



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB0465

Introduced 1/26/2005, by Rep. Marlow H. Colvin

SYNOPSIS AS INTRODUCED:

- 220 ILCS 5/5-108.1 new
- 220 ILCS 5/8-207.2 new
- 220 ILCS 5/8-207.5 new
- 220 ILCS 5/8-306 new
- 305 ILCS 20/3 from Ch. 111 2/3, par. 1403
- 305 ILCS 20/4 from Ch. 111 2/3, par. 1404
- 305 ILCS 20/4.5 new
- 305 ILCS 20/5 from Ch. 111 2/3, par. 1405
- 305 ILCS 20/8 from Ch. 111 2/3, par. 1408
- 305 ILCS 20/13

Amends the Public Utilities Act. Provides that every public utility that provides gas or electric service to residential customers as primary or secondary sources of heating must report all of the following information annually in writing to the Illinois Commerce Commission: (1) the number of accounts that are past due each month, (2) the aggregate amount of past due balances each month, (3) the number of disconnection notices issued to residential customers each month, (4) the number of residential customers disconnected each month, (5) the number of LIHEAP households reconnected each month, (6) the number of residential customers eligible for emergency services under the Energy Assistance Act each year, and (7) the aggregate amount of arrears that are written off as bad business debt each year. Requires a utility to reconnect service to LIHEAP households whose service was disconnected for nonpayment if the consumer (i) pays 20% of the outstanding bill for the household or \$250, whichever is less or (ii) agrees to a payment plan negotiated with the public utility by the local area agency on behalf of the consumer. Requires an electric or gas public utility to participate in the Percentage of Income Payment Plan established under the Energy Assistance Act and establish and implement an arrearage reduction program for consumers who are participating in the Plan. Provides that, if a public utility writes off an uncollectable account arrearage as a bad business debt on its State or federal income tax return, the utility shall cease all collection activities for that debt and write the indebtedness off of its books. Amends the Energy Assistance Act. Changes references to the Department of Commerce and Economic Opportunity to the Department of Public Aid pursuant to the transfer of powers and duties under Executive Order 3 (2004). Requires the Department of Public Aid to institute a Percentage of Income Payment Plan to ensure the affordability of heating service to low income Illinois residents. Requires that the Plan be in operation by September 1, 2005. Authorizes the Department to enter into contracts and other agreements with local agencies for the purpose of administering the Plan. Provides that monies in the Supplemental Low-Income Energy Assistance Fund be used to to fund the Plan. Effective immediately.

LRB094 05804 MKM 35857 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 adding
5 Sections 5-108.1, 8-207.2, 8-207.5, and 8-306 as follows:

6 (220 ILCS 5/5-108.1 new)

7 Sec. 5-108.1. Report. Every public utility that provides
8 gas or electric service to residential customers as primary or
9 secondary sources of heating must report all of the following
10 information annually in writing to the Illinois Commerce
11 Commission:

12 (1) The number of accounts that are past due each
13 month.

14 (2) The aggregate amount of past due balances each
15 month.

16 (3) The number of disconnection notices issued to
17 residential customers each month.

18 (4) The number of residential customers disconnected
19 each month.

20 (5) The number of residential households reconnected
21 each month pursuant to Section 8-207.2.

22 (6) The number of residential customers eligible for
23 emergency services under the Energy Assistance Act each
24 year.

25 (7) The aggregate amount of arrears that are written
26 off as bad business debt each year.

27 (220 ILCS 5/8-207.2 new)

28 Sec. 8-207.2. Reconnection of LIHEAP households.
29 Notwithstanding any other provision of this Act, a utility must
30 reconnect service to households that have applied for and been
31 determined to be eligible for LIHEAP and whose service was

1 disconnected for nonpayment if the consumer (i) pays 20% of the
2 outstanding bill for the household or \$250, whichever is less
3 or (ii) agrees to a payment plan negotiated with the public
4 utility by the local area agency on behalf of the consumer.
5 Before reconnecting service, a utility shall not impose any
6 other condition upon a household that has applied for and has
7 been determined to be eligible for LIHEAP, except those
8 conditions provided in this subsection.

9 (220 ILCS 5/8-207.5 new)

10 Sec. 8-207.5. Percentage of Income Payment Plan.

11 (a) An electric or gas public utility that provides heating
12 service to consumers in Illinois must participate in the
13 Percentage of Income Payment Plan established under the Energy
14 Assistance Act.

