 through and~~  
11 ~~including March 31 of the immediately succeeding calendar~~  
12 ~~year.~~

13 ~~(2) Each public utility shall maintain records which~~  
14 ~~shall include, but not necessarily be limited to, the~~  
15 ~~manner by which the customer was notified and the time,~~  
16 ~~date and manner by which any prior but unsuccessful~~  
17 ~~attempts to contact were made. These records shall also~~  
18 ~~describe the terms of the deferred payment arrangements~~  
19 ~~offered to the customer and those entered into by the~~  
20 ~~utility and customers. These records shall indicate the~~  
21 ~~total amount past due, the down payment, the amount~~  
22 ~~remaining to be paid and the number of months allowed to~~  
23 ~~pay the outstanding balance. No public utility shall be~~  
24 ~~required to retain records pertaining to unsuccessful~~  
25 ~~attempts to contact or deferred payment arrangements~~  
26 ~~rejected by the customer after such customer has entered~~

1 ~~into a deferred payment arrangement with such utility.~~

2 (c) (Blank). ~~No public utility shall disconnect service~~  
3 ~~for nonpayment of a bill until the lapse of 6 business days~~  
4 ~~after making the notification required by paragraph (1) of~~  
5 ~~subsection (b) so as to allow the customer an opportunity to:~~

6 ~~(1) Enter into a deferred payment arrangement and the~~  
7 ~~option to enter into a levelized payment plan for the~~  
8 ~~payment of future bills.~~

9 ~~(2) Contact a governmental or private agency that may~~  
10 ~~provide assistance to customers for the payment of public~~  
11 ~~utility bills.~~

12 (d) Any residential customer who enters into a deferred  
13 payment arrangement pursuant to this Act, and subsequently  
14 during that period of time set forth in subsection (a) becomes  
15 subject to termination, shall be given notice as required by  
16 law and any rule or regulation of the Commission prior to  
17 termination of service. A residential customer shall also be  
18 offered the opportunity to renegotiate a deferred payment  
19 arrangement in accordance with Section 8-202.5 to avoid  
20 termination of service.

21 (e) (Blank). ~~During that time period set forth in~~  
22 ~~subsection (a), a utility shall not require a down payment for~~  
23 ~~a deposit from a residential customer in excess of 20% of the~~  
24 ~~total deposit requested. An additional 4 months shall be~~  
25 ~~allowed to pay the remainder of the deposit. This provision~~  
26 ~~shall not apply to mastermeters apartment buildings or other~~

1 ~~nonresidential customers.~~

2 (f) (Blank). ~~During that period of time set forth in~~  
3 ~~subsection (a), no utility may refuse to offer a deferred~~  
4 ~~payment agreement to a residential customer who has defaulted~~  
5 ~~on such an agreement within the past 12 months. However, no~~  
6 ~~utility shall be required to enter into more than one deferred~~  
7 ~~payment arrangement under this Section with any residential~~  
8 ~~customer or mastermeters apartment building during the period~~  
9 ~~from December 1 through and including March 31 of the~~  
10 ~~immediately succeeding calendar year.~~

11 (g) In order to enable customers to take advantage of  
12 energy assistance programs, customers who can demonstrate that  
13 their applications for a local, state or federal energy  
14 assistance program have been approved may request that the  
15 amount they will be entitled to receive as a regular energy  
16 assistance payment be deducted and set aside from the amount  
17 past due on which they make deferred payment arrangements.  
18 Payment on the set-aside amount shall be credited when the  
19 energy assistance voucher or check is received, according to  
20 the utility's common business practice.

21 (h) In no event shall any utility send a final notice to  
22 any customer who has entered into a current deferred payment  
23 agreement and has not defaulted on that deferred payment  
24 agreement, ~~unless the final notice pertains to a deposit~~  
25 ~~request.~~

26 (i) (Blank). ~~Each utility shall include with each~~

~~1 disconnection notice sent during the period for December 1  
2 through and including March 31 of the immediately succeeding  
3 calendar year to a residential customer an insert explaining  
4 the above provisions and providing a telephone number of the  
5 utility company which the consumer may call to receive further  
6 information.~~

7 (j) Each utility shall file with the Commission prior to  
8 December 1 of each year a plan detailing the implementation of  
9 this Section. This plan shall contain, but not be limited to:

10 (1) a description of the methods to be used to notify  
11 residential customers as required in this Section,  
12 including the forms of written and oral notices which  
13 shall be required to include all the information contained  
14 in subsection (b) of this Section.

15 (2) a listing of the names, addresses and telephone  
16 numbers of governmental and private agencies which may  
17 provide assistance to residential customers in paying  
18 their utility bills.

19 (3) the program of employee education and information  
20 which shall be used by the company in the implementation  
21 of this Section.

22 (4) a description of methods to be utilized to inform  
23 residential customers of those governmental and private  
24 agencies and current and planned methods of cooperation  
25 with those agencies to identify the customers who qualify  
26 for assistance in paying their utility bills.

1           A utility which has a plan on file with the Commission need  
2 not resubmit a new plan each year. However, any alteration of  
3 the plan on file must be submitted and approved prior to  
4 December 1 of any year.

5           All plans are subject to review and approval by the  
6 Commission. The Commission may direct a utility to alter its  
7 plan to comply with the requirements of this Section.

8           (k) Notwithstanding any other provision of this Act, no  
9 electric or gas public utility shall disconnect service to any  
10 residential customer who is a participant under Section 6 of  
11 the Energy Assistance Act or is a qualified low-income  
12 customer for nonpayment of a bill or deposit where gas or  
13 electricity is used as the primary source of space heating or  
14 is used to control or operate the primary source of space  
15 heating equipment at the premises during the period of time  
16 from December 1 through and including March 31 of the  
17 immediately succeeding calendar year.

18           (l) Notwithstanding any other provision of this Act, no  
19 electric or gas public utility shall disconnect service to any  
20 residential customer who has notified the utility that he or  
21 she is a service member or veteran for nonpayment of a bill or  
22 deposit where gas or electricity is used as the primary source  
23 of space heating or is used to control or operate the primary  
24 source of space heating equipment at the premises during the  
25 period of time from December 1 through and including March 31  
26 of the immediately succeeding calendar year.

1 (Source: P.A. 97-77, eff. 1-1-12.)

