



Sen. Don Harmon

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09500SB1184sam002

LRB095 10949 MJR 34530 a

1 AMENDMENT TO SENATE BILL 1184

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1184 by replacing  
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the  
5 Affordable and Clean Energy Standards (ACES) Act.

6 Section 5. Findings. The General Assembly finds the  
7 following:

8 (1) Energy efficiency is a cost-effective resource that  
9 ensures affordable and reliable energy to Illinois consumers.

10 (2) It is desirable to obtain the environmental quality,  
11 public health, employment, economic development, rate  
12 stabilization, and fuel diversity benefits of developing new  
13 renewable energy resources for use in Illinois.

14 (3) The General Assembly has previously found and declared  
15 that the benefits of electricity from renewable energy  
16 resources accrue to the public at large, thus consumers and

1 electric utilities and alternative retail electric suppliers  
2 share an interest in developing and using a significant level  
3 of these environmentally preferable resources in the State's  
4 electricity supply portfolio.

5 (4) Energy efficiency and renewable energy in Illinois are  
6 resources that are currently underutilized.

7 (5) Investment in energy efficiency and load management,  
8 combined with energy efficiency codes and standards, present  
9 important opportunities to increase Illinois' energy security,  
10 protect Illinois energy consumers from price volatility,  
11 preserve the State's natural resources and pursue an improved  
12 environment in Illinois.

13 (6) It serves the public interest to support public utility  
14 investments in cost-effective energy efficiency and load  
15 management by allowing recovery of costs for reasonable and  
16 prudently incurred expenses of energy efficiency, renewable  
17 energy, and load management programs.

18 (7) Investments in energy efficiency and implementation of  
19 utility energy efficiency programs dedicated to  
20 economically-disadvantaged Illinois residents, in addition to  
21 existing low-income weatherization programs managed by the  
22 State of Illinois, will reduce the burden of utility costs on  
23 low-income customers.

24 (8) Public utility investments in cost-effective energy  
25 efficiency, renewable energy, and load management, combined  
26 with the adoption of efficiency codes and standards, can

1 provide significant reductions in greenhouse gas emissions,  
2 regulated air emissions, water consumption, and natural  
3 resource depletion and can avoid or delay the need for more  
4 expensive generation, transmission, and distribution  
5 infrastructure.

6 (9) It serves the public interest, the reliability of the  
7 electric transmission grid, and the natural gas  
8 infrastructure, as well as the State of Illinois' economy, to  
9 treat energy efficiency programs as a resource similar to any  
10 other supply side resource whose costs are eligible for  
11 recovery through rates.

12 (10) Investment in energy efficiency programs is a public  
13 good that public utility should be required to deliver  
14 cost-effectively in order to provide real and sustained relief  
15 to customers whose rising energy costs continue to threaten the  
16 economic well-being of residential customers, businesses, and  
17 industries in the State.

18 Section 10. Definitions.

19 "Commission" means the Illinois Commerce Commission.

20 "Cost-effective" means that the program being evaluated  
21 satisfies the total resource cost test as defined in this  
22 Section.

23 "Department" means the Department of Commerce and Economic  
24 Opportunity.

25 "Energy conservation" is any reduction in electric power

1 consumption or natural gas consumption resulting from: (i)  
2 increased energy efficiency in the production, transmission,  
3 distribution, and customer end-use applications of electricity  
4 and natural gas and (ii) increased customer knowledge  
5 concerning the societal impacts of consumption. Such knowledge  
6 may be the result of economically efficient energy prices or  
7 other means of communication when prices are of the second best  
8 nature.

9 "Energy efficiency" means measures, including energy  
10 conservation measures, or programs that target consumer  
11 behavior, equipment or devices, or development and  
12 demonstration of breakthrough energy efficiency equipment or  
13 devices, that result in a decrease in consumption of  
14 electricity and natural gas without reducing the amount or  
15 quality of energy service.

