



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB2786

Introduced 2/16/2023, by Rep. Ann M. Williams

SYNOPSIS AS INTRODUCED:

220 ILCS 5/1-102	from Ch. 111 2/3, par. 1-102
220 ILCS 5/4-304	from Ch. 111 2/3, par. 4-304
220 ILCS 5/4-605	
220 ILCS 5/13-102	from Ch. 111 2/3, par. 13-102
220 ILCS 5/13-103	from Ch. 111 2/3, par. 13-103
220 ILCS 5/13-900	
220 ILCS 5/16-101A	
220 ILCS 5/16-111.2	
220 ILCS 5/16-128	

Amends the Public Utilities Act. Changes references from "citizens" to "consumers" throughout the Act.

LRB103 30267 AMQ 56695 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, 4-304, 4-605, 13-102, 13-103, 13-900, 16-101A,
6 16-111.2, and 16-128 as follows:

7 (220 ILCS 5/1-102) (from Ch. 111 2/3, par. 1-102)

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

19 (a) Efficiency: the provision of reliable energy
20 services at the least possible cost to the consumers
21 ~~citizens~~ of the State; in such manner that:

22 (i) physical, human and financial resources are
23 allocated efficiently;

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

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

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

14 (v) variation in costs by customer class and time
15 of use is taken into consideration in authorizing
16 rates for each class.

17 (b) Environmental Quality: the protection of the
18 environment from the adverse external costs of public
19 utility services so that

20 (i) environmental costs of proposed actions having
21 a significant impact on the environment and the
22 environmental impact of the alternatives are
23 identified, documented and considered in the
24 regulatory process;

25 (ii) the prudently and reasonably incurred costs
26 of environmental controls are recovered.

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

10 (d) Equity: the fair treatment of consumers and
11 investors in order that

12 (i) the public health, safety and welfare shall be
13 protected;

14 (ii) the application of rates is based on public
15 understandability and acceptance of the reasonableness
16 of the rate structure and level;

17 (iii) the cost of supplying public utility
18 services is allocated to those who cause the costs to
19 be incurred;

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

23 (v) regulation allows for orderly transition
24 periods to accommodate changes in public utility
25 service markets;

26 (vi) regulation does not result in undue or

1 sustained adverse impact on utility earnings;
2 (vii) the impacts of regulatory actions on all
3 sectors of the State are carefully weighed;
4 (viii) the rates for utility services are
5 affordable and therefore preserve the availability of
6 such services to all consumers ~~citizens~~.

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

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

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

16 (220 ILCS 5/4-304) (from Ch. 111 2/3, par. 4-304)

17 Sec. 4-304. Beginning in 1986, the Commission shall
18 prepare an annual report which shall be filed by January 31 of
19 each year with the Joint Committee on Legislative Support
20 Services of the General Assembly and the Governor and which
21 shall be publicly available. Such report shall include:

22 (1) A general review of agency activities and changes,
23 including:

24 (a) a review of significant decisions and other
25 regulatory actions for the preceding year, and pending

1 cases, and an analysis of the impact of such decisions
2 and actions, and potential impact of any significant
3 pending cases;

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

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

12 (i) a breakdown by type of case of the cases
13 resolved and filed during the year and of pending
14 cases;

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

21 (iii) a description of current employee
22 levels, identifying any change occurring during
23 the year in the number of employees, personnel
24 policies and practices or compensation levels; and
25 identifying the number and type of employees
26 assigned to each Commission regulatory function

1 and to each department, bureau, section, division
2 or office of the Commission;

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

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

18 (3) A specific discussion of the energy planning
19 responsibilities and activities of the Commission and
20 energy utilities, including:

21 (a) the extent to which conservation,
22 cogeneration, renewable energy technologies and
23 improvements in energy efficiency are being utilized
24 by energy consumers, the extent to which additional
25 potential exists for the economical utilization of
26 such supplies, and a description of existing and

1 proposed programs and policies designed to promote and
2 encourage such utilization;

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

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

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

26 (4) A discussion of the extent to which utility

1 services are available to all Illinois consumers ~~citizens~~
2 including:

3 (a) the percentage and number of persons or
4 households requiring each such service who are not
5 receiving such service, and the reasons therefor,
6 including specifically the number of such persons or
7 households who are unable to afford such service;

8 (b) a critical analysis of existing programs
9 designed to promote and preserve the availability and
10 affordability of utility services; and

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

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

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

25 (b) Commission responsibilities for construction
26 and rate supervision, including construction cost

1 audits, management audits, excess capacity
2 adjustments, phase-ins of new plant and the means and
3 capability for monitoring and reevaluating existing or
4 future construction projects;

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

9 (6) A description of all appeals taken from Commission
10 orders, findings or decisions and the status and outcome
11 of such appeals.