2 (220 ILCS 5/8-207) (from Ch. 111 2/3, par. 8-207)

3 Sec. 8-207. Former residential customer.

4 (a) Any former residential customer whose gas or electric  
5 service was used to provide or control the primary source of  
6 space heating in the dwelling and whose service is unlawfully  
7 disconnected for nonpayment of a bill ~~or a deposit~~ from  
8 December 1 of the prior winter's heating season through April  
9 1 of the current heating season shall be eligible for  
10 immediate reconnection and a deferred payment arrangement  
11 under the provisions of Section 8-202.5. ~~this Section, subject~~  
12 ~~to the following limitations:~~

13 ~~A utility shall not be required to reconnect service to,~~  
14 ~~and enter into a deferred payment arrangement with, a former~~  
15 ~~customer under the provisions of this Section (1) except~~  
16 ~~between November 1 and April 1 of the current heating season~~  
17 ~~for former customers who do not have applications pending for~~  
18 ~~the program described in Section 6 of the Energy Assistance~~  
19 ~~Act, and except between October 1 and April 1 of the current~~  
20 ~~heating season for all former customers who do have~~  
21 ~~applications pending for the program described in Section 6 of~~  
22 ~~the Energy Assistance Act and who provide proof of application~~  
23 ~~to the utility, (2) in 2 consecutive years, (3) unless that~~  
24 ~~former customer has paid at least 33 1/3% of the amount billed~~  
25 ~~for utility service rendered by that utility subsequent to~~

1 ~~December 1 of the prior year, or (4) in any instance where the~~  
2 ~~utility can show there has been tampering with the utility's~~  
3 ~~wires, pipes, meters (including locking devices), or other~~  
4 ~~service equipment and further shows that the former customer~~  
5 ~~enjoyed the benefit of utility service obtained in the~~  
6 ~~aforesaid manner.~~

7 ~~The terms and conditions of any deferred payment~~  
8 ~~arrangements established by the utility and a former customer~~  
9 ~~shall take into consideration the following factors, based~~  
10 ~~upon information available from current utility records or~~  
11 ~~provided by the former customer:~~

12 ~~(1) the amount past due;~~

13 ~~(2) the former customer's ability to pay;~~

14 ~~(3) the former customer's payment history;~~

15 ~~(4) the reasons for the accumulation of the past due~~  
16 ~~amounts; and~~

17 ~~(5) any other relevant factors relating to the former~~  
18 ~~customer's circumstances.~~

19 ~~After the former customer's eligibility has been~~  
20 ~~established in accordance with the first paragraph of this~~  
21 ~~Section and, upon the establishment of a deferred payment~~  
22 ~~agreement, the former customer shall pay 1/3 of the amount~~  
23 ~~past due (including reconnecting charge, if any) and 1/3 of~~  
24 ~~any deposit required by the utility.~~

25 ~~Upon the payment of 1/3 of the amount past due and 1/3 of~~  
26 ~~any deposit required by the utility, the former customer's~~

1 ~~service shall be reconnected as soon as possible. The company~~  
2 ~~and the former customer shall agree to a payment schedule for~~  
3 ~~the remaining balances which will reasonably allow the former~~  
4 ~~customer to make the payments on the remainder of the deposit~~  
5 ~~and the past due balance while paying current bills during the~~  
6 ~~winter heating season. However, the utility is not obliged to~~  
7 ~~make payment arrangements extending beyond the following~~  
8 ~~November. The utility shall allow the former customer a~~  
9 ~~minimum of 4 months in which to retire the past due balance and~~  
10 ~~3 months in which to pay the remainder of the deposit. The~~  
11 ~~former customer shall also be informed that payment on the~~  
12 ~~amounts past due and the deposit, if any, plus the current~~  
13 ~~bills must be paid by the due date or the customer may face~~  
14 ~~termination of service pursuant to this Section and Section~~  
15 ~~8-206.~~

16 ~~The Commission shall develop rules to govern the~~  
17 ~~reconnection of a former customer who demonstrates a financial~~  
18 ~~inability to meet the requirement of 1/3 of the amount past due~~  
19 ~~and 1/3 of any deposit requested by the utility. The~~  
20 ~~Commission's rules shall establish a means by which the former~~  
21 ~~customer's utility service may be reconnected through the~~  
22 ~~payment of a reasonable amount and upon entering into a~~  
23 ~~deferred payment agreement.~~

24 ~~Any payment agreement made shall be in writing, with a~~  
25 ~~copy provided to the former customer. The renegotiation and~~  
26 ~~reinstatement of a customer and the establishment of a budget~~



1 ~~payment plan shall be pursuant to rules established by the~~  
2 ~~Commission.~~

3 ~~Not later than September 15 of each year, every gas and~~  
4 ~~electric utility shall conduct a survey of all former~~  
5 ~~residential customers whose gas or electric service was used~~  
6 ~~to provide or control the primary source of space heating in~~  
7 ~~the dwelling and whose gas or electric service was terminated~~  
8 ~~for nonpayment of a bill or deposit from December 1 of the~~  
9 ~~previous year to September 15 of that year and where service at~~  
10 ~~that premises has not been restored. Not later than October 1~~  
11 ~~of each year the utility shall notify each of these former~~  
12 ~~customers that the gas or electric service will be restored by~~  
13 ~~the company for the coming heating season if the former~~  
14 ~~customer contacts the utility and makes arrangements with the~~  
15 ~~utility for reconnection of service under the conditions set~~  
16 ~~forth in this Section. A utility shall notify the former~~  
17 ~~customer or an adult member of the household by personal~~  
18 ~~visit, telephone contact or mailing of a letter by first class~~  
19 ~~mail to the last known address of that former customer. The~~  
20 ~~utility shall keep records which would indicate the date, form~~  
21 ~~and the results of such contact.~~

22 ~~Each gas and electric utility which has former customers~~  
23 ~~affected by this Section shall file reports with the~~  
24 ~~Commission providing such information as the Commission may~~  
25 ~~deem appropriate. The Commission shall notify each gas and~~  
26 ~~electric utility prior to August 1 of each year concerning the~~

1 ~~information which is to be included in the report for that~~  
2 ~~year.~~

3 (b) In no event shall any actions taken by a utility in  
4 compliance with this Section be deemed to abrogate or in any  
5 way interfere with the utility's rights to pursue the normal  
6 collection processes otherwise available to it.

7 ~~The Commission shall promulgate rules to implement this~~  
8 ~~Section.~~

9 (Source: P.A. 92-690, eff. 7-18-02.)

10 (220 ILCS 5/8-207.5 new)

11 Sec. 8-207.5. Smart meter reconnection. A public utility  
12 shall not charge a residential reconnection charge to a  
13 customer who receives service through a smart meter.