16 "External costs" or "negative externalities" are costs  
17 imposed on society that are not directly borne by the producer  
18 in production and delivery activities. Due to imperfections in,  
19 or the absence of, markets, the producer's production, and  
20 pricing decisions do not account for these costs.

21 "Large customer" means a utility customer at a single,  
22 contiguous field, location, or facility, regardless of the  
23 number of meters at that field, location, or facility, with  
24 electricity consumption greater than 7,000 megawatt-hours per  
25 year or natural gas use greater than 5,000 therms per year.

26 "Load management" means measures or programs that target

1 equipment or devices to result in decrease peak electricity  
2 demand or shift demand from peak to off-peak periods

3 "Municipality" means any city, village, or incorporated  
4 town.

5 "Planning costs" are the costs of evaluating the future  
6 demand for energy services and of evaluating alternative  
7 methods of satisfying that demand. Planning costs include, but  
8 are not be limited to, costs associated with: (i) econometric  
9 and end-use forecasting, (ii) identification and evaluation of  
10 alternative demand-side and supply-side resource options, and  
11 (iii) evaluation of externalities associated with alternative  
12 resources.

13 "Portfolio development costs" are costs of preparing a  
14 resource in a portfolio for prompt and timely acquisition.  
15 Portfolio development costs include, but are not be limited to,  
16 costs associated with: (i) negotiating contracts with  
17 competitively acquired resources, (ii) acquiring and holding  
18 resource options; and (iii) developing and maintaining the  
19 capability to rapidly acquire demand-side resources.

20 "Renewable energy resources" includes energy and renewable  
21 energy credits from wind, solar thermal energy, photovoltaic  
22 cells and panels, dedicated crops grown for energy production  
23 and organic waste biomass, hydropower that does not involve new  
24 construction or significant expansion of hydropower dams, and  
25 other such alternative sources of environmentally preferable  
26 energy. "Renewable energy resources" does not include energy

1 from the incineration, burning or heating of waste wood, tires,  
2 garbage, general household, institutional and commercial  
3 waste, industrial lunchroom or office waste, landscape waste,  
4 or construction or demolition debris.

5 "Renewable energy credit" means a tradable credit that  
6 represents the environmental attributes of a certain amount of  
7 energy produced from a Renewable energy resource.

8 "Energy efficiency resources" means energy efficiency  
9 programs designed to assist customers to use energy more  
10 efficiently, reduce or control their consumption of energy, as  
11 measured in kilowatts, kilowatthours or therms, or otherwise  
12 control the level of their electric utility bills.

13 "Total resource cost test" means a standard that is met if,  
14 for an investment in energy efficiency or load management, the  
15 benefit-cost ratio is greater than one. The benefit-cost ratio  
16 is the ratio of the net present value of the total benefits of  
17 the program to the net present value of the total costs as  
18 calculated over the lifetime of the measures. A total resource  
19 cost test's:

20 (1) benefits include, but are not limited to, avoided  
21 supply costs, reductions in transmission, distribution,  
22 generation, and capacity costs valued at marginal costs for  
23 the periods when load is reduced, avoided environmental  
24 damage, increased system reliability, and others deemed  
25 appropriate by the Commission;

26 (2) costs are program costs paid by both the utility

1 and participant including, but not limited to, equipment  
2 costs, installation, net operation and maintenance costs  
3 or benefits, and program administration; and

4 (3) provisions include an oversight and evaluation  
5 process that shall periodically monitor and develop data on  
6 the cost effectiveness and actual productivity of demand  
7 side efficiency and conservation programs.

8 Section 15. Utility energy efficiency programs.

9 (a) It is the policy of the State that electric and natural  
10 gas utilities utilize cost-effective energy efficiency and  
11 load management investments in their energy resource  
12 portfolios.

