



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

SB0043

Introduced 1/31/2007, by Sen. Bill Brady

#### SYNOPSIS AS INTRODUCED:

20 ILCS 687/6-5  
20 ILCS 687/6-7  
220 ILCS 5/16-107.5 new

Amends the Public Utilities Act. Provides that an electric utility must establish a "net metering" pilot program for its retail customers that own and operate a solar or wind electrical generating facility with a capacity of not more than 40 kilowatts located on the customer's premises and intended to offset part of the customer's electrical requirements. Requires separate pilot programs for residential and business customers. Provides that an electric utility that has conducted a net electrical energy metering pilot program for either its residential or business customers, or both, that was initiated before the effective date of this amendatory Act need only file a report of the results of the program with the Illinois Commerce Commission. Provides that the electric utility must report the results of the pilot program to the Illinois Commerce Commission by July 1, 2008. Requires the Commission to provide a summary and an analysis of the reports to the General Assembly by September 1, 2008. Amends the Renewable Energy, Energy Efficiency, and Coal Resources Development Law of 1997. Provides that a utility may deduct an amount from collected receipts for expenses incurred to develop, maintain, and administer its net electricity metering pilot program. Extends the scheduled repeal date for the Renewable Energy, Energy Efficiency, and Coal Resources Development Law of 1997 from December 16, 2007 to December 31, 2008. Effective immediately.

LRB095 04640 MJR 24698 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 Renewable Energy, Energy Efficiency, and  
5 Coal Resources Development Law of 1997 is amended by changing  
6 Sections 6-5 and 6-7 as follows:

7 (20 ILCS 687/6-5)

8 (Section scheduled to be repealed on December 16, 2007)

9 Sec. 6-5. Renewable Energy Resources and Coal Technology  
10 Development Assistance Charge.

11 (a) Notwithstanding the provisions of Section 16-111 of the  
12 Public Utilities Act but subject to subsection (e) of this  
13 Section, each public utility, electric cooperative, as defined  
14 in Section 3.4 of the Electric Supplier Act, and municipal  
15 utility, as referenced in Section 3-105 of the Public Utilities  
16 Act, that is engaged in the delivery of electricity or the  
17 distribution of natural gas within the State of Illinois shall,  
18 effective January 1, 1998, assess each of its customer accounts  
19 a monthly Renewable Energy Resources and Coal Technology  
20 Development Assistance Charge. The delivering public utility,  
21 municipal electric or gas utility, or electric or gas  
22 cooperative for a self-assessing purchaser remains subject to  
23 the collection of the fee imposed by this Section. The monthly

1 charge shall be as follows:

2 (1) \$0.05 per month on each account for residential  
3 electric service as defined in Section 13 of the Energy  
4 Assistance Act;

5 (2) \$0.05 per month on each account for residential gas  
6 service as defined in Section 13 of the Energy Assistance  
7 Act;

8 (3) \$0.50 per month on each account for nonresidential  
9 electric service, as defined in Section 13 of the Energy  
10 Assistance Act, which had less than 10 megawatts of peak  
11 demand during the previous calendar year;

12 (4) \$0.50 per month on each account for nonresidential  
13 gas service, as defined in Section 13 of the Energy  
14 Assistance Act, which had distributed to it less than  
15 4,000,000 therms of gas during the previous calendar year;

16 (5) \$37.50 per month on each account for nonresidential  
17 electric service, as defined in Section 13 of the Energy  
18 Assistance Act, which had 10 megawatts or greater of peak  
19 demand during the previous calendar year; and

20 (6) \$37.50 per month on each account for nonresidential  
21 gas service, as defined in Section 13 of the Energy  
22 Assistance Act, which had 4,000,000 or more therms of gas  
23 distributed to it during the previous calendar year.

24 (b) The Renewable Energy Resources and Coal Technology  
25 Development Assistance Charge assessed by electric and gas  
26 public utilities shall be considered a charge for public

1 utility service.

2 (c) Fifty percent of the moneys collected pursuant to this  
3 Section shall be deposited in the Renewable Energy Resources  
4 Trust Fund by the Department of Revenue. The remaining 50  
5 percent of the moneys collected pursuant to this Section shall  
6 be deposited in the Coal Technology Development Assistance Fund  
7 by the Department of Revenue for use under the Illinois Coal  
8 Technology Development Assistance Act.

