

1 AN ACT concerning public utilities.

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

4 Section 5. The Renewable Energy, Energy Efficiency, and
5 Coal Resources Development Law of 1997 is amended by changing
6 Section 6-5 as follows:

7 (20 ILCS 687/6-5)

8 (Section scheduled to be repealed on December 16, 2007)

9 Sec. 6-5. Renewable Energy Resources and Coal Technology
10 Development Assistance Charge.

11 (a) Notwithstanding the provisions of Section 16-111 of
12 the Public Utilities Act but subject to subsection (e) of
13 this Section, each public utility, electric cooperative, as
14 defined in Section 3.4 of the Electric Supplier Act, and
15 municipal utility, as referenced in Section 3-105 of the
16 Public Utilities Act, that is engaged in the delivery of
17 electricity or the distribution of natural gas within the
18 State of Illinois shall, effective January 1, 1998, assess
19 each of its customer accounts a monthly Renewable Energy
20 Resources and Coal Technology Development Assistance Charge.
21 The delivering public utility, municipal electric or gas
22 utility, or electric or gas cooperative for a self-assessing
23 purchaser remains subject to the collection of the fee
24 imposed by this Section. The monthly charge shall be as
25 follows:

26 (1) \$0.05 per month on each account for residential
27 electric service as defined in Section 13 of the Energy
28 Assistance Act;

29 (2) \$0.05 per month on each account for residential
30 gas service as defined in Section 13 of the Energy
31 Assistance Act;

1 (3) \$0.50 per month on each account for
2 nonresidential electric service, as defined in Section 13
3 of the Energy Assistance Act, which had less than 10
4 megawatts of peak demand during the previous calendar
5 year;

6 (4) \$0.50 per month on each account for
7 nonresidential gas service, as defined in Section 13 of
8 the Energy Assistance Act, which had distributed to it
9 less than 4,000,000 therms of gas during the previous
10 calendar year;

11 (5) \$37.50 per month on each account for
12 nonresidential electric service, as defined in Section 13
13 of the Energy Assistance Act, which had 10 megawatts or
14 greater of peak demand during the previous calendar year;
15 and

16 (6) \$37.50 per month on each account for
17 nonresidential gas service, as defined in Section 13 of
18 the Energy Assistance Act, which had 4,000,000 or more
19 therms of gas distributed to it during the previous
20 calendar year.

21 (b) The Renewable Energy Resources and Coal Technology
22 Development Assistance Charge assessed by electric and gas
23 public utilities shall be considered a charge for public
24 utility service.

25 (c) Fifty percent of the moneys collected pursuant to
26 this Section shall be deposited in the Renewable Energy
27 Resources Trust Fund by the Department of Revenue. The
28 remaining 50 percent of the moneys collected pursuant to this
29 Section shall be deposited in the Coal Technology Development
30 Assistance Fund by the Department of Revenue for use under
31 the Illinois Coal Technology Development Assistance Act.

32 (d) By the 20th day of the month following the month in
33 which the charges imposed by this Section were collected,
34 each utility and alternative retail electric supplier

1 collecting charges pursuant to this Section shall remit to
2 the Department of Revenue for deposit in the Renewable Energy
3 Resources Trust Fund and the Coal Technology Development
4 Assistance Fund all moneys received, except as provided in
5 this subsection, as payment of the charge provided for in
6 this Section on a return prescribed and furnished by the
7 Department of Revenue showing such information as the
8 Department of Revenue may reasonably require. A utility may
9 deduct an amount from collected receipts, not to exceed the
10 amount designated for the Renewable Energy Resources Trust
11 Fund, for expenses incurred to develop, maintain, and
12 administer its net electricity metering pilot program
13 required by Section 16-107.5 of the Public Utilities Act.
14 Such expenses shall include the following, and are subject to
15 Illinois Commerce Commission approval:

16 (1) expenses incurred to develop and submit a
17 report of results of the pilot programs to the Illinois
18 Commerce Commission;

19 (2) expenses incurred to install, maintain, and
20 operate metering required to measure customer usage for
21 the purposes of administering the pilot program;

22 (3) expenses incurred to perform an interconnection
23 study and execute an interconnection agreement with
24 customers in the pilot program;

25 (4) incremental expenses incurred to provide
26 customers a bill (costs above those that are normally
27 incurred to provide customers a bill in the absence of
28 the pilot program);

29 (5) to the extent that any credit for energy
30 generated that is paid to the customer exceeds the energy
31 credit stated in utility's tariff filed in compliance
32 with 83 Ill. Adm. Code 430.60, the utility shall be
33 entitled to a credit on the difference between what is
34 paid to the customer and what would have been paid using

1 the utility tariff described above; and
 2 (6) expenses incurred to develop, file, and gain
 3 approval of a net electricity metering pilot program from
 4 the Illinois Commerce Commission.

5 (e) The charges imposed by this Section shall only apply
 6 to customers of municipal electric or gas utilities and
 7 electric or gas cooperatives if the municipal electric or gas
 8 utility or electric or gas cooperative makes an affirmative
 9 decision to impose the charge. If a municipal electric or gas
 10 utility or an electric or gas cooperative makes an
 11 affirmative decision to impose the charge provided by this
 12 Section, the municipal electric or gas utility or electric or
 13 gas cooperative shall inform the Department of Revenue in
 14 writing of such decision when it begins to impose the charge.
 15 If a municipal electric or gas utility or electric or gas
 16 cooperative does not assess this charge, its customers shall
 17 not be eligible for the Renewable Energy Resources Program.

18 (f) The Department of Revenue may establish such rules
 19 as it deems necessary to implement this Section.

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

21 Section 10. The Public Utilities Act is amended by
 22 adding Section 16-107.5 as follows:

23 (220 ILCS 5/16-107.5 new)

24 Sec. 16-107.5. Net electricity metering pilot program.

25 (a) The Legislature finds and declares that a pilot
 26 program to provide net energy metering, as defined in this
 27 Section, for eligible customers can encourage private
 28 investment in renewable energy resources, stimulate economic
 29 growth, enhance the continued diversification of Illinois'
 30 energy resource mix, and protect the Illinois environment.

31 (b) As used in this Section, (i) "eligible customer"
 32 means a retail residential or business customer that owns and

1 operates a solar or wind electrical generating facility with
2 a capacity of not more than 40 kilowatts that is located on
3 the customer's premises and is intended primarily to offset
4 part or all of the customer's own electrical requirements and
5 (ii) "net energy metering" means the measurement, during the
6 billing period applicable to an eligible customer, of the net
7 amount of electricity delivered by an electric utility to the
8 customer's premises or provided to the electric utility by
9 the customer.

10 (c) An electric utility shall establish a net electrical
11 energy metering pilot program for its eligible customers. An
12 electric utility shall establish separate pilot programs for
13 its residential customers and its business customers.
14 However, if an electric utility has conducted a net
15 electrical energy metering pilot program for either its
16 residential customers or its business customers, or both, and
17 the pilot program was initiated before the effective date of
18 this amendatory Act of the 93rd General Assembly, the
19 electric public utility need only file the report required
20 under subsection (d).

21 (d) An electric utility shall report the results of its
22 pilot programs to the Commerce Commission by December 31,
23 2005. The Commission shall provide a summary and an analysis
24 of the reports to the General Assembly no later than January
25 31, 2006.

26 Section 99. Effective date. This Act takes effect upon
27 becoming law.