13 (b) Electric utilities shall use energy efficiency  
14 resources to meet the following energy savings goals:

15 (1) 0.2% of total load to be saved in 2008;

16 (2) 0.4% of total load to be saved in 2009;

17 (3) 0.6% of total load to be saved in 2010;

18 (4) 0.8% of total load to be saved in 2011;

19 (5) 1% of total load to be saved in 2012; and

20 (6) 2% of total load to be saved in 2015 and each year  
21 thereafter.

22 (c) Natural gas utilities shall use energy efficiency  
23 resources to meet the following energy savings goals:

24 (1) 0.2% of total annual Mcf to be saved in 2008;

25 (2) 0.4% of total annual Mcf to be saved in 2009;

- 1           (3) 0.6% of total annual Mcf to be saved in 2010;  
2           (4) 0.8% of total annual Mcf to be saved in 2011;  
3           (5) 1% of total annual Mcf to be saved in 2012; and  
4           (6) 2% of total annual Mcf to be saved in 2015 and each  
5           year thereafter.

6           (d) Notwithstanding the requirements of subsections (b)  
7           and (c) of this Section, an electric or natural gas utility may  
8           reduce the amount of energy efficiency resources it procures to  
9           meet energy savings goals in any single year by an amount  
10          necessary to limit the estimated average net increase to  
11          customers, due to this provision to be no more than 0.5% of  
12          customers' total electricity bills for the calendar year ending  
13          immediately prior to the procurement, with such limit  
14          increasing by 0.5% in each of the 4 years 2009 through 2011,  
15          for a maximum cap on the allowed estimated average increase due  
16          to the cost of these resources of 2.0%. No later than June 30,  
17          2011 the Commission shall review the rate limitation and report  
18          to the General Assembly its findings as to whether the rate cap  
19          unduly constrains the procurement of energy efficiency  
20          resources that would be cost effective.

21          (e) Implementation of the energy efficiency programs under  
22          this Act shall be split between the utilities and the  
23          Department of Commerce and Economic Opportunity. Electric and  
24          natural gas utilities must implement programs accounting for  
25          75% of the total energy efficiency program identified in each  
26          utility's energy efficiency plan. Electric and natural gas



1 utilities shall administer aggressive energy savings incentive  
2 programs in a market-neutral, nondiscriminatory manner.

3 Each electric and natural gas utility shall provide,  
4 through market-based standard offer and other related  
5 programs, incentives sufficient for retail electric and  
6 natural gas customers and competitive energy service customers  
7 to acquire additional, direct cost-effective energy efficiency  
8 according to the goals set forth in this Plan.

9 The guidelines provide the utilities with policy and  
10 planning guidance. Each utility's plan shall be the result of  
11 that utility's unique planning process and judgment on how to  
12 meet the energy efficiency savings goals identified in this Act  
13 based on the best interests of consumers, the  
14 cost-effectiveness of program offerings, and the circumstances  
15 of the utility's service territory. The Department shall  
16 implement energy efficiency programs accounting for 25% of the  
17 total energy efficiency program budget identified in the  
18 utilities' energy efficiency plans. The Department shall focus  
19 on targeted market-transformation and educational programs  
20 that provide additional energy savings beyond the utility  
21 implemented programs.

22 (f) Within 3 months after the effective date of this Act,  
23 the Commission shall adopt rules specifying the procedure for  
24 electric and natural gas utilities to develop and submit an  
25 energy efficiency plan. Rules shall specify the process for  
26 coordination of energy efficiency program planning between the

1 Department and the utilities. Within 3 months after adoption by  
2 the Commission of rules, and biennially thereafter, Illinois  
3 electric and natural gas utilities shall file an energy  
4 efficiency plan with the Commission. In submitting proposed  
5 energy efficiency program plans and funding levels to meet the  
6 savings goals adopted by this Act, the utility shall:

7 (1) Demonstrate that their proposed level of electric  
8 and natural gas energy efficiency program activities and  
9 funding is consistent with the adopted electric and natural  
10 gas savings goals.

11 (2) Present specific proposals for programs that  
12 support new building and appliance standards.

