

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 Public Utilities Act is amended by
5 changing Section 8-206 as follows:

6 (220 ILCS 5/8-206) (from Ch. 111 2/3, par. 8-206)

7 Sec. 8-206. Winter termination for nonpayment. (a)
8 Notwithstanding any other provision of this Act, no electric
9 or gas public utility shall disconnect service to any
10 residential customer or mastermeters apartment building for
11 nonpayment of a bill or deposit where gas or electricity is
12 used as the primary source of space heating or is used to
13 control or operate the primary source of space heating
14 equipment at the premises during the period of time from
15 December 1 through and including March 31 of the immediately
16 succeeding calendar year, unless:

17 (1) ~~The utility (i) has offered the customer a deferred~~
18 ~~payment arrangement allowing for payment of past due amounts~~
19 ~~over a period of not less than 4 months not to extend beyond~~
20 ~~the following November and the option to enter into a~~
21 ~~levelized payment plan for the payment of future bills. The~~
22 ~~maximum down payment requirements shall not exceed 10% of the~~
23 ~~amount past due and owing at the time of entering into the~~
24 ~~agreement; and (ii) has provided the customer with the names,~~
25 ~~addresses and telephone numbers of governmental and private~~
26 ~~agencies which may provide assistance to customers of public~~
27 ~~utilities in paying their utility bills; the utility shall~~
28 ~~obtain the approval of an agency before placing the name of~~
29 ~~that agency on any list which will be used to provide such~~
30 ~~information to customers;~~

31 (2) ~~The customer has refused or failed to enter into a~~

1 deferred-payment-arrangement-as-described-in-paragraph-(1)-of
2 this-subsection-(a);-and

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

5 (b)--Prior--to-termination-of-service-for-any-residential
6 customer--or--mastermetered--apartment--building--during--the
7 period-from-December-1-through-and-including-March-31-of--the
8 immediately--succeeding--calendar--year,--all-electric-and-gas
9 public-utilities-shall,--in-addition-to-all-other-notices:

10 (1)--Notify-the-customer-or--an--adult--residing--at--the
11 customer's--premises--by--telephone,--a-personal-visit-to-the
12 customer's-premises-or-by-first--class--mail,--informing--the
13 customer-that:

14 (i)--the--customer's--account--is--in--arrears--and--the
15 customer's-service-is-subject-to-termination--for--nonpayment
16 of-a-bill;

17 (ii)--the--customer-can-avoid-disconnection-of-service-by
18 entering-into-a-deferred-payment-agreement-to--pay--past--due
19 amounts--over--a--period--not--to-extend-beyond-the-following
20 November-and-the-customer-has-the--option--to--enter--into--a
21 levelized-payment-plan-for-the-payment-of-future-bills;

22 (iii)--the--customer--may--apply--for--any--available
23 assistance-to-aid-in-the-payment-of-utility--bills--from--any
24 governmental--or--private--agencies--from--the--list--of-such
25 agencies-provided-to-the-customer-by-the-utility.

26 Provided,--however,--that--a--public--utility--shall--be
27 required--to--make--only--one--such-contact-with-the-customer
28 during-any-such-period-from-December-1-through-and--including
29 March-31-of-the-immediately-succeeding-calendar-year.

30 (2)--Each--public--utility--shall--maintain-records-which
31 shall-include,--but-not-necessarily-be-limited-to,--the--manner
32 by--which--the--customer--was-notified-and-the-time,--date-and
33 manner-by--which--any--prior--but--unsuccessful--attempts--to
34 contact--were--made.---These--records-shall-also-describe-the

1 terms-of-the-deferred-payment--arrangements--offered--to--the
 2 customer-and-those-entered-into-by-the-utility-and-customers.
 3 These--records--shall-indicate-the-total-amount-past-due, the
 4 down-payment, the-amount-remaining-to-be-paid-and-the--number
 5 of--months-allowed-to-pay-the-outstanding-balance.--No-public
 6 utility-shall-be-required-to--retain--records--pertaining--to
 7 unsuccessful--attempts---to---contact--or--deferred--payment
 8 arrangements-rejected-by-the-customer-after-such-customer-has
 9 entered--into--a--deferred--payment--arrangement--with---such
 10 utility.

11 (c)--No--public--utility--shall--disconnect--service--for
 12 nonpayment-of-a-bill-until-the-lapse-of-6-business-days-after
 13 making---the---notification--required--by--paragraph--(1)--of
 14 subsection-(b)-so-as-to-allow-the-customer-an-opportunity-to:

15 (1)--Enter-into-a-deferred-payment--arrangement--and--the
 16 option-to-enter-into-a-levelized-payment-plan-for-the-payment
 17 of-future-bills.

18 (2)--Contact--a--governmental--or-private-agency-that-may
 19 provide-assistance-to-customers-for--the--payment--of--public
 20 utility-bills.

21 (d)--Any--residential-customer-who-enters-into-a-deferred
 22 payment-arrangement-pursuant-to-this--Act,--and--subsequently
 23 during--that--period--of--time--set--forth--in-subsection-(a)
 24 becomes-subject-to-termination,--shall--be--given--notice--as
 25 required--by-law-and-any-rule-or-regulation-of-the-Commission
 26 prior-to-termination-of-service.

27 (e)--During-that-time-period-set-forth-in-subsection-(a),
 28 a-utility-shall-not-require-a-down-payment-for-a-deposit-from
 29 a-residential-customer-in-excess-of-20%-of-the-total--deposit
 30 requested.---An--additional--4-months-shall-be-allowed-to-pay
 31 the-remainder-of-the-deposit.--This-provision-shall-not-apply
 32 to-mastermetered-apartment-buildings-or-other--nonresidential
 33 customers.

34 (f)--During--that--period-of-time-set-forth-in-subsection

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

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

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

24 (i) Each utility shall include with each disconnection
25 notice sent during the period for December 1 through and
26 including March 31 of the immediately succeeding calendar
27 year to a residential customer an insert explaining the above
28 provisions and providing a telephone number of the utility
29 company which the consumer may call to receive further
30 information.

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

1 (1)--a--description--of--the--methods--to--be--used--to--notify
2 residential--customers--as--required--in--this--Section,--including
3 the--forms--of--written--and--oral--notices--which--shall--be--required
4 to--include--all--the--information--contained--in--subsection--(b)--of
5 this--Section.

6 (2)--a--listing--of--the--names,--addresses--and--telephone
7 numbers--of--governmental--and--private--agencies--which--may
8 provide--assistance--to--residential--customers--in--paying--their
9 utility--bills;

10 (3)--the--program--of--employee--education--and--information
11 which--shall--be--used--by--the--company--in--the--implementation--of
12 this--Section.

13 (4)--a--description--of--methods--to--be--utilized--to--inform
14 residential--customers--of--those--governmental--and--private
15 agencies--and--current--and--planned--methods--of--cooperation--with
16 those--agencies--to--identify--the--customers--who--qualify--for
17 assistance--in--paying--their--utility--bills.

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

22 All--plans--are--subject--to--review--and--approval--by--the
23 Commission.---The--Commission--may--direct--a--utility--to--alter--its
24 plan--to--comply--with--the--requirements--of--this--Section.

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

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