14 (220 ILCS 5/8-209)

15 Sec. 8-209. Utility credit reporting. A public utility  
16 shall not report a customer to a credit reporting agency for  
17 non-payment or late payment of an outstanding utility bill. ~~¶¶~~  
18 ~~a public utility reports a customer to a credit reporting~~  
19 ~~agency for non-payment of an outstanding utility bill, then a~~  
20 ~~public utility shall notify the credit reporting agency within~~  
21 ~~5 business days of any full payment made with certified funds~~  
22 ~~or cash. For the purposes of this amendatory Act of the 97th~~  
23 ~~General Assembly, certified funds means instruments that are~~  
24 ~~guaranteed by the issuing institution or have cleared the~~

1 ~~issuing institution.~~

2 (Source: P.A. 97-821, eff. 1-1-13.)

3 (220 ILCS 5/9-229)

4 Sec. 9-229. Consideration of attorney and expert  
5 compensation as an expense and intervenor compensation fund.

6 (a) The Commission shall specifically assess the justness  
7 and reasonableness of any amount expended by a public utility  
8 to compensate attorneys or technical experts to prepare and  
9 litigate a general rate case filing. This issue shall be  
10 expressly addressed in the Commission's final order. Expenses  
11 related to travel or meals shall not be compensable through a  
12 utility's rates.

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,  
18 equity, affordability, access, safety, or other policies  
19 ~~matters~~ affecting the pricing, rates, costs, charges, or  
20 other policies ~~charges~~ associated with utility service,  
21 the Commission considers and makes findings on an issue  
22 raised by a consumer interest representative ~~adopts a~~  
23 ~~material recommendation~~ related to a significant issue in  
24 the docket, and participation caused the consumer interest  
25 representative to incur a significant expenses ~~financial~~  
26 ~~hardship to the participant;~~ however, no consumer interest

1 representative shall be eligible to receive an award  
2 pursuant to this Section if the consumer interest  
3 representative receives any compensation, funding, or  
4 donations, directly or indirectly, from parties that have  
5 a financial interest in the outcome of the proceeding.

6 (4) Within 30 days after the effective date of this  
7 amendatory Act of the 102nd General Assembly, each utility  
8 that files a request for an increase in rates under  
9 Article IX or Article XVI shall deposit an amount equal to  
10 one half of the rate case attorney and expert expense  
11 allowed by the Commission, but not to exceed \$1,000,000  
12 ~~\$500,000~~, into the fund within 35 days of the date of the  
13 Commission's final Order in the rate case or 20 days after  
14 the denial of rehearing under Section 10-113 of this Act,  
15 whichever is later. The Consumer Intervenor Compensation  
16 Fund shall be used to provide payment to consumer interest  
17 representatives as described in this Section.

18 (5) An electric public utility with 3,000,000 or more  
19 retail customers shall contribute \$450,000 to the Consumer  
20 Intervenor Compensation Fund within 60 days after the  
21 effective date of this amendatory Act of the 102nd General  
22 Assembly. A combined electric and gas public utility  
23 serving fewer than 3,000,000 but more than 500,000 retail  
24 customers shall contribute \$225,000 to the Consumer  
25 Intervenor Compensation Fund within 60 days after the  
26 effective date of this amendatory Act of the 102nd General

1 Assembly. A gas public utility with 1,500,000 or more  
2 retail customers that is not a combined electric and gas  
3 public utility shall contribute \$225,000 to the Consumer  
4 Intervenor Compensation Fund within 60 days after the  
5 effective date of this amendatory Act of the 102nd General  
6 Assembly. A gas public utility with fewer than 1,500,000  
7 retail customers but more than 300,000 retail customers  
8 that is not a combined electric and gas public utility  
9 shall contribute \$80,000 to the Consumer Intervenor  
10 Compensation Fund within 60 days after the effective date  
11 of this amendatory Act of the 102nd General Assembly. A  
12 gas public utility with fewer than 300,000 retail  
13 customers that is not a combined electric and gas public  
14 utility shall contribute \$20,000 to the Consumer  
15 Intervenor Compensation Fund within 60 days after the  
16 effective date of this amendatory Act of the 102nd General  
17 Assembly. A combined electric and gas public utility  
18 serving fewer than 500,000 retail customers shall  
19 contribute \$20,000 to the Consumer Intervenor Compensation  
20 Fund within 60 days after the effective date of this  
21 amendatory Act of the 102nd General Assembly. A water or  
22 sewer public utility serving more than 100,000 retail  
23 customers shall contribute \$80,000, and a water or sewer  
24 public utility serving fewer than 100,000 but more than  
25 10,000 retail customers shall contribute \$20,000. When  
26 funding in the Consumer Intervenor Compensation Fund is

1 exhausted or insufficient to cover the reasonable expenses  
2 of a consumer interest representative in a proceeding,  
3 then the aforementioned utilities shall contribute the  
4 identical funding amounts provided for under paragraph (5)  
5 to replenish the Fund.

6 (6) (A) Prior to the entry of a Final Order in a  
7 docketed case, the Commission Administrator shall provide  
8 a payment to a consumer interest representative that  
9 demonstrates through a verified application for funding  
10 that the consumer interest representative's participation  
11 or intervention without an award of fees or costs imposes  
12 a significant financial hardship based on a schedule to be  
13 developed by the Commission. The Administrator may require  
14 verification of costs incurred, including statements of  
15 hours spent, as a condition to paying the consumer  
16 interest representative prior to the entry of a Final  
17 Order in a docketed case.

18 (B) If the Commission adopts a ~~material~~ recommendation  
19 related to a significant issue in the docket and  
20 participation caused the consumer interest representative  
21 to incur significant costs ~~a financial hardship to the~~  
22 ~~participant,~~ then the consumer interest representative  
23 shall be allowed payment for some or all of the consumer  
24 interest representative's reasonable attorney's or  
25 advocate's fees, reasonable expert witness fees, and other  
26 reasonable costs of preparation for and participation in a

1 hearing or proceeding. Expenses related to travel or meals  
2 shall not be compensable through the utility's rates.

3 (C) The consumer interest representative shall submit  
4 an itemized request for compensation to the Consumer  
5 Intervenor Compensation Fund, including the advocate's or  
6 attorney's reasonable fee rate, the number of hours  
7 expended, reasonable expert and expert witness fees, and  
8 other reasonable costs for the preparation for and  
9 participation in the hearing and briefing within 30 days  
10 of the Commission's final order after denial or decision  
11 on rehearing, if any.

12 (7) Administration of the Fund.