13 (3) Present estimates of the net short-term and  
14 long-term rate impacts and bill impacts associated with the  
15 proposed portfolio of programs designed to meet the adopted  
16 energy savings goals. The utilities shall work with  
17 Commission to develop a consistent format for presenting  
18 these estimates in their filings.

19 (4) Present a suite of energy efficiency programs  
20 targeted to households at or below 150% of the poverty  
21 level at a level proportionate to those households' share  
22 of total annual utility expenditures in Illinois.

23 (5) Demonstrate that their investments in energy  
24 efficiency are cost effective using the total resource cost  
25 test.

26 (6) Include a proposed cost recovery tariff mechanism

1 to fund the proposed energy efficiency programs.

2 (g) The Commission shall require electric and natural gas  
3 utilities to aggressively implement cost-effective energy  
4 efficiency programs and utilities shall be eligible to recover  
5 the costs of investments in energy efficiency under the  
6 following conditions:

7 (1) A public utility that undertakes energy efficiency  
8 programs shall recover the costs of energy efficiency  
9 programs implemented after the effective date of this Act,  
10 if the utility complies with the energy efficiency plan  
11 process described in subsection (d) of this Section and in  
12 good faith implements the approved programs.

13 (2) A public utility that undertakes energy efficiency  
14 programs under the requirements of this Act shall be  
15 eligible to recover the costs of approved programs  
16 implemented after the effective date through an approved  
17 tariff rider.

18 (3) The tariff rider shall provide for the recovery, on  
19 a monthly basis or otherwise, of all reasonable costs of  
20 approved energy efficiency programs.

21 (4) The Commission may not arbitrarily limit cost  
22 recovery for cost-effective programs based on previous  
23 rate impact limits.

24 (h) No more than 1% of energy efficiency program revenue  
25 may be allocated for demonstration and deployment of  
26 breakthrough energy efficiency equipment and devices.

1 Section 20. Renewable portfolio standard.

2 (a) An electric utility shall procure or obtain renewable  
3 energy resources in amounts equal to at least the following  
4 percentages of the total electricity that it supplies to its  
5 Illinois customers: 3% by December 31, 2008; 4% by December 31,  
6 2009; 5% by December 31, 2010; 6% by December 31, 2011; 7% by  
7 December 31, 2012; 8% by December 31, 2013; 9% by December 31,  
8 2014; and 10% by December 31, 2015. It shall be the goal of the  
9 State to ensure that the percentage of renewable energy  
10 resources provided under this section continue to increase  
11 after 2015 by 1.5% per year to 25% by 2025. To the extent that  
12 it is available, at least 75% of the renewable energy resources  
13 used to meet these standards shall come from wind generation.

14 (b) For the purpose of this Section, the required  
15 procurement of renewable energy resources for a particular year  
16 shall be measured as a percentage of the actual amount of  
17 electricity (megawatthours) supplied by the electric utility  
18 in the calendar year ending immediately prior to the  
19 procurement.

20 (c) Notwithstanding the requirements of subsection (a), an  
21 electric utility may reduce the amount of electric energy  
22 procured under new contracts from renewable energy resources in  
23 any single year by an amount necessary to limit the estimated  
24 average net increase to customers, due to these contracts, to  
25 be no more than 0.5% of customers' total electricity bills for

1 the calendar year ending immediately prior to the procurement,  
2 subject to adjustments for any known subsequent rate increases.  
3 Any reductions in one year shall be offset by additional  
4 procurement in the following years subject to the annual  
5 limitation in this Section, with such limit increasing by 0.5%  
6 in each of the 4 years 2009 through 2012, for a maximum cap on  
7 the allowed estimated average increase due to the cost of these  
8 resources of 2.5%. No later than June 30, 2012, the Commission  
9 shall review the rate limitation and report to the General  
10 Assembly its findings as to whether the rate cap unduly  
11 constrains the procurement of renewable energy resources that  
12 are cost effective.