15 (b) As a part of the Percentage of Income Payment Plan, an
16 electric or gas public utility that provides heating service
17 must establish and implement a default or arrearage reduction
18 program for consumers who are participating in the Plan. The
19 default or arrearage reduction program shall provide that
20 one-tenth of a participant's default amount or arrearage shall
21 be reduced for every 3 months of timely monthly payments under
22 the Plan.

23 (c) Notwithstanding any other provision of this Act, an
24 electric or gas public utility may not disconnect heating
25 service to any residential consumer who is a participant in
26 good standing in the Percentage of Income Payment Plan.

27 (220 ILCS 5/8-306 new)

28 Sec. 8-306. Bad business debt. If a public utility writes
29 off an uncollectable account arrearage as a bad business debt
30 on its State or federal income tax return, the utility shall
31 cease all collection activities for that debt and write the
32 indebtedness off of its books.

33 Section 10. The Energy Assistance Act is amended by

1 changing Sections 3, 4, 5, 8, and 13 and by adding Section 4.5
2 as follows:

3 (305 ILCS 20/3) (from Ch. 111 2/3, par. 1403)

4 Sec. 3. Definitions. As used in this Act, unless the
5 context otherwise requires:

6 (a) the terms defined in Sections 3-101 through 3-121 of
7 The Public Utilities Act have the meanings ascribed to them in
8 that Act;

9 (b) "Department" means the Department of Public Aid
10 ~~Commerce and Community Affairs~~;

11 (c) "energy provider" means any utility, municipal
12 utility, cooperative utility, or any other corporation or
13 individual which provides winter energy services;

14 (d) "winter" means the period from November 1 of any year
15 through April 30 of the following year.

16 (Source: P.A. 86-127; 87-14; revised 12-6-03.)

17 (305 ILCS 20/4) (from Ch. 111 2/3, par. 1404)

18 Sec. 4. Energy Assistance Program.

19 (a) The Department of Commerce and Economic Opportunity
20 ~~Community Affairs~~ is hereby authorized to institute a program
21 to ensure the availability and affordability of heating and
22 electric service to low income citizens. Notwithstanding any
23 other provision of law to the contrary, on and after July 1,
24 2004, the Department of Public Aid ~~The Department~~ shall
25 implement the program by rule promulgated pursuant to The
26 Illinois Administrative Procedure Act. The program shall be
27 consistent with the purposes and objectives of this Act and
28 with all other specific requirements provided herein. The
29 Department may enter into such contracts and other agreements
30 with local agencies as may be necessary for the purpose of
31 administering the energy assistance program.

32 (b) Nothing in this Act shall be construed as altering or
33 limiting the authority conferred on the Illinois Commerce
34 Commission by the Public Utilities Act to regulate all aspects

1 of the provision of public utility service, including but not
2 limited to the authority to make rules and adjudicate disputes
3 between utilities and customers related to eligibility for
4 utility service, deposits, payment practices, discontinuance
5 of service, and the treatment of arrearages owing for
6 previously rendered utility service.

7 (Source: P.A. 92-690, eff. 7-18-02; revised 12-6-03.)

8 (305 ILCS 20/4.5 new)

9 Sec. 4.5. Percentage of Income Payment Plan.

10 (a) As part of the energy assistance program established
11 under Section 4, the Department must institute a Percentage of
12 Income Payment Plan to more adequately ensure the affordability
13 of heating service to low income Illinois residents. The
14 Department shall implement the Plan by rule. The Plan shall be
15 consistent with the objectives of this Section. The Department
16 shall ensure that the Plan is in operation by September 1,
17 2005, and may enter into such contracts and other agreements
18 with local agencies as may be necessary for the purpose of
19 administering the Plan.

20 (b) Illinois LIHEAP consumers shall have the option of
21 participating in the Percentage of Income Payment Plan. The
22 Percentage of Income Payment Plan shall be a year-round program
23 that requires participants to pay 7% of their income for the
24 primary energy source for heating and 3% of their income for
25 the secondary energy source for heating. Households that use
26 electricity as their sole energy source can elect to
27 participate in the Percentage of Income Payment Plan and pay
28 10% of their income to the utility supplying electricity. All
29 percentage of income payments shall first be applied to the
30 consumer's current monthly payment obligation. For months in
31 which the consumer's payment under the Percentage of Income
32 Payment Plan exceeds his or her current bill, the balance of
33 the payment shall be applied to any default under a deferred
34 payment plan or, if none, to the consumer's arrearage, if any.
35 If there is no default amount or arrearage, the overpayment