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

16 (8) A discussion of new or potential developments in
17 federal legislation, and federal agency and judicial
18 decisions relevant to State regulation of utility
19 services.

20 (9) All recommendations for appropriate legislative
21 action by the General Assembly.

22 The Commission may include such other information as it
23 deems to be necessary or beneficial in describing or
24 explaining its activities or regulatory responsibilities. The
25 report required by this Section shall be adopted by a vote of
26 the full Commission prior to filing.

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

2 (220 ILCS 5/4-605)

3 Sec. 4-605. Reliability mitigation plan findings. The
4 General Assembly finds that reducing carbon dioxide and
5 copollutant emissions in a manner that does not threaten
6 electric reliability and resource adequacy is essential to the
7 health and safety of all Illinois consumers ~~citizens~~.
8 Therefore, the Commission shall review reliability mitigation
9 plans filed pursuant to Section 9.15 of the Environmental
10 Protection Act to ensure adequate, reliable, affordable,
11 efficient, and environmentally sustainable electric service is
12 available to ratepayers by approving reliability mitigation
13 plans that permit the Illinois Pollution Control Board to
14 enforce emission reductions in a manner that preserves
15 reliability and resource adequacy in wholesale and retail
16 electricity markets.

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

18 (220 ILCS 5/13-102) (from Ch. 111 2/3, par. 13-102)

19 (Section scheduled to be repealed on December 31, 2026)

20 Sec. 13-102. Findings. With respect to telecommunications
21 services, as herein defined, the General Assembly finds that:

22 (a) universally available and widely affordable
23 telecommunications services are essential to the health,
24 welfare and prosperity of all Illinois consumers ~~citizens~~;

1 (b) federal regulatory and judicial rulings in the
2 1980s caused a restructuring of the telecommunications
3 industry and opened some aspects of the industry to
4 competitive entry, thereby necessitating revision of State
5 telecommunications regulatory policies and practices;

6 (c) revisions in telecommunications regulatory
7 policies and practices in Illinois beginning in the
8 mid-1980s brought the benefits of competition to consumers
9 in many telecommunications markets, but not in local
10 exchange telecommunications service markets;

11 (d) the federal Telecommunications Act of 1996
12 established the goal of opening all telecommunications
13 service markets to competition and accords to the states
14 the responsibility to establish and enforce policies
15 necessary to attain that goal;

16 (e) it is in the immediate interest of the People of
17 the State of Illinois for the State to exercise its rights
18 within the new framework of federal telecommunications
19 policy to ensure that the economic benefits of competition
20 in all telecommunications service markets are realized as
21 effectively as possible;

22 (f) the competitive offering of all telecommunications
23 services will increase innovation and efficiency in the
24 provision of telecommunications services and may lead to
25 reduced prices for consumers, increased investment in
26 communications infrastructure, the creation of new jobs,

1 and the attraction of new businesses to Illinois;

2 (g) protection of the public interest requires changes
3 in the regulation of telecommunications carriers and
4 services to ensure, to the maximum feasible extent, the
5 reasonable and timely development of effective competition
6 in all telecommunications service markets;

7 (h) Illinois residents rely on today's modern wired
8 and wireless Internet Protocol (IP) networks and services
9 to improve their lives by connecting them to school and
10 college degrees, work and job opportunities, family and
11 friends, information, and entertainment, as well as
12 emergency responders and public safety officials; Illinois
13 businesses rely on these modern IP networks and services
14 to compete in a global marketplace by expanding their
15 customer base, managing inventory and operations more
16 efficiently, and offering customers specialized and
17 personalized products and services; without question,
18 Illinois residents and our State's economy rely profoundly
19 on the modern wired and wireless IP networks and services
20 in our State;

21 (i) the transition from 20th century traditional
22 circuit switched and other legacy telephone services to
23 modern 21st century next generation Internet Protocol (IP)
24 services is taking place at an extraordinary pace as
25 Illinois consumers are upgrading to home communications
26 service using IP technology, including high speed