13 (d) Renewable energy resources shall be counted for the  
14 purpose of meeting the renewable energy standards set forth in  
15 subsection (a) of this Section only if they are generated from  
16 facilities located in the State, provided that cost-effective  
17 renewable resources are available from such facilities. If it  
18 is necessary to achieve the goals of the program without  
19 exceeding the cost limit set forth in subsection (c) of this  
20 Section, renewable energy resources shall be counted for the  
21 purpose of meeting the renewable energy standards set forth in  
22 subsection (a) of this Section only if they are generated in  
23 facilities located in an area served by the regional  
24 transmission organization of which the utility is a member.

25 (e) The Department of Commerce and Economic Opportunity and  
26 other state officials shall attempt to work with public

1 officials in directly adjacent states and other states  
2 currently in United States Environmental Protection Agency  
3 Region V to develop an agreement in which electric utilities in  
4 the State shall be allowed, after December 31, 2010, to count  
5 for the purpose of meeting the designated renewable energy  
6 standards set forth in subsection (a) of this Section some  
7 renewable energy resources generated in a directly adjacent  
8 state or in any state that is currently in United States  
9 Environmental Protection Agency Region V if that state has  
10 enacted renewable energy portfolio standards and that other  
11 state also allows renewable energy resources generated in the  
12 State to be counted towards meeting its statutory renewable  
13 energy standards on substantially the same basis. For the  
14 purposes of such an agreement, all renewable energy resources  
15 procured must meet the method of calculation set forth in this  
16 Act.

17 (f) Each electric utility shall report to the Commission on  
18 compliance with these standards by April 1 of each year,  
19 beginning in 2008.

20 (g) If an electric utility does not procure or obtain the  
21 full amount of renewable energy resources specified by the  
22 standards in subsection (a) of this Section, as modified by the  
23 limitations of subsection (c) of this Section, then the  
24 electric utility shall pay a penalty of \$40 per megawatthour  
25 each year for any shortfall unless and until the utility makes  
26 sufficient purchases to meet the requirement. Provided,

1       however, that, if the electric utility proves to the Commission  
2       that renewable energy resources are not available in sufficient  
3       quantities to meet the renewable energy standards set forth in  
4       subsection (a) of this Section, as modified by the limitations  
5       of subsection (c) of this Section, and, if the Commission finds  
6       that the electric utility has, in fact, proved that the  
7       renewable energy resources are not available in sufficient  
8       quantities, after notice and a hearing conducted in accordance  
9       with the Commission's rules of practice, then the Commission  
10      shall waive the penalty. Any penalty payment shall be deposited  
11      into the Renewable Energy Resources Trust Fund to be used by  
12      the Department of Commerce and Economic Opportunity for the  
13      sole purposes of supporting the actual development,  
14      construction, and utilization of renewable energy projects in  
15      the State.

16           (h) The Commission shall promulgate rules as necessary  
17      within 12 months after the effective date of this Act to assist  
18      in implementing this Section including, but not limited to,  
19      methods of procurement, accounting, tracking, and reporting in  
20      order to achieve the full objectives of this Section. The rules  
21      shall also provide for recovery of costs incurred and the pass  
22      through to customers of any savings achieved by electric  
23      utilities as a result of procuring or obtaining the renewable  
24      energy resources specified under subsection (a) of this  
25      Section. The rate elements and rates used for such cost  
26      recovery may be established by the electric utility, subject to

1 the Commission's review and approval, outside the context of a  
2 general rate case.

3 (i) In connection with their compliance with the  
4 requirements of subsection (a) of this Section, electric  
5 utilities may enter into long-term contracts of up to 20 years  
6 in length with providers of renewable energy resources, and the  
7 costs or savings associated with those contracts shall be  
8 reflected in tariffed rates for the duration of those  
9 contracts.