1 shall be retained by the utility and treated as a budget plan
2 payment to be credited to the consumer against potential
3 arrearages in the future. For months in which the consumer's
4 payment under the Percentage of Income Payment Plan is less
5 than his or her current bill, the balance of the current bill
6 shall be paid to the utility out of the State LIHEAP fund.
7 Prior to entering into a Percentage of Income Payment Plan, the
8 local area agency shall counsel the consumer as to the possible
9 benefits of the Percentage of Income Payment Plan and will work
10 with the consumer to develop an energy payment plan that meets
11 the needs of the consumer.

12 (c) The amount of the monthly LIHEAP payment made to the
13 utility on the behalf of the consumer shall be based on an
14 annual report on typical energy usage for the climate zone in
15 which the consumer receives heating service as determined by
16 the Department of Natural Resources. Any monthly consumption of
17 energy for heating services that is more than one standard
18 deviation above the typical energy usage shall be the
19 responsibility of the consumer.

20 (d) The LIHEAP flat grant direct vendor payment program in
21 existence prior to the effective date of this amendatory Act of
22 the 94th General Assembly shall continue in effect for eligible
23 consumers that (i) have utility costs included as an
24 undesignated portion of the rent("heat-in-rent" consumers) or
25 (ii) have home-delivered fuel or that purchase fuel in bulk for
26 residential use. However, "heat-in-rent" consumers who pay
27 separately for electricity may participate in a 3% percentage
28 of income payment plan, and "electricity-in rent" consumers who
29 pay separately for gas service may participate in a 7%
30 percentage of income payment plan.

31 (e) A LIHEAP flat grant shall be available to eligible
32 consumers who elect not to participate in the Percentage of
33 Income Payment Program. The amount of the flat grant shall be
34 set by the Department of Public Aid in consultation with the
35 Policy Advisory Committee, taking into consideration the
36 amount of available LIHEAP funds. The flat grant amount shall

1 be set at a level that encourages participation in the
2 Percentage of Income Payment Plan.

3 (f) An Emergency Services grant under LIHEAP shall be
4 limited to the amount necessary to reconnect service to the
5 household or to repair equipment, purchase replacement parts,
6 or obtain services necessary to restore or maintain heating
7 services to the household.

8 (g) The General Assembly finds that energy efficiency is an
9 important component of LIHEAP because it helps the State
10 control costs by lowering the heating bills of consumers who
11 have applied for and been determined to be eligible for LIHEAP.
12 The Department, in consultation with the Policy Advisory
13 Committee, shall establish an energy efficiency curriculum and
14 training program targeted to high-cost, high-volume use
15 buildings occupied by LIHEAP consumers with the goal of
16 reducing the energy bills of the occupants. Acceptance of
17 energy efficiency training and weatherization services
18 provided under LIHEAP shall be a condition for participation in
19 the Percentage of Income Payment Plan. The energy efficiency
20 component of LIHEAP shall (i) target the highest cost
21 households for weatherization and (ii) provide no-cost or
22 low-cost efficiency strategies for all participants. The
23 Department and the Policy Advisory Committee shall review
24 appropriate data provided by consumers, local area agencies,
25 and other appropriate sources in deciding how to target energy
26 efficiency resources.

27 (h) The costs of operating the Percentage of Income Payment
28 Plan as part of LIHEAP shall be paid out of the Supplemental
29 Low-Income Energy Assistance Fund. To meet the anticipated
30 increase in costs, the Department shall use financial hedging
31 tools to minimize its vulnerability to periodic swings in the
32 cost of natural gas. The Department, in consultation with the
33 Policy Advisory Committee, shall predetermine the annual
34 amount of LIHEAP funding available for hedging strategies, but
35 in no case shall that amount exceed 15% of the amount in the
36 Supplemental Low-Income Energy Assistance Fund. The amount

1 available shall be based on projections of the cost of natural
2 gas and the projected natural gas consumption by consumers
3 participating in a Percentage of Income Payment Plan. The
4 Department shall put out for competitive bidding the
5 development and implementation of the hedging strategy.
6 Revenue earned by the use of hedging strategies shall either be
7 used to cover additional program costs in the current LIHEAP
8 year or to cover costs in future LIHEAP program years.

9 (i) The Department may adopt any rules necessary for the
10 implementation of this Section.