13 (A) The Consumer Intervenor Compensation Fund is  
14 created as a special fund in the State treasury. All  
15 disbursements from the Consumer Intervenor Compensation  
16 Fund shall be made only upon warrants of the Comptroller  
17 drawn upon the Treasurer as custodian of the Fund upon  
18 vouchers signed by the Executive Director of the  
19 Commission or by the person or persons designated by the  
20 Director for that purpose. The Comptroller is authorized  
21 to draw the warrant upon vouchers so signed. The Treasurer  
22 shall accept all warrants so signed and shall be released  
23 from liability for all payments made on those warrants.  
24 The Consumer Intervenor Compensation Fund shall be  
25 administered by an Administrator that is a person or  
26 entity that is independent of the Commission. The



1 administrator will be responsible for the prudent  
2 management of the Consumer Intervenor Compensation Fund  
3 and for recommendations for the award of consumer  
4 intervenor compensation from the Consumer Intervenor  
5 Compensation Fund. The Commission shall issue a request  
6 for qualifications for a third-party program administrator  
7 to administer the Consumer Intervenor Compensation Fund.  
8 The third-party administrator shall be chosen through a  
9 competitive bid process based on selection criteria and  
10 requirements developed by the Commission. The Illinois  
11 Procurement Code does not apply to the hiring or payment  
12 of the Administrator. All Administrator costs may be paid  
13 for using monies from the Consumer Intervenor Compensation  
14 Fund, but the Program Administrator shall strive to  
15 minimize costs in the implementation of the program.

16 (B) The computation of compensation awarded from the  
17 fund shall take into consideration the market rates paid  
18 to persons of comparable training and experience who offer  
19 similar services, but may not exceed the comparable market  
20 rate for services paid by the public utility as part of its  
21 rate case expense.

22 (C) (1) Recommendations on the award of compensation by  
23 the administrator shall include consideration of whether  
24 the Commission considered and made a finding on an issue  
25 raised by a consumer interest representative to incur  
26 significant expense ~~adopted a material recommendation~~

1 related to a significant issue in the docket, ~~and~~ and whether  
2 participation caused the consumer Interest representative  
3 to incur significant expense, ~~a financial hardship to the~~  
4 ~~participant~~ and the payment of compensation is fair, just,  
5 and reasonable.

6 (2) Recommendations on the award of compensation by  
7 the administrator shall be submitted to the Commission for  
8 approval. Unless the Commission initiates an investigation  
9 within 45 days after the notice to the Commission, the  
10 award of compensation shall be allowed 45 days after  
11 notice to the Commission. Such notice shall be given by  
12 filing with the Commission on the Commission's e-docket  
13 system, and keeping open for public inspection the award  
14 for compensation proposed by the Administrator. The  
15 Commission shall have power, and it is hereby given  
16 authority, either upon complaint or upon its own  
17 initiative without complaint, at once, and if it so  
18 orders, without answer or other formal pleadings, but upon  
19 reasonable notice, to enter upon a hearing concerning the  
20 propriety of the award.

21 (c) The Commission may adopt rules to implement this  
22 Section.

23 (Source: P.A. 102-662, eff. 9-15-21.)

24 (220 ILCS 5/9-241) (from Ch. 111 2/3, par. 9-241)

25 Sec. 9-241. No public utility shall, as to rates or other

1 charges, services, facilities or in other respect, including  
2 disconnection and other credit and collection policies, make  
3 or grant any preference or advantage to any corporation or  
4 person or subject any corporation or person to any prejudice  
5 or disadvantage. This prohibition does not include  
6 differentiations in rates or policies due to qualified  
7 low-income status as defined in Section 8-201.11. No public  
8 utility shall establish or maintain any unreasonable  
9 difference as to rates or other charges, services, facilities,  
10 or in any other respect, either as between localities or as  
11 between classes of service.

12 However, nothing in this Section shall be construed as  
13 limiting the authority of the Commission to permit the  
14 establishment of economic development rates as incentives to  
15 economic development either in enterprise zones as designated  
16 by the State of Illinois or in other areas of a utility's  
17 service area. Such rates should be available to existing  
18 businesses which demonstrate an increase to existing load as  
19 well as new businesses which creates ~~create~~ new load for a  
20 utility ~~so as to create a more balanced utilization of~~  
21 ~~generating capacity~~. The Commission shall ensure that such  
22 rates are established at a level which provides a net benefit  
23 to customers within a public utility's service area.

24 On or before January 1, 2023, the Commission shall conduct  
25 a comprehensive study to assess whether low-income discount  
26 rates for electric and natural gas residential customers are

1 appropriate and the potential design and implementation of any  
2 such rates. The Commission shall include its findings,  
3 together with the appropriate recommendations, in a report to  
4 be provided to the General Assembly. Upon completion of the  
5 study, the Commission shall have the authority to permit or  
6 require electric and natural gas utilities to file a tariff  
7 establishing low-income discount rates.

8 Such study shall assess, at a minimum, the following:

9 (1) customer eligibility requirements, including  
10 income-based eligibility and eligibility based on  
11 participation in or eligibility for certain public  
12 assistance programs;

13 (2) appropriate rate structures, including  
14 consideration of tiered discounts for different income  
15 levels;

16 (3) appropriate recovery mechanisms, including the  
17 consideration of volumetric charges and customer charges;

18 (4) appropriate verification mechanisms;

19 (5) measures to ensure customer confidentiality and  
20 data safeguards;

21 (6) ~~outreach and~~ consumer education procedures; and

22 (7) the impact that a low-income discount rate would  
23 have on the affordability of delivery service to  
24 low-income customers and customers overall.

25 Following the completion of the discount rate study, the  
26 Commission shall require that electric and gas utilities

1 propose low-income discount rates and associated notice  
2 requirements for customers whose income falls at or below 80%  
3 of area median income and file tariffs to reflect said  
4 discounts with the discounts tiered and decreased as income  
5 increases. The Commission shall review and by order approve,  
6 or approve as modified, the proposed tariff within 11 months  
7 after the date on which it is filed or within the statutory  
8 timeline required by the relevant utility filing.

9 In its review of the tariffs, the Commission shall ensure  
10 recovery of any cost associated with the tariffs be reflected  
11 in the rates charged to all customer classes. The tariff may be  
12 established outside the context of a general rate case filing,  
13 during which time the Commission shall specify the terms of an  
14 audit of the relevant utility practices, programs, and  
15 accounts associated with the delivery of services to  
16 low-income customers. Utility discount rate tariffs shall  
17 apportion the discount to the entire bill, including fixed  
18 charges and taxes.