10 (j) Nothing shall prohibit an electric utility from issuing  
11 a competitive solicitation for renewable energy resources in  
12 order to meet the standards of subsection (a) of this Section  
13 and from beginning to recover the associated costs in advance  
14 of the conclusion of the rulemaking referenced in subsection  
15 (h) of this Section, provided that such electric utility shall  
16 have first requested and received Commission approval for the  
17 design and conduct of such solicitation and the associated cost  
18 recovery methodology and tariff, which the Commission shall  
19 review and consider.

20 Section 905. The Energy Assistance Act is amended by  
21 changing Section 13 as follows:

22 (305 ILCS 20/13)

23 (Section scheduled to be repealed on December 31, 2007)

24 Sec. 13. Supplemental Low-Income Energy Assistance Fund.



1           (a) The Supplemental Low-Income Energy Assistance Fund is  
2 hereby created as a special fund in the State Treasury. The  
3 Supplemental Low-Income Energy Assistance Fund is authorized  
4 to receive moneys from voluntary donations from individuals,  
5 foundations, corporations, and other sources, moneys received  
6 pursuant to Section 17, and, by statutory deposit, the moneys  
7 collected pursuant to this Section. The Fund is also authorized  
8 to receive voluntary donations from individuals, foundations,  
9 corporations, and other sources, as well as contributions made  
10 in accordance with Section 507MM of the Illinois Income Tax  
11 Act. Subject to appropriation, the Department shall use moneys  
12 from the Supplemental Low-Income Energy Assistance Fund for  
13 payments to electric or gas public utilities, municipal  
14 electric or gas utilities, and electric cooperatives on behalf  
15 of their customers who are participants in the program  
16 authorized by Section 4 of this Act, for the provision of  
17 weatherization services and for administration of the  
18 Supplemental Low-Income Energy Assistance Fund. The yearly  
19 expenditures for weatherization may not exceed 10% of the  
20 amount collected during the year pursuant to this Section. The  
21 yearly administrative expenses of the Supplemental Low-Income  
22 Energy Assistance Fund may not exceed 10% of the amount  
23 collected during that year pursuant to this Section.

24           (b) Notwithstanding the provisions of Section 16-111 of the  
25 Public Utilities Act but subject to subsection (k) of this  
26 Section, each public utility, electric cooperative, as defined

1 in Section 3.4 of the Electric Supplier Act, and municipal  
2 utility, as referenced in Section 3-105 of the Public Utilities  
3 Act, that is engaged in the delivery of electricity or the  
4 distribution of natural gas within the State of Illinois shall,  
5 effective January 1, 1998, assess each of its customer accounts  
6 a monthly Energy Assistance Charge for the Supplemental  
7 Low-Income Energy Assistance Fund. The delivering public  
8 utility, municipal electric or gas utility, or electric or gas  
9 cooperative for a self-assessing purchaser remains subject to  
10 the collection of the fee imposed by this Section. The monthly  
11 charge shall be as follows:

12 (1) \$0.40 per month on each account for residential  
13 electric service;

14 (2) \$0.40 per month on each account for residential gas  
15 service;

16 (3) \$4 per month on each account for non-residential  
17 electric service which had less than 10 megawatts of peak  
18 demand during the previous calendar year;

19 (4) \$4 per month on each account for non-residential  
20 gas service which had distributed to it less than 4,000,000  
21 therms of gas during the previous calendar year;

22 (5) \$300 per month on each account for non-residential  
23 electric service which had 10 megawatts or greater of peak  
24 demand during the previous calendar year; and

25 (6) \$300 per month on each account for non-residential  
26 gas service which had 4,000,000 or more therms of gas

1 distributed to it during the previous calendar year.

2 (c) For purposes of this Section:

3 (1) "residential electric service" means electric  
4 utility service for household purposes delivered to a  
5 dwelling of 2 or fewer units which is billed under a  
6 residential rate, or electric utility service for  
7 household purposes delivered to a dwelling unit or units  
8 which is billed under a residential rate and is registered  
9 by a separate meter for each dwelling unit;

10 (2) "residential gas service" means gas utility  
11 service for household purposes distributed to a dwelling of  
12 2 or fewer units which is billed under a residential rate,  
13 or gas utility service for household purposes distributed  
14 to a dwelling unit or units which is billed under a  
15 residential rate and is registered by a separate meter for  
16 each dwelling unit;

17 (3) "non-residential electric service" means electric  
18 utility service which is not residential electric service;  
19 and

20 (4) "non-residential gas service" means gas utility  
21 service which is not residential gas service.