11 (305 ILCS 20/5) (from Ch. 111 2/3, par. 1405)

12 Sec. 5. Policy Advisory Council.

13 (a) Within the Department of Public Aid ~~Commerce and~~
14 ~~Community Affairs~~ is created a Low Income Energy Assistance
15 Policy Advisory Council.

16 (b) On and after July 1, 2004, the ~~The~~ Council shall be
17 chaired by the Director of Public Aid ~~Commerce and Community~~
18 ~~Affairs~~ or his or her designee. There shall be 20 members of
19 the Low Income Energy Assistance Policy Advisory Council,
20 including the chairperson and the following members:

21 (1) one member designated by the Illinois Commerce
22 Commission;

23 (2) one member designated by the Illinois Department of
24 Natural Resources;

25 (3) one member designated by the Illinois Energy
26 Association to represent electric public utilities serving
27 in excess of 1 million customers in this State;

28 (4) one member agreed upon by gas public utilities that
29 serve more than 500,000 and fewer than 1,500,000 customers
30 in this State;

31 (5) one member agreed upon by gas public utilities that
32 serve 1,500,000 or more customers in this State;

33 (6) one member designated by the Illinois Energy
34 Association to represent combination gas and electric
35 public utilities;

1 (7) one member agreed upon by the Illinois Municipal
2 Electric Agency and the Association of Illinois Electric
3 Cooperatives;

4 (8) one member agreed upon by the Illinois Industrial
5 Energy Consumers;

6 (9) three members designated by the Department to
7 represent low income energy consumers;

8 (10) two members designated by the Illinois Community
9 Action Association to represent local agencies that assist
10 in the administration of this Act;

11 (11) one member designated by the Citizens Utility
12 Board to represent residential energy consumers;

13 (12) one member designated by the Illinois Retail
14 Merchants Association to represent commercial energy
15 customers;

16 (13) one member designated by the Department to
17 represent independent energy providers; and

18 (14) three members designated by the Mayor of the City
19 of Chicago.

20 (c) Designated and appointed members shall serve 2 year
21 terms and until their successors are appointed and qualified.
22 The designating organization shall notify the chairperson of
23 any changes or substitutions of a designee within 10 business
24 days of a change or substitution. Members shall serve without
25 compensation, but may receive reimbursement for actual costs
26 incurred in fulfilling their duties as members of the Council.

27 (d) The Council shall have the following duties:

28 (1) to monitor the administration of this Act to ensure
29 effective, efficient, and coordinated program development
30 and implementation;

31 (2) to assist the Department in developing and
32 administering rules and regulations required to be
33 promulgated pursuant to this Act in a manner consistent
34 with the purpose and objectives of this Act;

35 (3) to facilitate and coordinate the collection and
36 exchange of all program data and other information needed

1 by the Department and others in fulfilling their duties
2 pursuant to this Act;

3 (4) to advise the Department on the proper level of
4 support required for effective administration of the Act;

5 (5) to provide a written opinion concerning any
6 regulation proposed pursuant to this Act, and to review and
7 comment on any energy assistance or related plan required
8 to be prepared by the Department;

9 (6) to advise the Department on the use of funds
10 collected pursuant to Section 11 of this Act, and on any
11 changes to existing low income energy assistance programs
12 to make effective use of such funds, so long as such uses
13 and changes are consistent with the requirements of the
14 Act.

15 (Source: P.A. 92-690, eff. 7-18-02; revised 12-6-03.)

16 (305 ILCS 20/8) (from Ch. 111 2/3, par. 1408)

17 Sec. 8. Program Reports.

18 (a) The Department of Natural Resources shall prepare and
19 submit to the Governor and the General Assembly reports on
20 September 30 biennially, beginning in 2003, evaluating the
21 effectiveness of the energy assistance and weatherization
22 policies authorized by this Act. The first report shall cover
23 such effects during the first winter during which the program
24 authorized by this Act, is in operation, and successive reports
25 shall cover effects since the issuance of the preceding report.

26 (1) Reports issued pursuant to this Section shall be
27 limited to, information concerning the effects of the
28 policies authorized by this Act on (1) the ability of
29 eligible applicants to obtain and maintain adequate and
30 affordable winter energy services and (2) changes in the
31 costs and prices of winter energy services for people who
32 do not receive energy assistance pursuant to this Act.