19 Eligibility for the low-income discount rates described in  
20 this subsection may be established upon verification of a  
21 low-income customer's receipt of any means tested public  
22 benefit, consistent with Section 8-201.11, for verification of  
23 eligibility for the low-income home energy assistance program.  
24 The Department of Commerce and Economic Opportunity may enter  
25 into such contracts and other agreements with local agencies  
26 and utilities as may be necessary for the purpose of

1 establishing eligibility for discount rates so that access to  
2 a specific tiered discount may be established through  
3 application for energy assistance under the Energy Assistance  
4 Act through a community action agency as a part of application  
5 for energy assistance.

6 The Department of Human Services shall make available to  
7 utilities the eligibility guidelines for said public benefit  
8 programs. Utilities shall establish an automated program of  
9 matching customer accounts with lists of recipients of said  
10 means tested public benefit programs, consistent with the  
11 appropriate customer privacy and confidentiality protections  
12 developed by the Commission under this Act. Based on the  
13 results of said matching program, utilities shall  
14 automatically enroll and presumptively provide a low-income  
15 discount rate to eligible customers so identified, subject to  
16 further income delineation relative to tiers in a utility's  
17 discount rate tariff. However, the utility, within 60 days of  
18 said presumptive enrollment, informs any such low-income  
19 customer of the automatic enrollment and all rights and  
20 obligations of a customer under said program, including the  
21 right to provide further information relative to household  
22 income associated with the approved discount tiered rate, or  
23 withdraw from said program without penalty. The automatic  
24 enrollment shall be consistent with the appropriate customer  
25 privacy and confidentiality protections developed by the  
26 Commission under this Act. Each utility shall conduct

1 substantial engagement efforts to make low-income discount  
2 rates available to eligible customers and shall report to the  
3 Commission, at least twice annually, as to its engagement  
4 activities and results.

5 The Commission shall adopt rules requiring utility  
6 companies to produce information, in the form of a mailing,  
7 and other approved methods of distribution, to its consumers,  
8 to inform the consumers of available rebates, discounts,  
9 credits, and other cost-saving mechanisms that can help them  
10 lower the customers' ~~their~~ monthly utility bills, and send out  
11 such information semi-annually, unless otherwise provided by  
12 this Article.

13 Prior to October 1, 1989, no public utility providing  
14 electrical or gas service shall consider the use of solar or  
15 other nonconventional renewable sources of energy by a  
16 customer as a basis for establishing higher rates or charges  
17 for any service or commodity sold to such customer; nor shall a  
18 public utility subject any customer utilizing such energy  
19 source or sources to any other prejudice or disadvantage on  
20 account of such use. No public utility shall without the  
21 consent of the Commission, charge or receive any greater  
22 compensation in the aggregate for a lesser commodity, product,  
23 or service than for a greater commodity, product or service of  
24 like character.

25 The Commission, in order to expedite the determination of  
26 rate questions, or to avoid unnecessary and unreasonable

1 expense, or to avoid unjust or unreasonable discrimination  
2 between classes of customers, or, whenever in the judgment of  
3 the Commission public interest so requires, may, for rate  
4 making and accounting purposes, or either of them, consider  
5 one or more municipalities either with or without the adjacent  
6 or intervening rural territory as a regional unit where the  
7 same public utility serves such region under substantially  
8 similar conditions, and may within such region prescribe  
9 uniform rates for consumers or patrons of the same class.

10 Any public utility, with the consent and approval of the  
11 Commission, may as a basis for the determination of the  
12 charges made by it classify its service according to the  
13 amount used, the time when used, the purpose for which used,  
14 and other relevant factors.

15 (Source: P.A. 102-662, eff. 9-15-21.)

16 (220 ILCS 5/10-103) (from Ch. 111 2/3, par. 10-103)

17 Sec. 10-103. In all proceedings, investigations or  
18 hearings conducted by the Commission, except in the  
19 disposition of matters which the Commission is authorized to  
20 entertain or dispose of on an ex parte basis, any finding,  
21 decision or order made by the Commission shall be based  
22 exclusively on the record for decision in the case and the  
23 public comments recorded on the Commission's website and  
24 orally at the Commission's open meetings, which shall include  
25 only the transcript of testimony and exhibits together with



1 all papers and requests filed in the proceeding, including, in  
2 contested cases, the documents and information described in  
3 Section 10-35 of the Illinois Administrative Procedure Act.

4 The provisions of Section 10-60 of the Illinois  
5 Administrative Procedure Act shall apply in full to Commission  
6 proceedings, including ratemaking cases, any provision of the  
7 Illinois Administrative Procedure Act to the contrary  
8 notwithstanding.

9 The provisions of Section 10-60 shall not apply, however,  
10 to communications between Commission employees who are engaged  
11 in investigatory, prosecutorial or advocacy functions and  
12 other parties to the proceeding, provided that such Commission  
13 employees are still prohibited from communicating on an ex  
14 parte basis, as designated in Section 10-60, directly or  
15 indirectly, with members of the Commission, any administrative  
16 law judge in the proceeding, or any Commission employee who is  
17 or may reasonably be expected to be involved in the decisional  
18 process of the proceeding. Any commissioner, administrative  
19 law judge, or other person who is or may reasonably be expected  
20 to be involved in the decisional process of a proceeding, who  
21 receives, or who makes or knowingly causes to be made, a  
22 communication prohibited by this Section or Section 10-60 of  
23 the Illinois Administrative Procedure Act as modified by this  
24 Section, shall place on the public record of the proceeding  
25 (1) any and all such written communications; (2) memoranda  
26 stating the substance of any and all such oral communications;

1 and (3) any and all written responses and memoranda stating  
2 the substance of any and all oral responses to the materials  
3 described in clauses (1) and (2).

4 The Commission, or any commissioner or administrative law  
5 judge presiding over the proceeding, shall in the event of a  
6 violation of this Section, take whatever action is necessary  
7 to ensure that such violation does not prejudice any party or  
8 adversely affect the fairness of the proceedings, including  
9 dismissing the affected matter.

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

11 (220 ILCS 5/10-108) (from Ch. 111 2/3, par. 10-108)

12 Sec. 10-108. Complaints; notice; parties. Complaint may be  
13 made by the Commission, of its own motion or by any person or  
14 corporation, not-for-profit or community-based organization,  
15 chamber of commerce, board of trade, or any industrial,  
16 commercial, mercantile, agricultural or manufacturing society,  
17 or any body politic or municipal corporation by petition or  
18 complaint in writing, setting forth any act or things done or  
19 omitted to be done in violation, or claimed to be in violation,  
20 of any provision of this Act, or of any order or rule of the  
21 Commission. In the discretion of the Commission, matters  
22 presented by one complaint may be ordered separated, and  
23 matters upon which complaint may be founded may be joined. No  
24 objection shall be sustained to a separation merely because  
25 the matters separated are under the ownership, control or

1 management of the same persons or corporation. No complaint  
2 shall be dismissed because of the absence of direct damage to  
3 the complainant.

