

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 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. The corporate authorities of a  
9 municipality or county board of a county may adopt an  
10 ordinance, under which it may aggregate in accordance with this  
11 Section residential retail electrical loads located,  
12 respectively, within the municipality or county and, for that  
13 purpose, may solicit bids and enter into service agreements to  
14 facilitate for those loads the sale and purchase of electricity  
15 and related services and equipment. The corporate authorities  
16 or county board also may exercise such authority jointly with  
17 any other municipality or county. An ordinance under this  
18 Section shall specify whether the aggregation will occur only  
19 with the prior consent of each person owning, occupying,  
20 controlling, or using an electric load center proposed to be  
21 aggregated. Nothing in this Section, however, authorizes the  
22 aggregation of electric loads that are served or authorized to  
23 be served by an electric cooperative as defined by and pursuant

1 to the Electric Supplier Act or loads served by a municipality  
2 that owns and operates its own electric distribution system. No  
3 aggregation pursuant to an ordinance adopted under this Section  
4 that provides for an election under this Section shall take  
5 effect unless approved by a majority of the electors voting  
6 upon the ordinance at the election held pursuant to this  
7 Section.

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

12 A municipality may initiate a process to authorize  
13 aggregation by a majority vote of the municipal council, with  
14 the approval of the mayor. A county may initiate the process to  
15 authorize aggregation by a majority vote of the county board.  
16 Two or more municipalities or counties, or a combination of  
17 both, may initiate a process jointly to authorize aggregation  
18 by a majority vote of each particular municipality or county as  
19 herein required.

20 Upon the applicable requisite authority under this  
21 Section, the corporate authorities or the county board shall  
22 develop a plan of operation and governance for the aggregation  
23 program so authorized. Before adopting a plan under this  
24 Section, the corporate authorities or county board shall hold  
25 at least 2 public hearings on the plan. Before the first  
26 hearing, the corporate authorities or county board shall

1 publish notice of the hearings once a week for 2 consecutive  
2 weeks in a newspaper of general circulation in the  
3 jurisdiction. The notice shall summarize the plan and state the  
4 date, time, and location of each hearing. Any load aggregation  
5 plan established pursuant to this Section shall:

6 (1) provide for universal access to all applicable  
7 residential customers and equitable treatment of  
8 applicable residential customers;

9 (2) describe demand management and energy efficiency  
10 services to be provided to each class of customers; and

11 (3) meet any requirements established by law or the  
12 Commission concerning aggregated service offered pursuant  
13 to this Section.

14 The plan shall be filed with the Commission for review and  
15 approval and shall include, without limitation, an  
16 organizational structure of the program, its operations, and  
17 funding; the methods of establishing rates and allocating costs  
18 among participants; the methods for entering and terminating  
19 agreements with other entities; the rights and  
20 responsibilities of program participants; and procedures for  
21 termination of the program. Within 120 days after receipt of  
22 the plan, the Commission shall issue an order either approving  
23 or rejecting the plan. If the Commission rejects the plan, it  
24 shall state detailed reasons for rejecting the plan in its  
25 order. Upon approval of the plan, the corporate authorities or  
26 county board may solicit bids for electricity and other related

1 services pursuant to the methods established in the plan. The  
2 corporate authorities or county board shall report the results  
3 of this solicitation and proposed agreement awards to the  
4 Commission, which shall have 15 business days to suspend such  
5 awards if the solicitation or awards are not in conformance  
6 with the plan or if the cost for energy would in the first year  
7 exceed the cost of that energy if that energy was obtained from  
8 an electric utility under Section 16-103 of this Act by  
9 citizens in the municipality or county or group of  
10 municipalities and counties, unless the applicant can  
11 demonstrate that the cost for energy under the aggregation plan  
12 will be lower in the subsequent years or the applicant can  
13 demonstrate that such excess cost is due to the purchase of  
14 renewable energy. If the Commission does not suspend the  
15 proposed contract awards within 15 business days after filing,  
16 the corporate authorities or county board shall have the right  
17 to award the proposed agreements.

18 It shall be the duty of the aggregated entity to fully  
19 inform residential retail customers in advance that they have  
20 the right to opt in to the aggregation program. The disclosure  
21 shall prominently state all charges to be made and shall  
22 include full disclosure of the cost to obtain service pursuant  
23 to Section 16-103 of this Act, how to access it, and the fact  
24 that it is available to them without penalty, if they are  
25 currently receiving service under that Section. The Commission  
26 shall furnish, without charge, to any citizen a list of all

1 supply options available to them in a format that allows  
2 comparison of prices and products.

3 This Section does not prohibit municipalities or counties  
4 from entering into an intergovernmental agreement to aggregate  
5 residential retail electric loads.