

1 AN ACT concerning the distribution of electricity.

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 17-800 as follows:

6 (220 ILCS 5/17-800 new)

7 Sec. 17-800. Aggregation of electrical load by
8 municipalities and counties.

9 (a) The corporate authorities of a municipality or
10 county board of a county may adopt an ordinance, under which
11 it may aggregate in accordance with this Section one or more
12 classes of the retail electrical loads located, respectively,
13 within the municipality or county and, for that purpose, may
14 solicit bids and enter into service agreements to facilitate
15 for those loads the sale and purchase of electricity and
16 related services and equipment. The corporate authorities or
17 county board also may exercise such authority jointly with
18 any other municipality or county. An ordinance under this
19 Section shall specify whether the aggregation will occur only
20 with the prior consent of each person owning, occupying,
21 controlling, or using an electric load center proposed to be
22 aggregated or will occur automatically for all such persons
23 pursuant to the opt-out requirements of this Section. Nothing
24 in this Section, however, authorizes the aggregation of
25 retail electric loads of an electric load center that is
26 located in the certified territory of a nonprofit electric
27 supplier or an electric load center served by distribution
28 facilities of a municipal electric utility. If an ordinance
29 adopted under this Section specifies that aggregation will
30 occur automatically, the corporate authorities or county
31 board shall certify the question of the authority to

1 aggregate in accordance with the Election Code to the
2 election authority for submission to the voters at the next
3 election. No aggregation pursuant to an ordinance adopted
4 under this Section that provides for an election under this
5 Section shall take effect unless approved by a majority of
6 the electors voting upon the ordinance at the election held
7 pursuant to this Section.

8 No corporate authority or county board acting pursuant to
9 an ordinance under this Section that provides for automatic
10 aggregation shall aggregate the electrical load of any
11 electric load center located within its jurisdiction unless
12 it clearly discloses to the person owning, occupying,
13 controlling, or using the load center that the person will be
14 enrolled automatically in the aggregation program and will
15 remain so enrolled unless the person affirmatively elects by
16 a stated procedure not to be so enrolled. The disclosure
17 shall state prominently the rates, charges, and other terms
18 and conditions of enrollment. The stated procedure shall
19 allow any person enrolled in the aggregation program the
20 opportunity to opt out of the program every 3 years, without
21 paying an exit fee. Any such person that leaves the
22 aggregation program pursuant to the stated procedure shall
23 default to the bundled utility service until the person
24 chooses an alternative supplier or returns to the aggregation
25 program.

26 A governmental aggregator under this Section is not a
27 public utility or an alternative retail electric supplier and
28 shall be subject to supervision and regulation by the
29 Commission only to the extent provided in this Section.

30 A municipality may initiate a process to authorize
31 aggregation by a majority vote of the municipal council, with
32 the approval of the mayor. A county may initiate the process
33 to authorize aggregation by a majority vote of the county
34 board. Two or more municipalities or counties, or a

1 combination of both, may initiate a process jointly to
2 authorize aggregation by a majority vote of each particular
3 municipality or county as herein required.

4 Upon the applicable requisite authority under this
5 Section, the corporate authorities or the county board shall
6 develop a plan of operation and governance for the
7 aggregation program so authorized. Before adopting a plan
8 under this Section, the corporate authorities or county board
9 shall hold at least 2 public hearings on the plan. Before the
10 first hearing, the corporate authorities or county board
11 shall publish notice of the hearings once a week for 2
12 consecutive weeks in a newspaper of general circulation in
13 the jurisdiction. The notice shall summarize the plan and
14 state the date, time, and location of each hearing. Any load
15 aggregation plan established pursuant to this Section shall:

16 (1) provide for universal access to all applicable
17 customers and equitable treatment of applicable classes
18 of customers;

19 (2) describe demand management and energy
20 efficiency services to be provided to each class of
21 customers; and

22 (3) meet any requirements established by law or the
23 Commission concerning aggregated service offered pursuant
24 to this Section.

25 The plan shall be filed with the Commission for review
26 and approval and shall include, without limitation, an
27 organizational structure of the program, its operations, and
28 funding; the methods of establishing rates and allocating
29 costs among participants; the methods for entering and
30 terminating agreements with other entities; the rights and
31 responsibilities of program participants, including the terms
32 and conditions under which retail customers who have chosen
33 to opt out of the aggregated service may take service from
34 the aggregated entity; and procedures for termination of the

1 program. Within 120 days after receipt of the plan, the
2 Commission shall issue an order either approving or rejecting
3 the plan. If the Commission rejects the plan, it shall state
4 detailed reasons for rejecting the plan in its order. Upon
5 approval of the plan, the corporate authorities or county
6 board may solicit bids for electricity and other related
7 services pursuant to the methods established in the plan. The
8 corporate authorities or county board shall report the
9 results of this solicitation and proposed agreement awards to
10 the Commission, which shall have 15 business days to suspend
11 such awards if the solicitation or awards are not in
12 conformance with the plan or if the cost for energy would in
13 the first year exceed the cost of that energy if that energy
14 was obtained from an electric utility under Section 16-103 by
15 citizens in the municipality or county or group of
16 municipalities and counties, unless the applicant can
17 demonstrate that the cost for energy under the aggregation
18 plan will be lower in the subsequent years or the applicant
19 can demonstrate that such excess cost is due to the purchase
20 of renewable energy. If the Commission does not suspend the
21 proposed contract awards within 15 business days after
22 filing, the corporate authorities or county board shall have
23 the right to award the proposed agreements.

24 It shall be the duty of the aggregated entity to fully
25 inform retail customers in advance of automatic enrollment
26 that they are to be automatically enrolled and that they have
27 the right to opt out of the aggregated entity without
28 penalty. The disclosure shall prominently state all charges
29 to be made and shall include full disclosure of the cost to
30 obtain service pursuant to Section 16-103, how to access it,
31 and the fact that it is available to them without penalty, if
32 they are currently receiving service under that Section. The
33 Commission shall furnish, without charge, to any citizen a
34 list of all supply options available to them in a format that

1 allows comparison of prices and products.

2 (b) The Commission shall promulgate rules by which the
3 corporate authorities or county board may request information
4 from the electric utility or utilities whose customers may be
5 included in its aggregation plan. The rules shall ensure that
6 municipalities and counties have reasonable and timely access
7 to information pertinent to the formation of a plan and
8 solicitation of bids to serve customers, that confidentiality
9 of individuals is protected, and that charges for production
10 of such data are reasonable and not unduly burdensome to the
11 corporate authorities or county board. Information to be
12 provided by the electric utility to the municipality or
13 county shall include, but is not limited to, the following:

14 (1) billing and electric load data by customer
15 class;

16 (2) forecasts of electric demand; and

17 (3) for the purpose of opt-out notification, the
18 names, addresses, and meter and account numbers of
19 customers who do not take service from an alternative
20 retail electric supplier.