



Sen. James F. Clayborne Jr.

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09400HB5555sam001

LRB094 19388 AMC 57777 a

1 AMENDMENT TO HOUSE BILL 5555

2 AMENDMENT NO. _____. Amend House Bill 5555 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Public Utilities Act is amended by adding
5 Section 8-306 and by changing Section 9-223 as follows:

6 (220 ILCS 5/8-306 new)

7 Sec. 8-306. Special provisions relating to water and sewer
8 utilities.

9 (a) No later than 120 days after the effective date of this
10 amendatory Act of the 94th General Assembly, the Commission
11 shall prepare, make available to customers upon request, and
12 post on its Internet web site information concerning the
13 service obligations of water and sewer utilities and remedies
14 that a customer may pursue for a violation of the customer's
15 rights. The information shall specifically address the rights
16 of a customer of a water or sewer utility in the following
17 situations:

18 (1) The customer's water meter is replaced.

19 (2) The customer's bill increases by more than 50%
20 within one billing period.

21 (3) The customer's water service is terminated.

22 (4) The customer wishes to complain after receiving a
23 termination of service notice.

24 (5) The customer is unable to make payment on a billing

1 statement.

2 (6) A rate is filed, including without limitation a
3 surcharge or annual reconciliation filing, that will
4 increase the amount billed to the customer.

5 (7) The customer is billed for services provided prior
6 to the date covered by the billing statement.

7 (8) The customer is due to receive a credit.

8 Each billing statement issued by a water or sewer utility
9 shall include an Internet web site address where the customer
10 can view the information required under this subsection (a) and
11 a telephone number that the customer may call to request a copy
12 of the information.

13 (b) A water or sewer utility may discontinue service only
14 after it has mailed or delivered by other means a written
15 notice of discontinuance substantially in the form of Appendix
16 A of 83 Ill. Adm. Code 280. The notice must include the
17 Internet web site address where the customer can view the
18 information required under subsection (a) and a telephone
19 number that the customer may call to request a copy of the
20 information. Any notice required to be delivered or mailed to a
21 customer prior to discontinuance of service shall be delivered
22 or mailed separately from any bill. Service shall not be
23 discontinued until at least 5 days after delivery or 8 days
24 after the mailing of this notice. Service shall not be
25 discontinued and shall be restored if discontinued for the
26 reason which is the subject of a dispute or complaint during
27 the pendency of informal or formal complaint procedures of the
28 Illinois Commerce Commission under 83 Ill. Adm. Code 280.160 or
29 280.170, where the customer has complied with those rules.
30 Service shall not be discontinued and shall be restored if
31 discontinued where a customer has established a deferred
32 payment agreement pursuant to 83 Ill. Adm. Code 280.110 and has
33 not defaulted on such agreement. Residential customers who are
34 indebted to a utility for past due utility service shall have

1 the opportunity to make arrangements with the utility to retire
2 the debt by periodic payments, referred to as a deferred
3 payment agreement, unless this customer has failed to make
4 payment under such a plan during the past 12 months. The terms
5 and conditions of a reasonable deferred payment agreement shall
6 be determined by the utility after consideration of the
7 following factors, based upon information available from
8 current utility records or provided by the customer or
9 applicant:

10 (1) size of the past due account;

11 (2) customer or applicant's ability to pay;

12 (3) customer or applicant's payment history;

13 (4) reason for the outstanding indebtedness; and

14 (5) any other relevant factors relating to the
15 circumstances of the customer or applicant's service.

16 A residential customer shall pay a maximum of one-fourth of the
17 amount past due and owing at the time of entering into the
18 deferred payment agreement, and the water or sewer utility
19 shall allow a minimum of 2 months from the date of the
20 agreement and a maximum of 12 months for payment to be made
21 under a deferred payment agreement. Late payment charges may be
22 assessed against the amount owing that is the subject of a
23 deferred payment agreement.

