

1 AN ACT concerning utilities.

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 19-105 as follows:

6 (220 ILCS 5/19-105)

7 Sec. 19-105. Definitions. For the purposes of this Article,  
8 the following terms shall be defined as set forth in this  
9 Section.

10 "Alternative gas supplier" means every person,  
11 cooperative, corporation, municipal corporation, company,  
12 association, joint stock company or association, firm,  
13 partnership, individual, or other entity, their lessees,  
14 trustees, or receivers appointed by any court whatsoever, that  
15 offers gas for sale, lease, or in exchange for other value  
16 received to one or more customers, or that engages in the  
17 furnishing of gas to one or more customers, and shall include  
18 affiliated interests of a gas utility, resellers, aggregators  
19 and marketers, but shall not include (i) gas utilities (or any  
20 agent of the gas utility to the extent the gas utility provides  
21 tariffed services to customers through an agent); (ii) public  
22 utilities that are owned and operated by any political  
23 subdivision, public institution of higher education or

1 municipal corporation of this State, or public utilities that  
2 are owned by a political subdivision, public institution of  
3 higher education, or municipal corporation and operated by any  
4 of its lessees or operating agents; (iii) natural gas  
5 cooperatives that are not-for-profit corporations operated for  
6 the purpose of administering, on a cooperative basis, the  
7 furnishing of natural gas for the benefit of their members who  
8 are consumers of natural gas; and (iv) the ownership or  
9 operation of a facility that sells compressed natural gas at  
10 retail to the public for use only as a motor vehicle fuel and  
11 the selling of compressed natural gas at retail to the public  
12 for use only as a motor vehicle fuel.

13 "Gas utility" means a public utility, as defined in Section  
14 3-105 of this Act, that has a franchise, license, permit, or  
15 right to furnish or sell gas or transportation services to  
16 customers within a service area.

17 "Residential customer" means a customer who receives gas  
18 utility service for household purposes distributed to a  
19 dwelling of 2 or fewer units which is billed under a  
20 residential rate or gas utility service for household purposes  
21 distributed to a dwelling unit or units which is billed under a  
22 residential rate and is registered by a separate meter for each  
23 dwelling unit.

24 "Service area" means (i) the geographic area within which a  
25 gas utility was lawfully entitled to provide gas to customers  
26 as of the effective date of this amendatory Act of the 92nd

1 General Assembly and includes (ii) the location of any customer  
2 to which the gas utility was lawfully providing gas utility  
3 services on such effective date.

4 "Single billing" means the combined billing of the services  
5 provided by both a natural gas utility and an alternative gas  
6 supplier to any customer who has enrolled in a customer choice  
7 program.

8 "Small commercial customer" means a nonresidential retail  
9 customer of a natural gas utility who is identified by the  
10 alternative gas supplier, prior to becoming a customer of the  
11 alternative gas supplier, as consuming 5,000 or fewer therms of  
12 natural gas during the previous year; provided that any  
13 alternative gas supplier may remove the customer from  
14 designation as a "small commercial customer" if the customer  
15 consumes more than 5,000 therms of natural gas in any calendar  
16 year after becoming a customer of the alternative gas supplier.

17 "Tariffed service" means a service provided to customers by  
18 a gas utility as defined by its rates on file with the  
19 Commission pursuant to the provisions of Article IX of this  
20 Act.

21 "Transportation services" means those services provided by  
22 the gas utility that are necessary in order for the storage,  
23 transmission and distribution systems to function so that  
24 customers located in the gas utility's service area can receive  
25 gas from suppliers other than the gas utility and shall  
26 include, without limitation, standard metering and billing

1 services.

2 (Source: P.A. 94-738, eff. 5-4-06.)