

1 AN ACT concerning regulation.

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 changing
5 Section 3-105 as follows:

6 (220 ILCS 5/3-105) (from Ch. 111 2/3, par. 3-105)

7 Sec. 3-105. Public utility. "Public utility" means and
8 includes, except where otherwise expressly provided in this
9 Section, every corporation, company, limited liability
10 company, association, joint stock company or association,
11 firm, partnership or individual, their lessees, trustees, or
12 receivers appointed by any court whatsoever that owns,
13 controls, operates or manages, within this State, directly or
14 indirectly, for public use, any plant, equipment or property
15 used or to be used for or in connection with, or owns or
16 controls any franchise, license, permit or right to engage in:

17 a. the production, storage, transmission, sale,
18 delivery or furnishing of heat, cold, power, electricity,
19 water, or light, except when used solely for communications
20 purposes;

21 b. the disposal of sewerage; or

22 c. the conveyance of oil or gas by pipe line.

23 "Public utility" does not include, however:

24 1. public utilities that are owned and operated by any
25 political subdivision, public institution of higher
26 education or municipal corporation of this State, or public
27 utilities that are owned by such political subdivision,
28 public institution of higher education, or municipal
29 corporation and operated by any of its lessees or operating
30 agents;

31 2. water companies which are purely mutual concerns,
32 having no rates or charges for services, but paying the

1 operating expenses by assessment upon the members of such a
2 company and no other person;

3 3. electric cooperatives as defined in Section 3-119;

4 4. residential natural gas cooperatives that are
5 not-for-profit corporations established for the purpose of
6 administering and operating, on a cooperative basis, the
7 furnishing of natural gas to residences for the benefit of
8 their members who are residential consumers of natural gas.
9 For entities qualifying as residential natural gas
10 cooperatives and recognized by the Illinois Commerce
11 Commission as such, the State shall guarantee legally
12 binding contracts entered into by residential natural gas
13 cooperatives for the express purpose of acquiring natural
14 gas supplies for their members. The Illinois Commerce
15 Commission shall establish rules and regulations providing
16 for such guarantees. The total liability of the State in
17 providing all such guarantees shall not at any time exceed
18 \$1,000,000, nor shall the State provide such a guarantee to
19 a residential natural gas cooperative for more than 3
20 consecutive years;

21 5. sewage disposal companies which provide sewage
22 disposal services on a mutual basis without establishing
23 rates or charges for services, but paying the operating
24 expenses by assessment upon the members of the company and
25 no others;

26 6. (Blank);

27 7. cogeneration facilities, small power production
28 facilities, and other qualifying facilities, as defined in
29 the Public Utility Regulatory Policies Act and regulations
30 promulgated thereunder, except to the extent State
31 regulatory jurisdiction and action is required or
32 authorized by federal law, regulations, regulatory
33 decisions or the decisions of federal or State courts of
34 competent jurisdiction;

35 8. the ownership or operation of a facility that sells
36 compressed natural gas at retail to the public for use only

1 as a motor vehicle fuel and the selling of compressed
2 natural gas at retail to the public for use only as a motor
3 vehicle fuel; ~~and~~

4 9. alternative retail electric suppliers as defined in
5 Article XVI; ~~and-~~

6 10. the ownership or operation of a facility that
7 distributes primarily propane by pipeline and sells it at
8 retail, except in cases where there is no alternative
9 source of propane reasonably available to the customers
10 being served.

11 (Source: P.A. 89-42, eff. 1-1-96; 90-561, eff. 12-16-97.)

12 Section 99. Effective date. This Act takes effect upon
13 becoming law.