33 (2) The Department of Natural Resources shall by
34 September 30, 2002, in consultation with the Policy
35 Advisory Council, determine the kinds of numerical and

1 other information needed to conduct the evaluations
2 required by this Section, and shall advise the Policy
3 Advisory Council of such information needs in a timely
4 manner. The Department of Commerce and Economic
5 Opportunity or its successor, the Department of Public Aid
6 ~~Community Affairs~~, the Department of Human Services, and
7 the Illinois Commerce Commission shall each provide such
8 information as the Department of Natural Resources may
9 require to ensure that the evaluation reporting
10 requirement established by this Section can be met.

11 (b) On or before December 31, 2002, 2004, 2006, and 2007,
12 the Department of Commerce and Economic Opportunity or its
13 successor, the Department of Public Aid, shall prepare a report
14 for the General Assembly on the expenditure of funds
15 appropriated for the programs authorized under this Act.

16 (c) On or before December 31 of each year in 2004, 2006,
17 and 2007, the Department shall, in consultation with the
18 Council, prepare and submit evaluation reports to the Governor
19 and the General Assembly outlining the effects of the program
20 designed under this Act on the following as it relates to the
21 propriety of continuing the program:

22 (1) the definition of an eligible low income
23 residential customer;

24 (2) access of low income residential customers to
25 essential energy services;

26 (3) past due amounts owed to utilities by low income
27 persons in Illinois;

28 (4) appropriate measures to encourage energy
29 conservation, efficiency, and responsibility among low
30 income residential customers;

31 (5) the activities of the Department in the development
32 and implementation of energy assistance and related
33 policies and programs, which characterizes progress toward
34 meeting the objectives and requirements of this Act, and
35 which recommends any statutory changes which might be
36 needed to further such progress.

1 (d) The Department of Commerce and Economic Opportunity
2 shall by September 30, 2002 in consultation with the Council
3 determine the kinds of numerical and other information needed
4 to conduct the evaluations required by this Section.

5 (e) The Illinois Commerce Commission shall require each
6 public utility providing heating or electric service to compile
7 and submit any numerical and other information needed by the
8 Department of Natural Resources to meet its reporting
9 obligations.

10 (Source: P.A. 92-690, eff. 7-18-02; revised 12-6-03.)

11 (305 ILCS 20/13)

12 Sec. 13. Supplemental Low-Income Energy Assistance Fund.

13 (a) The Supplemental Low-Income Energy Assistance Fund is
14 hereby created as a special fund in the State Treasury. The
15 Supplemental Low-Income Energy Assistance Fund is authorized
16 to receive, by statutory deposit, the moneys collected pursuant
17 to this Section. Subject to appropriation, the Department shall
18 use moneys from the Supplemental Low-Income Energy Assistance
19 Fund for payments to electric or gas public utilities,
20 municipal electric or gas utilities, and electric cooperatives
21 on behalf of their customers who are participants in the
22 program authorized by Section 4 of this Act, for administration
23 of the Percentage of Income Payment Plan under Section 4.5 of
24 this Act, for the provision of weatherization services and for
25 administration of the Supplemental Low-Income Energy
26 Assistance Fund. The yearly expenditures for weatherization
27 may not exceed 10% of the amount collected during the year
28 pursuant to this Section. The yearly administrative expenses of
29 the Supplemental Low-Income Energy Assistance Fund may not
30 exceed 10% of the amount collected during that year pursuant to
31 this Section.

32 (b) Notwithstanding the provisions of Section 16-111 of the
33 Public Utilities Act but subject to subsection (k) of this
34 Section, each public utility, electric cooperative, as defined
35 in Section 3.4 of the Electric Supplier Act, and municipal

1 utility, as referenced in Section 3-105 of the Public Utilities
2 Act, that is engaged in the delivery of electricity or the
3 distribution of natural gas within the State of Illinois shall,
4 effective January 1, 1998, assess each of its customer accounts
5 a monthly Energy Assistance Charge for the Supplemental
6 Low-Income Energy Assistance Fund. The delivering public
7 utility, municipal electric or gas utility, or electric or gas
8 cooperative for a self-assessing purchaser remains subject to
9 the collection of the fee imposed by this Section. The monthly
10 charge shall be as follows:

11 (1) \$0.40 per month on each account for residential
12 electric service;

13 (2) \$0.40 per month on each account for residential gas
14 service;

15 (3) \$4 per month on each account for non-residential
16 electric service which had less than 10 megawatts of peak
17 demand during the previous calendar year;

18 (4) \$4 per month on each account for non-residential
19 gas service which had distributed to it less than 4,000,000
20 therms of gas during the previous calendar year;

21 (5) \$300 per month on each account for non-residential
22 electric service which had 10 megawatts or greater of peak
23 demand during the previous calendar year; and

24 (6) \$300 per month on each account for non-residential
25 gas service which had 4,000,000 or more therms of gas
26 distributed to it during the previous calendar year.

