

1 AN ACT relating to 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.

8 (a) Notwithstanding any other provision of this Act, no
9 electric or gas public utility shall disconnect service to
10 any residential customer or mastermeters apartment building
11 for nonpayment of a bill or deposit where gas or electricity
12 is 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 mastermeters 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 mastermeters 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 (k) Notwithstanding any other provision of this Act, no
26 electric or gas public utility shall disconnect service to
27 any residential customer who is a participant under Section 6
28 of the Energy Assistance Act of 1989 for nonpayment of a bill
29 or deposit where gas or electricity is used as the primary
30 source of space heating or is used to control or operate the
31 primary source of space heating equipment at the premises
32 during the period of time from December 1 through and
33 including March 31 of the immediately succeeding calendar
34 year.

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

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