4       Upon the filing of a complaint the Commission shall cause  
5 a copy thereof to be served upon the person or corporation  
6 complained of which shall be accompanied by a notice requiring  
7 that the complaint be satisfied and answered within a  
8 reasonable time to be specified by the Commission or within  
9 the discretion of the Commission, by a notice fixing a time  
10 when and place where a hearing will be had upon such complaint.  
11 Notice of the time and place shall also be given to the  
12 complainant and to such other persons as the Commission shall  
13 deem necessary. The Commission shall have authority to hear  
14 and investigate any complaint notwithstanding the fact that  
15 the person or corporation complained of may have satisfied the  
16 complaint.

17       The time fixed for such hearing shall not be less than ten  
18 days after the date of the service of such notice and complaint  
19 except as herein provided. Service in all hearings,  
20 investigations, and proceedings before the Commission may be  
21 made upon any person upon whom a summons may be served in  
22 accordance with the provisions of the Civil Practice Law and  
23 all existing and future amendments thereto and modifications  
24 thereof and the Supreme Court Rules now or hereafter adopted  
25 in relation to that Law, and may be made personally, by  
26 electronic means, or by mailing same in the United States mail

1 in a sealed envelope with postage prepaid. The provisions of  
2 this section as to notice shall apply to all hearings held by  
3 the Commission or under its authority.

4 ~~Any public utility shall have a right to complain on any of~~  
5 ~~the grounds upon which complaints are allowed to be filed by~~  
6 ~~other parties, and the same procedure shall be adopted and~~  
7 ~~followed as in other cases.~~

8 All cities shall have power to appear as complainants or  
9 to make application before the Illinois Commerce Commission  
10 for an inquiry, investigation or hearing relating to the rates  
11 or other charges or services of public utilities within such  
12 city; and in case of any inquiry, investigation or hearing by  
13 or before the Illinois Commerce Commission on any matter  
14 relating to the rates or other charges or services within any  
15 city, the city shall receive written notice not less than ten  
16 days before such inquiry, investigation or hearing, and shall  
17 be entitled to appear and present evidence relating to the  
18 subject matter of such inquiry, investigation or hearing. Such  
19 notice shall be served upon the city clerk.

20 Whenever there shall be filed a complaint under Article IX  
21 of this Act regarding the rates, charges, classifications or  
22 services of a public utility, the Commission shall make and  
23 render findings concerning the subject matter and facts  
24 complained of and enter its order based thereon not later than  
25 one year after the filing of such complaint unless all parties  
26 to the complaint proceeding under Article IX agree to a period

1 of greater than one year, provided that any agreement to  
2 extend the one year period must be in writing and must be for a  
3 specified period of time ~~not exceeding 60 days~~. The parties  
4 may enter into more than one agreement to extend time.

5 In the event that the Commission fails to enter its order  
6 within one year after the filing of the complaint or upon the  
7 expiration of the last agreement to extend time, any party may  
8 file a complaint in the circuit court for an emergency order of  
9 mandamus to direct and compel the Commission to enter its  
10 order within 60 days of the expiration of the one year period  
11 or within 60 days of the expiration of the last agreement to  
12 extend time, and the court shall set a schedule to enable the  
13 Commission to complete the case and enter an order within the  
14 time frame specified herein. Summons upon the complaint shall  
15 be returnable within 5 days. The complaint for an order of  
16 mandamus shall be brought in the circuit in which the subject  
17 matter of the complaint is situated or, if the subject matter  
18 of the hearing is situated in more than one circuit, then in  
19 any one of those circuits.

20 (Source: P.A. 91-341, eff. 7-29-99.)

21 (220 ILCS 5/10-111) (from Ch. 111 2/3, par. 10-111)

22 Sec. 10-111. In any hearing, proceeding, investigation, or  
23 rulemaking conducted by the Commission, the Commission,  
24 commissioner, or administrative law judge presiding, shall,  
25 after the close of evidentiary hearings, prepare a recommended

1 or tentative decision, finding, or order, including a  
2 statement of findings and conclusions and the reasons or basis  
3 therefore, on all the material issues of fact, law, or  
4 discretion presented on the record, including conclusions and  
5 findings that explain how the Commission assessed the  
6 affordability of utility rates for low-income customers in any  
7 general rate increase or tariff filing that impacts utility  
8 rates, the evidence presented in the proceeding relied upon by  
9 the Commission to conclude that the rate or rates approved are  
10 affordable to low-income customers, and how public comments,  
11 both oral and written, were considered and incorporated in the  
12 Commission's conclusions and findings. Such recommended or  
13 tentative decision, finding, or order shall be served on all  
14 parties who shall be entitled to a reasonable opportunity to  
15 respond thereto, either in briefs or comments otherwise to be  
16 filed or separately. The recommended or tentative decision,  
17 finding, or order and any responses thereto shall be included  
18 in the record for decision. This Section shall not apply to any  
19 hearing, proceeding, or investigation conducted under Section  
20 13-515.

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

22 (220 ILCS 5/16-111.8)

23 Sec. 16-111.8. Automatic adjustment clause tariff;  
24 uncollectibles.

25 (a) An electric utility shall be permitted, at its

1 election, to recover through an automatic adjustment clause  
2 tariff the incremental difference between its actual  
3 uncollectible amount as set forth in Account 904 in the  
4 utility's most recent annual FERC Form 1 and the uncollectible  
5 amount included in the utility's rates for the period reported  
6 in such annual FERC Form 1. The Commission may, in a proceeding  
7 to review a general rate case filed subsequent to the  
8 effective date of the tariff established under this Section,  
9 prospectively switch from using the actual uncollectible  
10 amount set forth in Account 904 to using net write-offs in such  
11 tariff, but only if net write-offs are also used to determine  
12 the utility's uncollectible amount in rates. In the event the  
13 Commission requires such a change, it shall be made effective  
14 at the beginning of the first full calendar year after the new  
15 rates approved in such proceeding are first placed in effect  
16 and an adjustment shall be made, if necessary, to ensure the  
17 change does not result in double-recovery or unrecovered  
18 uncollectible amounts for any year. For purposes of this  
19 Section, "uncollectible amount" means the expense set forth in  
20 Account 904 of the utility's FERC Form 1 or cost of net  
21 write-offs as appropriate. In the event the utility's rates  
22 change during the period of time reported in its most recent  
23 annual FERC Form 1, the uncollectible amount included in the  
24 utility's rates during such period of time for purposes of  
25 this Section will be a weighted average, based on revenues  
26 earned during such period by the utility under each set of

1 rates, of the uncollectible amount included in the utility's  
2 rates at the beginning of such period and at the end of such  
3 period. This difference may either be a charge or a credit to  
4 customers depending on whether the uncollectible amount is  
5 more or less than the uncollectible amount then included in  
6 the utility's rates.