24 (c) A water or sewer utility shall provide notice as
25 required by subsection (a) of Section 9-201 after the filing of
26 each information sheet under a purchased water surcharge,
27 purchased sewage treatment surcharge, or qualifying
28 infrastructure plant surcharge. The utility also shall post
29 notice of the filing in accordance with the requirements of 83
30 Ill. Adm. Code 255. Unless filed as part of a general rate
31 increase, notice of the filing of a purchased water surcharge
32 rider, purchased sewage treatment surcharge rider, or
33 qualifying infrastructure plant surcharge rider also shall be
34 given in the manner required by this subsection (c) for the

1 filing of information sheets.

2 (d) Commission rules pertaining to formal and informal
3 complaints against public utilities shall apply with full and
4 equal force to water and sewer utilities and their customers,
5 including provisions of 83 Ill. Adm. Code 280.170, and the
6 Commission shall respond to each complaint by providing the
7 consumer with a copy of the utility's response to the complaint
8 and a copy of the Commission's review of the complaint and its
9 findings. The Commission shall also provide the consumer with
10 all available options for recourse.

11 (e) Any refund shown on the billing statement of a customer
12 of a water or sewer utility must be itemized and must state if
13 the refund is an adjustment or credit.

14 (f) Water service for building construction purposes. At
15 the request of any municipality or township within the service
16 area of a public utility that provides water service to
17 customers within the municipality or township, a public utility
18 must (1) require all water service used for building
19 construction purposes to be measured by meter and subject to
20 approved rates and charges for metered water service and (2)
21 prohibit the unauthorized use of water taken from hydrants or
22 service lines installed at construction sites.

23 (g) Water meters.

24 (1) Periodic testing. Unless otherwise approved by the
25 Commission, each service water meter shall be periodically
26 inspected and tested in accordance with the schedule
27 specified in 35 Ill. Adm. Code 600.340, or more frequently
28 as the results may warrant, to insure that the meter
29 accuracy is maintained within the limits set out in 83 Ill.
30 Adm. Code 600.310.

31 (2) Meter tests requested by customer.

32 (A) Each utility furnishing metered water service
33 shall, without charge, test the accuracy of any meter
34 upon request by the customer served by such meter,

1 provided that the meter in question has not been tested
2 by the utility or by the Commission within 2 years
3 previous to such request. The customer or his or her
4 representatives shall have the privilege of witnessing
5 the test at the option of the customer. A written
6 report, giving the results of the test, shall be made
7 to the customer.

8 (B) When a meter that has been in service less than
9 2 years since its last test is found to be accurate
10 within the limits specified in 83 Ill. Adm. Code
11 600.310, the customer shall pay a fee to the utility
12 not to exceed the amounts specified in 83 Ill. Adm.
13 Code 600.350(b). Fees for testing meters not included
14 in this Section or so located that the cost will be out
15 of proportion to the fee specified will be determined
16 by the Commission upon receipt of a complete
17 description of the case.

18 (3) Commission referee tests. Upon written application
19 to the Commission by any customer, a test will be made of
20 the customer's meter by a representative of the Commission.
21 For such a test, a fee as provided for in subsection (g)(2)
22 shall accompany the application. If the meter is found to
23 be registering more than 1.5% fast on the average when
24 tested as prescribed in 83 Ill. Adm. Code 600.310, the
25 utility shall refund to the customer the amount of the fee.
26 The utility shall in no way disturb the meter after a
27 customer has made an application for a referee test until
28 authority to do so is given by the Commission or the
29 customer in writing.

30 (h) Water and sewer utilities; low usage. Each public
31 utility that provides water and sewer service must establish a
32 unit sewer rate, subject to review by the Commission, that
33 applies only to those customers who use less than 1,000 gallons
34 of water in any billing period.

1 (i) Water and sewer utilities; separate meters. Each public
2 utility that provides water and sewer service must offer
3 separate rates for water and sewer service to any commercial or
4 residential customer who uses separate meters to measure each
5 of those services. In order for the separate rate to apply, a
6 combination of meters must be used to measure the amount of
7 water that reaches the sewer system and the amount of water
8 that does not reach the sewer system.

9 (j) Each water or sewer public utility must disclose on
10 each billing statement any amount billed that is for service
11 provided prior to the date covered by the billing statement.
12 The disclosure must include the dates for which the prior
13 service is being billed. Each billing statement that includes
14 an amount billed for service provided prior to the date covered
15 by the billing statement must disclose the dates for which that
16 amount is billed and must include a copy of the document
17 created under subsection (a) and a statement of current
18 Commission rules concerning unbilled or misbilled service.

