



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

HB4366

Introduced 1/16/2024, by Rep. Jay Hoffman

#### SYNOPSIS AS INTRODUCED:

220 ILCS 5/9-210.7 new

Amends the Public Utilities Act. Provides that a large public utility, in its application to acquire a water or sewer utility or any other application requesting approval of an acquisition of a water or sewer utility, may request that the Illinois Commerce Commission expedite its review and issue an order within an expedited timeframe. Provides that, if, in its application, a large public utility requests an expedited review, the administrative law judge shall issue a ruling approving or denying expedited review within 30 days of the filing of the application. Provides that the large public utility, in its application, shall establish evidence that the expedited review is necessary based upon specified factors. Provides that, if, after hearing, the administrative law judge grants expedited review, and subject to the Commission's rules on interlocutory review, the Commission shall issue its final order no later than 5 months after the date of the administrative law judge's ruling. Provides that the Commission may adopt rules to implement the provisions. Effective immediately.

LRB103 36142 SPS 66234 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 adding  
5 Section 9-210.7 as follows:

6 (220 ILCS 5/9-210.7 new)

7 Sec. 9-210.7. Expedited review of a water or sewer utility  
8 acquisition.

9 (a) As used in this Section, "large public utility" and  
10 "water or sewer utility" have the meaning set forth in Section  
11 9-210.5.

12 (b) A large public utility, in its application to acquire  
13 a water or sewer utility as described in Section 9-210.5 or any  
14 other application requesting approval of an acquisition of a  
15 water or sewer utility, may request that the Commission  
16 expedite its review and issue an order within an expedited  
17 timeframe set forth in subsection (c). If, in its application,  
18 a large public utility requests an expedited review, the  
19 administrative law judge shall issue a ruling approving or  
20 denying expedited review within 30 days of the filing of the  
21 application. In support of its request for expedited review,  
22 the large public utility, in its application, shall present  
23 evidence, which the administrative law judge shall consider,

1 that the expedited review is necessary based upon factors that  
2 include, but are not limited to, the following:

3 (1) the subject water or sewer utility infrastructure  
4 is in need of immediate improvements for the health and  
5 safety of the customers or residents;

6 (2) the subject water or sewer utility has pending  
7 violations with the Illinois Environmental Protection  
8 Agency or any other environmental regulatory agency;

9 (3) the number of customers or residents served by the  
10 subject water or sewer utility;

11 (4) whether the subject water or sewer utility has  
12 made an affirmation to the Commission included in the  
13 large public utility's application that the subject water  
14 or sewer utility can no longer operate efficiently in  
15 order to provide safe and reliable water or sewer service  
16 to its customers or residents; and

17 (5) any other evidence in support of the applicant's  
18 position that the customers or residents of the subject  
19 water or sewer utility are not being provided safe and  
20 reliable water or sewer service.

21 (c) If, after hearing, the administrative law judge grants  
22 expedited review as requested under subsection (b), and  
23 subject to the Commission's rules on interlocutory review, the  
24 Commission shall issue its final order no later than 5 months  
25 after the date of the administrative law judge's ruling.

26 (d) The Commission may adopt rules to implement this

1 Section.

2       Section 99. Effective date. This Act takes effect upon  
3 becoming law.