9 (d) By the 20th day of the month following the month in  
10 which the charges imposed by this Section were collected, each  
11 utility and alternative retail electric supplier collecting  
12 charges pursuant to this Section shall remit to the Department  
13 of Revenue for deposit in the Renewable Energy Resources Trust  
14 Fund and the Coal Technology Development Assistance Fund all  
15 moneys received, except as provided in this subsection, as  
16 payment of the charge provided for in this Section on a return  
17 prescribed and furnished by the Department of Revenue showing  
18 such information as the Department of Revenue may reasonably  
19 require. A utility may deduct an amount from collected  
20 receipts, not to exceed the amount designated for the Renewable  
21 Energy Resources Trust Fund, for expenses incurred to develop,  
22 maintain, and administer its net electricity metering pilot  
23 program required by Section 16-107.5 of the Public Utilities  
24 Act. Such expenses shall include the following, and are subject  
25 to Illinois Commerce Commission approval:

26 (1) expenses incurred to develop and submit a report of

1 results of the pilot programs to the Illinois Commerce  
2 Commission;

3 (2) expenses incurred to install, maintain, and  
4 operate metering required to measure customer usage for the  
5 purposes of administering the pilot program;

6 (3) expenses incurred to perform an interconnection  
7 study and execute an interconnection agreement with  
8 customers in the pilot program;

9 (4) incremental expenses incurred to provide customers  
10 a bill (costs above those that are normally incurred to  
11 provide customers a bill in the absence of the pilot  
12 program);

13 (5) to the extent that any credit for energy generated  
14 that is paid to the customer exceeds the energy credit  
15 stated in utility's tariff filed in compliance with 83 Ill.  
16 Adm. Code 430.60, the utility shall be entitled to a credit  
17 on the difference between what is paid to the customer and  
18 what would have been paid using the utility tariff  
19 described above; and

20 (6) expenses incurred to develop, file, and gain  
21 approval of a net electricity metering pilot program from  
22 the Illinois Commerce Commission.

23 (e) The charges imposed by this Section shall only apply to  
24 customers of municipal electric or gas utilities and electric  
25 or gas cooperatives if the municipal electric or gas utility or  
26 electric or gas cooperative makes an affirmative decision to

1 impose the charge. If a municipal electric or gas utility or an  
2 electric or gas cooperative makes an affirmative decision to  
3 impose the charge provided by this Section, the municipal  
4 electric or gas utility or electric or gas cooperative shall  
5 inform the Department of Revenue in writing of such decision  
6 when it begins to impose the charge. If a municipal electric or  
7 gas utility or electric or gas cooperative does not assess this  
8 charge, its customers shall not be eligible for the Renewable  
9 Energy Resources Program.

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

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

13 (20 ILCS 687/6-7)

14 (Section scheduled to be repealed on December 16, 2007)

15 Sec. 6-7. Repeal. The provisions of this Law are repealed  
16 on December 31, 2008. ~~10 years after the effective date of this~~  
17 ~~amendatory Act of 1997 unless renewed by act of the General~~  
18 ~~Assembly.~~

19 (Source: P.A. 90-561, eff. 12-16-97.)

20 Section 10. The Public Utilities Act is amended by adding  
21 Section 16-107.5 as follows:

22 (220 ILCS 5/16-107.5 new)

23 Sec. 16-107.5. Net electricity metering pilot program.

1       (a) The Legislature finds and declares that a pilot program  
2 to provide net energy metering, as defined in this Section, for  
3 eligible customers can encourage private investment in  
4 renewable energy resources, stimulate economic growth, enhance  
5 the continued diversification of Illinois' energy resource  
6 mix, and protect the Illinois environment.

7       (b) As used in this Section, (i) "eligible customer" means  
8 a retail residential or business customer that owns and  
9 operates a solar or wind electrical generating facility with a  
10 capacity of not more than 40 kilowatts that is located on the  
11 customer's premises and is intended primarily to offset part or  
12 all of the customer's own electrical requirements and (ii) "net  
13 energy metering" means the measurement, during the billing  
14 period applicable to an eligible customer, of the net amount of  
15 electricity delivered by an electric utility to the customer's  
16 premises or provided to the electric utility by the customer.

17       (c) An electric utility shall establish a net electrical  
18 energy metering pilot program for its eligible customers. An  
19 electric utility shall establish separate pilot programs for  
20 its residential customers and its business customers. However,  
21 if an electric utility has conducted a net electrical energy  
22 metering pilot program for either its residential customers or  
23 its business customers, or both, and the pilot program was  
24 initiated before the effective date of this amendatory Act of  
25 the 95th General Assembly, the electric public utility need  
26 only file the report required under subsection (d).

1       (d) An electric utility shall report the results of its  
2       pilot programs to the Illinois Commerce Commission by July 1,  
3       2008. The Commission shall provide a summary and an analysis of  
4       the reports to the General Assembly no later than September 1,  
5       2008.

6       Section 99. Effective date. This Act takes effect upon  
7       becoming law.