1 Internet, Voice over Internet Protocol, and wireless
2 service;

3 (j) this rapid transition to IP-based communications
4 has dramatically transformed the way people communicate
5 and has provided significant benefits to consumers in the
6 form of innovative functionalities resulting from the
7 seamless convergence of voice, video, and text, benefits
8 realized by the General Assembly when it chose to
9 transition its own telecommunications system to an all IP
10 communications network in 2016;

11 (k) the benefits of the transition to IP-based
12 networks and services were also recognized by the General
13 Assembly in 2015 through the enactment of legislation
14 requiring that every 9-1-1 emergency system in Illinois
15 provide Next Generation 9-1-1 service by July 1, 2020, and
16 requiring that the Next Generation 9-1-1 network must be
17 an IP-based platform; and

18 (l) completing the transition to all IP-based networks
19 and technologies is in the public interest because it will
20 promote continued innovation, consumer benefits, increased
21 efficiencies, and increased investment in IP-based
22 networks and services.

23 (Source: P.A. 100-20, eff. 7-1-17.)

24 (220 ILCS 5/13-103) (from Ch. 111 2/3, par. 13-103)

25 (Section scheduled to be repealed on December 31, 2026)

1 Sec. 13-103. Policy. Consistent with its findings, the
2 General Assembly declares that it is the policy of the State of
3 Illinois that:

4 (a) telecommunications services should be available to
5 all Illinois consumers ~~citizens~~ at just, reasonable, and
6 affordable rates and that such services should be provided
7 as widely and economically as possible in sufficient
8 variety, quality, quantity and reliability to satisfy the
9 public interest;

10 (b) consistent with the protection of consumers of
11 telecommunications services and the furtherance of other
12 public interest goals, competition in all
13 telecommunications service markets should be pursued as a
14 substitute for regulation in determining the variety,
15 quality and price of telecommunications services and that
16 the economic burdens of regulation should be reduced to
17 the extent possible consistent with the furtherance of
18 market competition and protection of the public interest;

19 (c) all necessary and appropriate modifications to
20 State regulation of telecommunications carriers and
21 services should be implemented without unnecessary
22 disruption to the telecommunications infrastructure system
23 or to consumers of telecommunications services and that it
24 is necessary and appropriate to establish rules to
25 encourage and ensure orderly transitions in the
26 development of markets for all telecommunications

1 services;

2 (d) the consumers of telecommunications services and
3 facilities provided by persons or companies subject to
4 regulation pursuant to this Act and Article should be
5 required to pay only reasonable and non-discriminatory
6 rates or charges and that in no case should rates or
7 charges for non-competitive telecommunications services
8 include any portion of the cost of providing competitive
9 telecommunications services, as defined in Section 13-209,
10 or the cost of any nonregulated activities;

11 (e) the regulatory policies and procedures provided in
12 this Article are established in recognition of the
13 changing nature of the telecommunications industry and
14 therefore should be subject to systematic legislative
15 review to ensure that the public benefits intended to
16 result from such policies and procedures are fully
17 realized;

18 (f) development of and prudent investment in advanced
19 telecommunications services and networks that foster
20 economic development of the State should be encouraged
21 through the implementation and enforcement of policies
22 that promote effective and sustained competition in all
23 telecommunications service markets; and

24 (g) completion of the transition to modern IP-based
25 networks should be encouraged through relief from the
26 outdated regulations that require continued investment in

1 legacy circuit switched networks from which Illinois
2 consumers have largely transitioned, while at the same
3 time ensuring that consumers have access to available
4 alternative services that provide quality voice service
5 and access to emergency communications.

6 (Source: P.A. 100-20, eff. 7-1-17.)

7 (220 ILCS 5/13-900)

8 (Section scheduled to be repealed on December 31, 2026)

9 Sec. 13-900. Authority to serve as 9-1-1 system provider;
10 rules.

11 (a) The General Assembly finds that it is necessary to
12 require the certification of 9-1-1 system providers to ensure
13 the safety of the lives and property of Illinoisans and
14 Illinois businesses, and to otherwise protect and promote the
15 public safety, health, and welfare of the consumers ~~citizens~~
16 of this State and their property.