7 (b) The tariff may be established outside the context of a  
8 general rate case filing and shall specify the terms of any  
9 applicable audit. The Commission shall review and by order  
10 approve, or approve as modified, the proposed tariff within  
11 180 days after the date on which it is filed. ~~Charges and~~  
12 ~~credits under the tariff shall be allocated to the appropriate~~  
13 ~~customer class or classes. In addition, customers who purchase~~  
14 ~~their electric supply from an alternative retail electric~~  
15 ~~supplier shall not be charged by the utility for uncollectible~~  
16 ~~amounts associated with electric supply provided by the~~  
17 ~~utility to the utility's customers, provided that nothing in~~  
18 ~~this Section is intended to affect or alter the rights and~~  
19 ~~obligations imposed pursuant to Section 16-118 of this Act and~~  
20 ~~any Commission order issued thereunder. Upon approval of the~~  
21 ~~tariff, the utility shall, based on the 2008 FERC Form 1, apply~~  
22 ~~the appropriate credit or charge based on the full year 2008~~  
23 ~~amounts for the remainder of the 2010 calendar year. Starting~~  
24 ~~with the 2009 FERC Form 1 reporting period and each subsequent~~  
25 ~~period, the utility shall apply the appropriate credit or~~  
26 ~~charge over a 12 month period beginning with the June billing~~



1 ~~period and ending with the May billing period, with the first~~  
2 ~~such billing period beginning June 2010.~~

3 (c) The approved tariff shall provide that the utility  
4 shall file a petition with the Commission annually, no later  
5 than August 31st, seeking initiation of an annual review to  
6 reconcile all amounts collected with the actual uncollectible  
7 amount in the prior period. As part of its review, the  
8 Commission shall verify that the utility collects no more and  
9 no less than its actual uncollectible amount in each  
10 applicable FERC Form 1 reporting period, and that the utility  
11 has demonstrated actions to ensure that its rates are  
12 affordable and disconnections have been minimized in order to  
13 preserve the availability of utility services to all  
14 customers, consistent with item (viii) of subsection (d) of  
15 Section 1-102. The Commission shall review the prudence and  
16 reasonableness of the utility's actions to pursue minimization  
17 and collection of uncollectibles and preserve the availability  
18 of utility services to all customers, which shall include, at  
19 a minimum, the 7 ~~6~~ enumerated criteria set forth in this  
20 Section. The Commission shall determine any required  
21 adjustments and may include suggestions for prospective  
22 changes in current practices. ~~Nothing in this Section or the~~  
23 ~~implementing tariffs shall affect or alter the electric~~  
24 ~~utility's existing obligation to pursue collection of~~  
25 ~~uncollectibles or the electric utility's right to disconnect~~  
26 ~~service.~~ A utility that has in effect a tariff authorized by

1 this Section shall pursue minimization of and collection of  
2 uncollectibles through the following activities, including,  
3 but not limited to:

4 (1) (blank); ~~identifying customers with late payments;~~

5 (2) contacting the customers in an effort to obtain  
6 payment;

7 (3) providing financially struggling delinquent  
8 customers with information about opportunities to reduce  
9 the customers' bills through weatherization, energy  
10 efficiency, grants, energy assistance, levelized bills,  
11 and other possible bill-saving options, including payment  
12 plans and assistance programs, and how to reach agencies  
13 and community-based organizations in the communities that  
14 provide assistance;

15 (4) specific action to limit disconnections in zip  
16 code and census tract areas that would otherwise be  
17 disproportionately impacted by the utility's credit and  
18 collection policies, including achievement of  
19 affordability metrics established under Section 16-108.18  
20 ~~servicing disconnection notices;~~

21 (5) community engagement in areas demonstrating higher  
22 than average arrearages to help inform customers about  
23 available assistance programs; ~~implementing~~  
24 ~~disconnections based on the level of uncollectibles; and~~

25 (6) providing shareholder-funded bill payment  
26 assistance funds; ~~pursuing collection activities based on~~

1 ~~the level of uncollectibles.~~

2 (7) demonstrating that the bill payment assistance  
3 funds have aided in the reduction of disconnections; and

4 (8) the offering of a Commission-approved discount  
5 rate tariff, tiered by income level, for customers whose  
6 income falls at or below 80% of area median income or 300%  
7 federal poverty level, whichever is greater, coupled with  
8 an arrearage reduction program that eliminates customer  
9 arrears in ratable proportion for each month that plan  
10 participants timely pay their utility bill.

11 (d) Nothing in this Section shall be construed to require  
12 a utility to immediately disconnect service for nonpayment.

13 (Source: P.A. 96-33, eff. 7-10-09; 96-1000, eff. 7-2-10.)

14 (220 ILCS 5/19-145)

15 Sec. 19-145. Automatic adjustment clause tariff;  
16 uncollectibles.

17 (a) A gas utility shall be permitted, at its election, to  
18 recover through an automatic adjustment clause tariff the  
19 incremental difference between its actual uncollectible amount  
20 as set forth in Account 904 in the utility's most recent annual  
21 Form 21 ILCC and the uncollectible amount included in the  
22 utility's rates for the period reported in such annual Form 21  
23 ILCC. The Commission may, in a proceeding to review a general  
24 rate case filed subsequent to the effective date of the tariff  
25 established under this Section, prospectively switch, from

1 using the actual uncollectible amount set forth in Account 904  
2 to using net write-offs in such tariff, but only if net  
3 write-offs are also used to determine the utility's  
4 uncollectible amount in rates. In the event the Commission  
5 requires such a change, it shall be made effective at the  
6 beginning of the first full calendar year after the new rates  
7 approved in such proceeding are first placed in effect and an  
8 adjustment shall be made, if necessary, to ensure the change  
9 does not result in double-recovery or unrecovered  
10 uncollectible amounts for any year. For purposes of this  
11 Section, "uncollectible amount" means the expense set forth in  
12 Account 904 of the utility's Form 21 ILCC or cost of net  
13 write-offs as appropriate. In the event the utility's rates  
14 change during the period of time reported in its most recent  
15 annual Form 21 ILCC, the uncollectible amount included in the  
16 utility's rates during such period of time for purposes of  
17 this Section will be a weighted average, based on revenues  
18 earned during such period by the utility under each set of  
19 rates, of the uncollectible amount included in the utility's  
20 rates at the beginning of such period and at the end of such  
21 period. This difference may either be a charge or a credit to  
22 customers depending on whether the uncollectible amount is  
23 more or less than the uncollectible amount then included in  
24 the utility's rates.