27 (c) For purposes of this Section:

28 (1) "residential electric service" means electric
29 utility service for household purposes delivered to a
30 dwelling of 2 or fewer units which is billed under a
31 residential rate, or electric utility service for
32 household purposes delivered to a dwelling unit or units
33 which is billed under a residential rate and is registered
34 by a separate meter for each dwelling unit;

35 (2) "residential gas service" means gas utility
36 service for household purposes distributed to a dwelling of

1 2 or fewer units which is billed under a residential rate,
2 or gas utility service for household purposes distributed
3 to a dwelling unit or units which is billed under a
4 residential rate and is registered by a separate meter for
5 each dwelling unit;

6 (3) "non-residential electric service" means electric
7 utility service which is not residential electric service;
8 and

9 (4) "non-residential gas service" means gas utility
10 service which is not residential gas service.

11 (d) At least 45 days prior to the date on which it must
12 begin assessing Energy Assistance Charges, each public utility
13 engaged in the delivery of electricity or the distribution of
14 natural gas shall file with the Illinois Commerce Commission
15 tariffs incorporating the Energy Assistance Charge in other
16 charges stated in such tariffs.

17 (e) The Energy Assistance Charge assessed by electric and
18 gas public utilities shall be considered a charge for public
19 utility service.

20 (f) By the 20th day of the month following the month in
21 which the charges imposed by the Section were collected, each
22 public utility, municipal utility, and electric cooperative
23 shall remit to the Department of Revenue all moneys received as
24 payment of the Energy Assistance Charge on a return prescribed
25 and furnished by the Department of Revenue showing such
26 information as the Department of Revenue may reasonably
27 require. If a customer makes a partial payment, a public
28 utility, municipal utility, or electric cooperative may elect
29 either: (i) to apply such partial payments first to amounts
30 owed to the utility or cooperative for its services and then to
31 payment for the Energy Assistance Charge or (ii) to apply such
32 partial payments on a pro-rata basis between amounts owed to
33 the utility or cooperative for its services and to payment for
34 the Energy Assistance Charge.

35 (g) The Department of Revenue shall deposit into the
36 Supplemental Low-Income Energy Assistance Fund all moneys

1 remitted to it in accordance with subsection (f) of this
2 Section.

3 (h) (Blank).

4 On or before December 31, 2002, the Department shall
5 prepare a report for the General Assembly on the expenditure of
6 funds appropriated from the Low-Income Energy Assistance Block
7 Grant Fund for the program authorized under Section 4 of this
8 Act.

9 (i) The Department of Revenue may establish such rules as
10 it deems necessary to implement this Section.

11 (j) The Department of Public Aid ~~Commerce and Community~~
12 ~~Affairs~~ may establish such rules as it deems necessary to
13 implement this Section.

14 (k) The charges imposed by this Section shall only apply to
15 customers of municipal electric or gas utilities and electric
16 or gas cooperatives if the municipal electric or gas utility or
17 electric or gas cooperative makes an affirmative decision to
18 impose the charge. If a municipal electric or gas utility or an
19 electric cooperative makes an affirmative decision to impose
20 the charge provided by this Section, the municipal electric or
21 gas utility or electric cooperative shall inform the Department
22 of Revenue in writing of such decision when it begins to impose
23 the charge. If a municipal electric or gas utility or electric
24 or gas cooperative does not assess this charge, the Department
25 may not use funds from the Supplemental Low-Income Energy
26 Assistance Fund to provide benefits to its customers under the
27 program authorized by Section 4 of this Act.

28 In its use of federal funds under this Act, the Department
29 may not cause a disproportionate share of those federal funds
30 to benefit customers of systems which do not assess the charge
31 provided by this Section.

32 This Section is repealed effective December 31, 2007 unless
33 renewed by action of the General Assembly. The General Assembly
34 shall consider the results of the evaluations described in
35 Section 8 in its deliberations.

36 (Source: P.A. 92-690, eff. 7-18-02; revised 12-6-03.)

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