

HB0002



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB0002

Introduced 1/14/2009, by Rep. Robert F. Flider

SYNOPSIS AS INTRODUCED:

220 ILCS 5/9-201

from Ch. 111 2/3, par. 9-201

Amends the Public Utilities Act to require that the Attorney General, upon request, must be given the opportunity to present oral arguments on the propriety of any proposed rate or other charge, classification, contract, practice, rule, or regulation at a hearing on the matter. Effective immediately.

LRB096 02908 MJR 12922 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 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
17 to be made in the schedule or schedules then in force, and the
18 time when the change or changes will go into effect, and by
19 publication in a newspaper of general circulation or such other
20 notice to persons affected by such change as may be prescribed
21 by rule of the Commission. The Commission, for good cause
22 shown, may allow changes without requiring the 45 days' notice
23 herein provided for, by an order specifying the changes so to

1 be made and the time when they shall take effect and the manner
2 in which they shall be filed and published.

3 When any change is proposed in any rate or other charge, or
4 classification, or in any rule, regulation, practice, or
5 contract relating to or affecting any rate or other charge,
6 classification or service, or in any privilege or facility,
7 such proposed change shall be plainly indicated on the new
8 schedule filed with the Commission, by some character to be
9 designated by the Commission, immediately preceding or
10 following the item.

11 When any public utility providing water or sewer service
12 proposes any change in any rate or other charge, or
13 classification, or in any rule, regulation, practice, or
14 contract relating to or affecting any rate or other charge,
15 classification or service, or in any privilege or facility,
16 such utility shall, in addition to the other notice
17 requirements of this Act, provide notice of such change to all
18 customers potentially affected by including a notice and
19 description of such change, and of Commission procedures for
20 intervention, in the first bill sent to each such customer
21 after the filing of the proposed change.

22 (b) Whenever there shall be filed with the Commission any
23 schedule stating an individual or joint rate or other charge,
24 classification, contract, practice, rule or regulation, the
25 Commission shall have power, and it is hereby given authority,
26 either upon complaint or upon its own initiative without

1 complaint, at once, and if it so orders, without answer or
2 other formal pleadings by the interested public utility or
3 utilities, but upon reasonable notice, to enter upon a hearing
4 concerning the propriety of such rate or other charge,
5 classification, contract, practice, rule or regulation, and
6 pending the hearing and decision thereon, such rate or other
7 charge, classification, contract, practice, rule or regulation
8 shall not go into effect. The period of suspension of such rate
9 or other charge, classification, contract, practice, rule or
10 regulation shall not extend more than 105 days beyond the time
11 when such rate or other charge, classification, contract,
12 practice, rule or regulation would otherwise go into effect
13 unless the Commission, in its discretion, extends the period of
14 suspension for a further period not exceeding 6 months.

15 All rates or other charges, classifications, contracts,
16 practices, rules or regulations not so suspended shall, on the
17 expiration of 45 days from the time of filing the same with the
18 Commission, or of such lesser time as the Commission may grant,
19 go into effect and be the established and effective rates or
20 other charges, classifications, contracts, practices, rules
21 and regulations, subject to the power of the Commission, after
22 a hearing had on its own motion or upon complaint, as herein
23 provided, to alter or modify the same.

24 Within 30 days after such changes have been authorized by
25 the Commission, copies of the new or revised schedules shall be
26 posted or filed in accordance with the terms of Section 9-103

1 of this Act, in such a manner that all changes shall be plainly
2 indicated.

3 (c) If the Commission enters upon a hearing concerning the
4 propriety of any proposed rate or other charge, classification,
5 contract, practice, rule or regulation, the Commission shall
6 establish the rates or other charges, classifications,
7 contracts, practices, rules or regulations proposed, in whole
8 or in part, or others in lieu thereof, which it shall find to
9 be just and reasonable. In such hearing, the burden of proof to
10 establish the justness and reasonableness of the proposed rates
11 or other charges, classifications, contracts, practices, rules
12 or regulations, in whole and in part, shall be upon the
13 utility. The Attorney General, upon request, must be given the
14 opportunity to present oral arguments on the propriety of any
15 proposed rate or other charge, classification, contract,
16 practice, rule, or regulation at the hearing. No rate or other
17 charge, classification, contract, practice, rule or regulation
18 shall be found just and reasonable unless it is consistent with
19 Sections of this Article.

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

21 Section 99. Effective date. This Act takes effect upon
22 becoming law.