25 (b) The tariff may be established outside the context of a  
26 general rate case filing, and shall specify the terms of any

1 applicable audit. The Commission shall review and by order  
2 approve, or approve as modified, the proposed tariff within  
3 180 days after the date on which it is filed. Charges and  
4 credits under the tariff shall be allocated to the appropriate  
5 customer class or classes. In addition, customers who do not  
6 purchase their gas supply from a gas utility shall not be  
7 charged by the utility for uncollectible amounts associated  
8 with gas supply provided by the utility to the utility's  
9 customers. Upon approval of the tariff, the utility shall,  
10 based on the 2008 Form 21 ILCC, apply the appropriate credit or  
11 charge based on the full year 2008 amounts for the remainder of  
12 the 2010 calendar year. Starting with the 2009 Form 21 ILCC  
13 reporting period and each subsequent period, the utility shall  
14 apply the appropriate credit or charge over a 12-month period  
15 beginning with the June billing period and ending with the May  
16 billing period, with the first such billing period beginning  
17 June 2010.

18 (c) The approved tariff shall provide that the utility  
19 shall file a petition with the Commission annually, no later  
20 than August 31st, seeking initiation of an annual review to  
21 reconcile all amounts collected with the actual uncollectible  
22 amount in the prior period. As part of its review, the  
23 Commission shall verify that the utility collects no more and  
24 no less than its actual uncollectible amount in each  
25 applicable Form 21 ILCC reporting period, and that the utility  
26 has demonstrated actions to ensure that its rates are

1 affordable and disconnections have been minimized in order to  
2 preserve the availability of utility services to all  
3 customers, consistent with item (viii) of subsection (d) of  
4 Section 1-102. The Commission shall review the prudence and  
5 reasonableness of the utility's actions to pursue minimization  
6 and collection of uncollectibles which shall include, at a  
7 minimum, the 7 ~~6~~ enumerated criteria set forth in this  
8 Section. The Commission shall determine any required  
9 adjustments and may include suggestions for prospective  
10 changes in current practices. ~~Nothing in this Section or the~~  
11 ~~implementing tariffs shall affect or alter the gas utility's~~  
12 ~~existing obligation to pursue collection of uncollectibles or~~  
13 ~~the gas utility's right to disconnect service.~~ A utility that  
14 has in effect a tariff authorized by this Section shall pursue  
15 minimization of and collection of uncollectibles through the  
16 following activities, including but not limited to:

17 (1) (blank); ~~identifying customers with late payments;~~

18 (2) contacting the customers in an effort to obtain  
19 payment;

20 (3) providing delinquent customers with information  
21 about opportunities to reduce the customers' bills through  
22 weatherization, energy efficiency, grants, financial aid,  
23 levelized bills, and other possible bill-saving possible  
24 options, including payment plans and assistance programs,  
25 and how to reach agencies and community-based  
26 organizations in the communities that provide assistance;;

1           (3.5) specific action to limit disconnections in zip  
2           code and census tracts areas that would otherwise be  
3           disproportionately impacted by the utility's credit and  
4           collection policies;

5           (4) community engagement in areas demonstrating higher  
6           than average arrearages to help inform customers about  
7           available assistance programs ~~serving~~disconnection  
8           notices;

9           (5) providing shareholder-funded bill payment  
10           assistance funds; ~~implementing disconnections based on the~~  
11           ~~level of uncollectibles; and~~

12           (6) demonstrating that the bill payment assistance  
13           funds have aided in the reduction of disconnections; and  
14           ~~pursuing collection activities based on the level of~~  
15           ~~uncollectibles.~~

16           (7) the offering of a Commission-approved discount  
17           rate tariff, tiered by income level, for customers whose  
18           income falls at or below 80% of area median income or 300%  
19           federal poverty level, whichever is greater, coupled with  
20           an arrearage reduction program that eliminates customer  
21           arrears in ratable proportion for each month that plan  
22           participants timely pay the participant's utility bill.

23           (d) Nothing in this Section shall be construed to require  
24           a utility to immediately disconnect service for nonpayment.

25           (Source: P.A. 96-33, eff. 7-10-09.)

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## Statutes amended in order of appearance

3 220 ILCS 5/1-102 from Ch. 111 2/3, par. 1-102  
4 220 ILCS 5/3-127 new  
5 220 ILCS 5/4-201 from Ch. 111 2/3, par. 4-201  
6 220 ILCS 5/4-304 from Ch. 111 2/3, par. 4-304  
7 220 ILCS 5/8-101.5  
8 220 ILCS 5/8-103B  
9 220 ILCS 5/8-104  
10 220 ILCS 5/8-201 from Ch. 111 2/3, par. 8-201  
11 220 ILCS 5/8-201.10  
12 220 ILCS 5/8-201.11 new  
13 220 ILCS 5/8-202 from Ch. 111 2/3, par. 8-202  
14 220 ILCS 5/8-202.5 new  
15 220 ILCS 5/8-202.6 new  
16 220 ILCS 5/8-202.7 new  
17 220 ILCS 5/8-202.8 new  
18 220 ILCS 5/8-205 from Ch. 111 2/3, par. 8-205  
19 220 ILCS 5/8-206 from Ch. 111 2/3, par. 8-206  
20 220 ILCS 5/8-207 from Ch. 111 2/3, par. 8-207  
21 220 ILCS 5/8-207.5 new  
22 220 ILCS 5/8-209  
23 220 ILCS 5/9-229  
24 220 ILCS 5/9-241 from Ch. 111 2/3, par. 9-241  
25 220 ILCS 5/10-103 from Ch. 111 2/3, par. 10-103



- 1 220 ILCS 5/10-108 from Ch. 111 2/3, par. 10-108
- 2 220 ILCS 5/10-111 from Ch. 111 2/3, par. 10-111
- 3 220 ILCS 5/16-111.8
- 4 220 ILCS 5/19-145