17 (b) For purposes of this Section:

18 "9-1-1 system" has the same meaning as that term is
19 defined in Section 2.19 of the Emergency Telephone System
20 Act.

21 "9-1-1 system provider" means any person, corporation,
22 limited liability company, partnership, sole
23 proprietorship, or entity of any description whatever that
24 acts as a system provider within the meaning of Section
25 2.18 of the Emergency Telephone System Act.

1 "Emergency Telephone System Board" has the same
2 meaning as that term is defined in Sections 2.11 and 15.4
3 of the Emergency Telephone System Act.

4 "Public safety agency personnel" means personnel
5 employed by a public safety agency, as that term is
6 defined in Section 2.02 of the Emergency Telephone System
7 Act, whose responsibilities include responding to requests
8 for emergency services.

9 (c) Except as otherwise provided in this Section,
10 beginning July 1, 2010, it is unlawful for any 9-1-1 system
11 provider to offer or provide or seek to offer or provide to any
12 emergency telephone system board or 9-1-1 system, or agent,
13 representative, or designee thereof, any network and database
14 service used or intended to be used by any emergency telephone
15 system board or 9-1-1 system for the purpose of answering,
16 transferring, or relaying requests for emergency services, or
17 dispatching public safety agency personnel in response to
18 requests for emergency services, unless the 9-1-1 system
19 provider has applied for and received a Certificate of 9-1-1
20 System Provider Authority from the Commission. The Commission
21 shall approve an application for a Certificate of 9-1-1 System
22 Provider Authority upon a showing by the applicant, and a
23 finding by the Commission, after notice and hearing, that the
24 applicant possesses sufficient technical, financial, and
25 managerial resources and abilities to provide network service
26 and database services that it seeks authority to provide in

1 its application for service authority, in a safe, continuous,
2 and uninterrupted manner.

3 (d) No incumbent local exchange carrier that provides, as
4 of the effective date of this amendatory Act of the 96th
5 General Assembly, any 9-1-1 network and 9-1-1 database service
6 used or intended to be used by any Emergency Telephone System
7 Board or 9-1-1 system, shall be required to obtain a
8 Certificate of 9-1-1 System Provider Authority under this
9 Section. No entity that possesses, as of the effective date of
10 this amendatory Act of the 96th General Assembly, a
11 Certificate of Service Authority and provides 9-1-1 network
12 and 9-1-1 database services to any incumbent local exchange
13 carrier as of the effective date of this amendatory Act of the
14 96th General Assembly shall be required to obtain a
15 Certificate of 9-1-1 System Provider Authority under this
16 Section.

17 (e) Any and all enforcement authority granted to the
18 Commission under this Section shall apply exclusively to 9-1-1
19 system providers granted a Certificate of Service Authority
20 under this Section and shall not apply to incumbent local
21 exchange carriers that are providing 9-1-1 service as of the
22 effective date of this amendatory Act of the 96th General
23 Assembly.

24 (Source: P.A. 100-20, eff. 7-1-17.)

25 (220 ILCS 5/16-101A)

1 Sec. 16-101A. Legislative findings.

2 (a) The consumers ~~citizens~~ and businesses of the State of
3 Illinois have been well-served by a comprehensive electrical
4 utility system which has provided safe, reliable, and
5 affordable service. The electrical utility system in the State
6 of Illinois has historically been subject to State and federal
7 regulation, aimed at assuring the consumers ~~citizens~~ and
8 businesses of the State of safe, reliable, and affordable
9 service, while at the same time assuring the utility system of
10 a return on its investment.

11 (b) Competitive forces are affecting the market for
12 electricity as a result of recent federal regulatory and
13 statutory changes and the activities of other states.
14 Competition in the electric services market may create
15 opportunities for new products and services for customers and
16 lower costs for users of electricity. Long-standing regulatory
17 relationships need to be altered to accommodate the
18 competition that could fundamentally alter the structure of
19 the electric services market.

20 (c) With the advent of increasing competition in this
21 industry, the State has a continued interest in assuring that
22 the safety, reliability, and affordability of electrical power
23 is not sacrificed to competitive pressures, and to that end,
24 intends to implement safeguards to assure that the industry
25 continues to operate the electrical system in a manner that
26 will serve the public's interest. Under the existing

1 regulatory framework, the industry has been encouraged to
2 undertake certain investments in its physical plant and
3 personnel to enhance its efficient operation, the cost of
4 which it has been permitted to pass on to consumers. The State
5 has an interest in providing the existing utilities a
6 reasonable opportunity to obtain a return on certain
7 investments on which they depended in undertaking those
8 commitments in the first instance while, at the same time, not
9 permitting new entrants into the industry to take unreasonable
10 advantage of the investments made by the formerly regulated
11 industry.