19 (k) When the customer is due a refund resulting from
20 payment of an overcharge, the utility shall credit the customer
21 in the amount of overpayment with interest from the date of
22 overpayment by the customer. The rate for interest shall be at
23 the appropriate rate determined by the Commission under 83 Ill.
24 Adm. Code 280.70.

25 (l) Water and sewer public utilities; subcontractors. The
26 Commission shall adopt rules for water and sewer public
27 utilities to provide notice to the customers of the proper kind
28 of identification that a subcontractor must present to the
29 customer, to prohibit a subcontractor from soliciting or
30 receiving payment of any kind for any service provided by the
31 water or sewer public utility or the subcontractor, and to
32 establish sanctions for violations.

33 (m) Water and sewer public utilities; unaccounted-for
34 water. By December 31, 2006, each water public utility shall

1 file tariffs with the Commission to establish the maximum
2 percentage of unaccounted-for water that would be considered in
3 the determination of any rates or surcharges. The rates or
4 surcharges approved for a water public utility shall not
5 include charges for unaccounted-for water in excess of this
6 maximum percentage without well-documented support and
7 justification for the Commission to consider in any request to
8 recover charges in excess of the tariffed maximum percentage.

9 (n) Rate increases; public forums. When any public utility
10 providing water or sewer service proposes a general rate
11 increase, in addition to other notice requirements, the water
12 or sewer public utility must notify its customers of their
13 right to request a public forum. A customer or group of
14 customers must make written request to the Commission for a
15 public forum and must also provide written notification of the
16 request to the customer's municipal or, for unincorporated
17 areas, township government. The Commission, at its discretion,
18 may schedule the public forum. If it is determined that public
19 forums are required for multiple municipalities or townships,
20 the Commission shall schedule these public forums, in locations
21 within approximately 45 minutes drive time of the
22 municipalities or townships for which the public forums have
23 been scheduled. The public utility must provide advance notice
24 of 30 days for each public forum to the governing bodies of
25 those units of local government affected by the increase. The
26 day of each public forum shall be selected so as to encourage
27 the greatest public participation. Each public forum will begin
28 at 7:00 p.m. Reports and comments made during or as a result of
29 each public forum must be made available to the hearing
30 officials and reviewed when drafting a recommended or tentative
31 decision, finding or order pursuant to Section 10-111 of this
32 Act.

1 Sec. 9-223. Fire protection charge.

2 (a) The Commission may authorize any public utility engaged
3 in the production, storage, transmission, sale, delivery or
4 furnishing of water to impose a fire protection charge, in
5 addition to any rate authorized by this Act, sufficient to
6 cover a reasonable portion of the cost of providing the
7 capacity, facilities and the water necessary to meet the fire
8 protection needs of any municipality or public fire protection
9 district. Such fire protection charge shall be in the form of a
10 fixed amount per bill and shall be shown separately on the
11 utility bill of each customer of the municipality or fire
12 protection district. Any filing by a public utility to impose
13 such a fire protection charge or to modify a charge shall be
14 made pursuant to Section 9-201 of this Act. Any fire protection
15 charge imposed shall reflect the costs associated with
16 providing fire protection service for each municipality or fire
17 protection district. No such charge shall be imposed directly
18 on any municipality or fire protection district for a
19 reasonable level of fire protection services unless provided
20 for in a separate agreement between the municipality or the
21 fire protection district and the utility.

22 (b) By December 31, 2007, the Commission shall conduct at
23 least 3 public forums to evaluate the purpose and use of each
24 fire protection charge imposed under this Section. At least one
25 forum must be held in northern Illinois, at least one forum
26 must be held in central Illinois, and at least one forum must
27 be held in southern Illinois. The Commission must invite a
28 representative from each municipality and fire protection
29 district affected by a fire protection charge under this
30 Section to attend a public forum. The Commission shall report
31 its findings concerning recommendations concerning the purpose
32 and use of each fire protection charge to the General Assembly
33 no later than the last day of the veto session in 2008.

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

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