



Executive Committee

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09500HB5378ham001

LRB095 19468 MJR 48282 a

1 AMENDMENT TO HOUSE BILL 5378

2 AMENDMENT NO. _____. Amend House Bill 5378 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Public Utilities Act is amended by changing
5 Section 9-201 as follows:

6 (220 ILCS 5/9-201) (from Ch. 111 2/3, par. 9-201)

7 Sec. 9-201. (a) Unless the Commission otherwise orders, and
8 except as otherwise provided in this Section, no change shall
9 be made by any public utility in any rate or other charge or
10 classification, or in any rule, regulation, practice or
11 contract relating to or affecting any rate or other charge,
12 classification or service, or in any privilege or facility,
13 except after 45 days' notice to the Commission and to the
14 public as herein provided. Such notice shall be given by filing
15 with the Commission and keeping open for public inspection new
16 schedules or supplements stating plainly the change or changes

1 to be made in the schedule or schedules then in force, and the
2 time when the change or changes will go into effect, and by
3 publication in a newspaper of general circulation or such other
4 notice to persons affected by such change as may be prescribed
5 by rule of the Commission. The Commission, for good cause
6 shown, may allow changes without requiring the 45 days' notice
7 herein provided for, by an order specifying the changes so to
8 be made and the time when they shall take effect and the manner
9 in which they shall be filed and published.

10 When any change is proposed in any rate or other charge, or
11 classification, or in any rule, regulation, practice, or
12 contract relating to or affecting any rate or other charge,
13 classification or service, or in any privilege or facility,
14 such proposed change shall be plainly indicated on the new
15 schedule filed with the Commission, by some character to be
16 designated by the Commission, immediately preceding or
17 following the item.

18 When any public utility providing water or sewer service
19 proposes any change in any rate or other charge, or
20 classification, or in any rule, regulation, practice, or
21 contract relating to or affecting any rate or other charge,
22 classification or service, or in any privilege or facility,
23 such utility shall, in addition to the other notice
24 requirements of this Act, provide notice of such change to all
25 customers potentially affected by including a notice and
26 description of such change, and of Commission procedures for

1 intervention, in the first bill sent to each such customer
2 after the filing of the proposed change.

3 (b) Whenever there shall be filed with the Commission any
4 schedule stating an individual or joint rate or other charge,
5 classification, contract, practice, rule or regulation, the
6 Commission shall have power, and it is hereby given authority,
7 either upon complaint or upon its own initiative without
8 complaint, at once, and if it so orders, without answer or
9 other formal pleadings by the interested public utility or
10 utilities, but upon reasonable notice, to enter upon a hearing
11 concerning the propriety of such rate or other charge,
12 classification, contract, practice, rule or regulation, and
13 pending the hearing and decision thereon, such rate or other
14 charge, classification, contract, practice, rule or regulation
15 shall not go into effect. The period of suspension of such rate
16 or other charge, classification, contract, practice, rule or
17 regulation shall not extend more than 105 days beyond the time
18 when such rate or other charge, classification, contract,
19 practice, rule or regulation would otherwise go into effect
20 unless the Commission, in its discretion, extends the period of
21 suspension for a further period not exceeding 6 months.

22 All rates or other charges, classifications, contracts,
23 practices, rules or regulations not so suspended shall, on the
24 expiration of 45 days from the time of filing the same with the
25 Commission, or of such lesser time as the Commission may grant,
26 go into effect and be the established and effective rates or

1 other charges, classifications, contracts, practices, rules
2 and regulations, subject to the power of the Commission, after
3 a hearing had on its own motion or upon complaint, as herein
4 provided, to alter or modify the same.

5 Within 30 days after such changes have been authorized by
6 the Commission, copies of the new or revised schedules shall be
7 posted or filed in accordance with the terms of Section 9-103
8 of this Act, in such a manner that all changes shall be plainly
9 indicated.

10 (c) If the Commission enters upon a hearing concerning the
11 propriety of any proposed rate or other charge, classification,
12 contract, practice, rule or regulation, the Commission shall
13 establish the rates or other charges, classifications,
14 contracts, practices, rules or regulations proposed, in whole
15 or in part, or others in lieu thereof, which it shall find to
16 be just and reasonable. In such hearing, the burden of proof to
17 establish the justness and reasonableness of the proposed rates
18 or other charges, classifications, contracts, practices, rules
19 or regulations, in whole and in part, shall be upon the
20 utility. No rate or other charge, classification, contract,
21 practice, rule or regulation shall be found just and reasonable
22 unless it is consistent with Sections of this Article.

23 (d) Tariffs for gas utilities designed to recover specified
24 per customer revenue or revenue associated with specific usage
25 levels shall not be permitted. Existing tariffs for gas
26 utilities designed to recover specified per customer revenue or

1 revenue associated with specific usage levels shall be deemed
2 invalid and cancelled upon the effective date of this
3 amendatory Act of the 95th General Assembly. Notwithstanding
4 any other rulemaking authority that may exist, neither the
5 Governor nor any agency or agency head under the jurisdiction
6 of the Governor has any authority to make or promulgate rules
7 to implement or enforce the provisions of this amendatory Act
8 of the 95th General Assembly. If, however, the Governor
9 believes that rules are necessary to implement or enforce the
10 provisions of this amendatory Act of the 95th General Assembly,
11 the Governor may suggest rules to the General Assembly by
12 filing them with the Clerk of the House and the Secretary of
13 the Senate and by requesting that the General Assembly
14 authorize such rulemaking by law, enact those suggested rules
15 into law, or take any other appropriate action in the General
16 Assembly's discretion. Nothing contained in this amendatory
17 Act of the 95th General Assembly shall be interpreted to grant
18 rulemaking authority under any other Illinois statute where
19 such authority is not otherwise explicitly given. For the
20 purposes of this amendatory Act of the 95th General Assembly,
21 "rules" is given the meaning contained in Section 1-70 of the
22 Illinois Administrative Procedure Act, and "agency" and
23 "agency head" are given the meanings contained in Sections 1-20
24 and 1-25 of the Illinois Administrative Procedure Act to the
25 extent that such definitions apply to agencies or agency heads
26 under the jurisdiction of the Governor.

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

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