12 (d) A competitive wholesale and retail market must benefit
13 all Illinois consumers ~~citizens~~. The Illinois Commerce
14 Commission should act to promote the development of an
15 effectively competitive electricity market that operates
16 efficiently and is equitable to all consumers. Consumer
17 protections must be in place to ensure that all customers
18 continue to receive safe, reliable, affordable, and
19 environmentally safe electric service.

20 (e) All consumers must benefit in an equitable and timely
21 fashion from the lower costs for electricity that result from
22 retail and wholesale competition and receive sufficient
23 information to make informed choices among suppliers and
24 services. The use of renewable resources and energy efficiency
25 resources should be encouraged in competitive markets.

26 (f) The efficiency of electric markets depends both upon

1 the competitiveness of supply and upon the
2 price-responsiveness of the demand for service. Therefore, to
3 ensure the lowest total cost of service and to enhance the
4 reliability of service, all classes of the electricity
5 customers of electric utilities should have access to and be
6 able to voluntarily use real-time pricing and other
7 price-response and demand-response mechanisms.

8 (g) Including cost-effective renewable resources and
9 demand-response resources in a diverse electricity supply
10 portfolio will reduce long-term direct and indirect costs to
11 consumers by decreasing environmental impacts and by avoiding
12 or delaying the need for new generation, transmission, and
13 distribution infrastructure. It serves the public interest to
14 allow electric utilities to recover costs for reasonably and
15 prudently incurred expenses for electricity generated by
16 renewable resources and demand-response resources.

17 (h) Including electricity generated by clean coal
18 facilities, as defined under Section 1-10 of the Illinois
19 Power Agency Act, in a diverse electricity procurement
20 portfolio will reduce the need to purchase, directly or
21 indirectly, carbon dioxide emission credits and will decrease
22 environmental impacts. It serves the public interest to allow
23 electric utilities to recover costs for reasonably and
24 prudently incurred expenses for sourcing electricity generated
25 by clean coal facilities.

26 (Source: P.A. 94-977, eff. 6-30-06; 95-481, eff. 8-28-07;

1 95-1027, eff. 6-1-09.)

2 (220 ILCS 5/16-111.2)

3 Sec. 16-111.2. Provisions related to proposed utility
4 transactions.

5 (a) The General Assembly finds:

6 (1) A transaction as described in paragraph (3) of
7 this subsection (a) will contribute to improved
8 reliability of the electric supply system in Illinois
9 which is one of the key purposes of the Illinois Electric
10 Service Customer Choice and Rate Relief Law of 1997.

11 (2) A transaction as described in paragraph (3) of
12 this subsection (a) is likely to promote additional
13 investment in the existing generating assets and in the
14 development of additional generation capacity in Illinois,
15 and such change in ownership is in the public interest,
16 consistent with the intent of the Illinois Electric
17 Service Customer Choice and Rate Relief Law of 1997 and
18 beneficial for the consumers ~~citizens~~ of this State.

19 (3) As of the date on which this amendatory Act of 1999
20 becomes law, an electric utility providing service to more
21 than 1,000,000 customers in this State has proposed to
22 sell or transfer to a single buyer 5 or more generating
23 plants with a total net dependable capacity of 5000
24 megawatts or more pursuant to subsection (g) of Section
25 16-111.

1 (4) Such electric utility anticipates receiving a sale
2 price or consideration as a result of such transaction
3 exceeding 200% of the book value of these plants.

4 (5) Such electric utility has presented to the
5 Governor and the leaders of the General Assembly a written
6 commitment in which such electric utility agrees to expend
7 \$2,000,000,000 outside the corporate limits of any
8 municipality with 1,000,000 or more inhabitants within
9 such electric utility's service area, over a 6-year period
10 beginning with this calendar year on projects, programs
11 and improvements within its service area relating to
12 transmission and distribution including, without
13 limitation, infrastructure expansion, repair and
14 replacement, capital investments, operations and
15 maintenance, and vegetation management.