22 (d) At least 45 days prior to the date on which it must  
23 begin assessing Energy Assistance Charges, each public utility  
24 engaged in the delivery of electricity or the distribution of  
25 natural gas shall file with the Illinois Commerce Commission  
26 tariffs incorporating the Energy Assistance Charge in other

1 charges stated in such tariffs.

2 (e) The Energy Assistance Charge assessed by electric and  
3 gas public utilities shall be considered a charge for public  
4 utility service.

5 (f) By the 20th day of the month following the month in  
6 which the charges imposed by the Section were collected, each  
7 public utility, municipal utility, and electric cooperative  
8 shall remit to the Department of Revenue all moneys received as  
9 payment of the Energy Assistance Charge on a return prescribed  
10 and furnished by the Department of Revenue showing such  
11 information as the Department of Revenue may reasonably  
12 require. If a customer makes a partial payment, a public  
13 utility, municipal utility, or electric cooperative may elect  
14 either: (i) to apply such partial payments first to amounts  
15 owed to the utility or cooperative for its services and then to  
16 payment for the Energy Assistance Charge or (ii) to apply such  
17 partial payments on a pro-rata basis between amounts owed to  
18 the utility or cooperative for its services and to payment for  
19 the Energy Assistance Charge.

20 (g) The Department of Revenue shall deposit into the  
21 Supplemental Low-Income Energy Assistance Fund all moneys  
22 remitted to it in accordance with subsection (f) of this  
23 Section.

24 (h) (Blank).

25 On or before December 31, 2002, the Department shall  
26 prepare a report for the General Assembly on the expenditure of

1 funds appropriated from the Low-Income Energy Assistance Block  
2 Grant Fund for the program authorized under Section 4 of this  
3 Act.

4 (i) The Department of Revenue may establish such rules as  
5 it deems necessary to implement this Section.

6 (j) The Department of Healthcare and Family Services  
7 ~~Economic Opportunity~~ may establish such rules as it deems  
8 necessary to implement this Section.

9 (k) The charges imposed by this Section shall only apply to  
10 customers of municipal electric or gas utilities and electric  
11 or gas cooperatives if the municipal electric or gas utility or  
12 electric or gas cooperative makes an affirmative decision to  
13 impose the charge. If a municipal electric or gas utility or an  
14 electric cooperative makes an affirmative decision to impose  
15 the charge provided by this Section, the municipal electric or  
16 gas utility or electric cooperative shall inform the Department  
17 of Revenue in writing of such decision when it begins to impose  
18 the charge. If a municipal electric or gas utility or electric  
19 or gas cooperative does not assess this charge, the Department  
20 may not use funds from the Supplemental Low-Income Energy  
21 Assistance Fund to provide benefits to its customers under the  
22 program authorized by Section 4 of this Act.

23 In its use of federal funds under this Act, the Department  
24 may not cause a disproportionate share of those federal funds  
25 to benefit customers of systems which do not assess the charge  
26 provided by this Section.

1           This Section is repealed effective December 31, 2015 ~~2007~~  
2 unless renewed by action of the General Assembly. The General  
3 Assembly shall consider the results of the evaluations  
4 described in Section 8 in its deliberations.

5           (Source: P.A. 94-773, eff. 5-18-06; 94-793, eff. 5-19-06;  
6 94-817, eff. 5-30-06; revised 8-3-06.)

7           Section 997. Severability. The provisions of this Act are  
8 severable under Section 1.31 of the Statute on Statutes.

9           Section 999. Effective date. This Act takes effect upon  
10 becoming law.".