16 (6) Such electric utility has committed that, if the
17 sale or transfer contemplated by paragraph (3) of this
18 subsection is consummated on or before December 31, 1999,
19 the electric utility shall make contributions totaling
20 \$250,000,000 to entities within this State for, among
21 other purposes, environmental and clean coal initiatives
22 pursuant to Section 16-111.1, which commitment includes a
23 contribution of \$25,000,000 to the Board of Trustees of
24 Southern Illinois University for the purpose of funding
25 programs or projects related to clean coal.

26 (b) That, in light of the findings in paragraphs (1) and

1 (2) of subsection (a) and, in this instance, the circumstances
2 described in paragraphs (3) through (6) of subsection (a) and
3 otherwise, the General Assembly hereby finds that allowing the
4 generating facilities being acquired to be eligible facilities
5 under the provisions of the National Energy Policy Act of 1992
6 that apply to exempt wholesale generators (A) will benefit
7 consumers; (B) is in the public interest; and (C) does not
8 violate the law of this State.

9 (c) Nothing in this Section shall have any effect on the
10 authority of the Commission under subsection (g) of Section
11 16-111 of this Act.

12 (Source: P.A. 91-50, eff. 6-30-99.)

13 (220 ILCS 5/16-128)

14 Sec. 16-128. Provisions related to utility employees.

15 (a) The General Assembly finds:

16 (1) The reliability and safety of the electric system
17 has depended and depends on a workforce of skilled and
18 dedicated employees, equipped with technical training and
19 experience.

20 (2) The integrity and reliability of the system also
21 requires the industry's commitment to invest in regular
22 inspection and maintenance, to assure that it can
23 withstand the demands of heavy service requirements and
24 emergency situations.

25 (3) It is in the State's interest to protect the

1 interests of utility employees who have and continue to
2 dedicate themselves to assuring reliable service to the
3 consumers ~~citizens~~ of this State, and who might otherwise
4 be economically displaced in a restructured industry.

5 The General Assembly further finds that it is necessary to
6 assure that employees of electric utilities and employees of
7 contractors or subcontractors performing work on behalf of an
8 electric utility operating in the deregulated industry have
9 the requisite skills, knowledge, training, experience, and
10 competence to provide reliable and safe electrical service
11 under this Act.

12 The General Assembly also finds that it is necessary to
13 assure that employees of alternative retail electric suppliers
14 and employees of contractors or subcontractors performing work
15 on behalf of an alternative retail electric supplier operating
16 in the deregulated industry have the requisite skills,
17 knowledge, training, experience, and competence to provide
18 reliable and safe electrical service under this Act.

19 To ensure that these findings and prerequisites for
20 reliable and safe electrical service continue to prevail, each
21 alternative retail electric supplier, electric utility, and
22 contractors and subcontractors performing work on behalf of an
23 electric utility or alternative retail electric supplier must
24 demonstrate the competence of their respective employees to
25 work on the distribution system.

26 The knowledge, skill, training, experience, and competence

1 levels to be demonstrated shall be consistent with those
2 required of or by the electric utilities in this State as of
3 January 1, 2007, with respect to their employees and employees
4 of contractors or subcontractors performing work on their
5 behalf. Nothing in this Section shall prohibit an electric
6 utility from establishing knowledge, skill, training,
7 experience, and competence levels greater than those required
8 as of January 1, 2007.

9 An adequate demonstration of requisite knowledge, skill,
10 training, experience, and competence shall include, at a
11 minimum, completion or current participation and ultimate
12 completion by the employee of an accredited or otherwise
13 recognized apprenticeship program for the particular craft,
14 trade or skill, or specified and several years of employment
15 performing a particular work function that is utilized by an
16 electric utility.

17 Notwithstanding any law, tariff, Commission rule, order,
18 or decision to the contrary, the Commission shall have an
19 affirmative statutory obligation to ensure that an electric
20 utility is employing employees, contractors, and
21 subcontractors with employees who meet the requirements of
22 subsection (a) of this Section when installing, constructing,
23 operating, and maintaining generation, transmission, or
24 distribution facilities and equipment within this State
25 pursuant to any provision in this Act or any Commission order,
26 rule, or decision.

1 For purposes of this Section, "distribution facilities and
2 equipment" means any and all of the facilities and equipment,
3 including, but not limited to, substations, distribution
4 feeder circuits, switches, meters, protective equipment,
5 primary circuits, distribution transformers, line extensions
6 and service extensions both above or below ground, conduit,
7 risers, elbows, transformer pads, junction boxes, manholes,
8 pedestals, conductors, and all associated fittings that
9 connect the transmission or distribution system to either the
10 weatherhead on the retail customer's building or other
11 structure for above ground service or to the terminals on the
12 meter base of the retail customer's building or other
13 structure for below ground service.

14 To implement this requirement for alternative retail
15 electric suppliers, the Commission, in determining that an
16 applicant meets the standards for certification as an
17 alternative retail electric supplier, shall require the
18 applicant to demonstrate (i) that the applicant is licensed to
19 do business, and bonded, in the State of Illinois; and (ii)
20 that the employees of the applicant that will be installing,
21 operating, and maintaining generation, transmission, or
22 distribution facilities within this State, or any entity with
23 which the applicant has contracted to perform those functions
24 within this State, have the requisite knowledge, skills,
25 training, experience, and competence to perform those
26 functions in a safe and responsible manner in order to provide

1 safe and reliable service, in accordance with the criteria
2 stated above.

3 (b) The General Assembly finds, based on experience in
4 other industries that have undergone similar transitions, that
5 the introduction of competition into the State's electric
6 utility industry may result in workforce reductions by
7 electric utilities which may adversely affect persons who have
8 been employed by this State's electric utilities in functions
9 important to the public convenience and welfare. The General
10 Assembly further finds that the impacts on employees and their
11 communities of any necessary reductions in the utility
12 workforce directly caused by this restructuring of the
13 electric industry shall be mitigated to the extent practicable
14 through such means as offers of voluntary severance,
15 retraining, early retirement, outplacement and related
16 benefits. Therefore, before any such reduction in the
17 workforce during the transition period, an electric utility
18 shall present to its employees or their representatives a
19 workforce reduction plan outlining the means by which the
20 electric utility intends to mitigate the impact of such
21 workforce reduction on its employees.

22 (c) In the event of a sale, purchase, or any other transfer
23 of ownership during the mandatory transition period of one or
24 more Illinois divisions or business units, and/or generating
25 stations or generating units, of an electric utility, the
26 electric utility's contract and/or agreements with the

1 acquiring entity or persons shall require that the entity or
2 persons hire a sufficient number of non-supervisory employees
3 to operate and maintain the station, division or unit by
4 initially making offers of employment to the non-supervisory
5 workforce of the electric utility's division, business unit,
6 generating station and/or generating unit at no less than the
7 wage rates, and substantially equivalent fringe benefits and
8 terms and conditions of employment that are in effect at the
9 time of transfer of ownership of said division, business unit,
10 generating station, and/or generating units; and said wage
11 rates and substantially equivalent fringe benefits and terms
12 and conditions of employment shall continue for at least 30
13 months from the time of said transfer of ownership unless the
14 parties mutually agree to different terms and conditions of
15 employment within that 30-month period. The utility shall
16 offer a transition plan to those employees who are not offered
17 jobs by the acquiring entity because that entity has a need for
18 fewer workers. If there is litigation concerning the sale, or
19 other transfer of ownership of the electric utility's
20 divisions, business units, generating station, or generating
21 units, the 30-month period will begin on the date the
22 acquiring entity or persons take control or management of the
23 divisions, business units, generating station or generating
24 units of the electric utility.

25 (d) If a utility transfers ownership during the mandatory
26 transition period of one or more Illinois divisions, business

1 units, generating stations or generating units of an electric
2 utility to a majority-owned subsidiary, that subsidiary shall
3 continue to employ the utility's employees who were employed
4 by the utility at such division, business unit or generating
5 station at the time of the transfer under the same terms and
6 conditions of employment as those employees enjoyed at the
7 time of the transfer. If ownership of the subsidiary is
8 subsequently sold or transferred to a third party during the
9 transition period, the transition provisions outlined in
10 subsection (c) shall apply.

11 (e) The plant transfer provisions set forth above shall
12 not apply to any generating station which was the subject of a
13 sales agreement entered into before January 1, 1997.

14 (Source: P.A. 97-616, eff. 10-26-11; 97-646, eff. 12-30-11.)