



Rep. Ann Williams

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1 AMENDMENT TO HOUSE BILL 1943

2 AMENDMENT NO. _____. Amend House Bill 1943 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Power Agency Act is amended by
5 changing Sections 1-10, 1-56, and 1-75 as follows:

6 (20 ILCS 3855/1-10)

7 Sec. 1-10. Definitions.

8 "Agency" means the Illinois Power Agency.

9 "Agency loan agreement" means any agreement pursuant to
10 which the Illinois Finance Authority agrees to loan the
11 proceeds of revenue bonds issued with respect to a project to
12 the Agency upon terms providing for loan repayment installments
13 at least sufficient to pay when due all principal of, interest
14 and premium, if any, on those revenue bonds, and providing for
15 maintenance, insurance, and other matters in respect of the
16 project.

1 "Authority" means the Illinois Finance Authority.

2 "Clean coal facility" means an electric generating
3 facility that uses primarily coal as a feedstock and that
4 captures and sequesters carbon emissions at the following
5 levels: at least 50% of the total carbon emissions that the
6 facility would otherwise emit if, at the time construction
7 commences, the facility is scheduled to commence operation
8 before 2016, at least 70% of the total carbon emissions that
9 the facility would otherwise emit if, at the time construction
10 commences, the facility is scheduled to commence operation
11 during 2016 or 2017, and at least 90% of the total carbon
12 emissions that the facility would otherwise emit if, at the
13 time construction commences, the facility is scheduled to
14 commence operation after 2017. The power block of the clean
15 coal facility shall not exceed allowable emission rates for
16 sulfur dioxide, nitrogen oxides, carbon monoxide, particulates
17 and mercury for a natural gas-fired combined-cycle facility the
18 same size as and in the same location as the clean coal
19 facility at the time the clean coal facility obtains an
20 approved air permit. All coal used by a clean coal facility
21 shall have high volatile bituminous rank and greater than 1.7
22 pounds of sulfur per million btu content, unless the clean coal
23 facility does not use gasification technology and was operating
24 as a conventional coal-fired electric generating facility on
25 June 1, 2009 (the effective date of Public Act 95-1027).

26 "Clean coal SNG facility" means a facility that uses a

1 gasification process to produce substitute natural gas, that
2 sequesters at least 90% of the total carbon emissions that the
3 facility would otherwise emit and that uses petroleum coke or
4 coal as a feedstock, with all such coal having a high
5 bituminous rank and greater than 1.7 pounds of sulfur per
6 million btu content.

7 "Commission" means the Illinois Commerce Commission.

8 "Costs incurred in connection with the development and
9 construction of a facility" means:

10 (1) the cost of acquisition of all real property and
11 improvements in connection therewith and equipment and
12 other property, rights, and easements acquired that are
13 deemed necessary for the operation and maintenance of the
14 facility;

15 (2) financing costs with respect to bonds, notes, and
16 other evidences of indebtedness of the Agency;

17 (3) all origination, commitment, utilization,
18 facility, placement, underwriting, syndication, credit
19 enhancement, and rating agency fees;

20 (4) engineering, design, procurement, consulting,
21 legal, accounting, title insurance, survey, appraisal,
22 escrow, trustee, collateral agency, interest rate hedging,
23 interest rate swap, capitalized interest and other
24 financing costs, and other expenses for professional
25 services; and

26 (5) the costs of plans, specifications, site study and

1 investigation, installation, surveys, other Agency costs
2 and estimates of costs, and other expenses necessary or
3 incidental to determining the feasibility of any project,
4 together with such other expenses as may be necessary or
5 incidental to the financing, insuring, acquisition, and
6 construction of a specific project and placing that project
7 in operation.

8 "Department" means the Department of Commerce and Economic
9 Opportunity.

10 "Director" means the Director of the Illinois Power Agency.

11 "Demand-response" means measures that decrease peak
12 electricity demand or shift demand from peak to off-peak
13 periods.

14 "Distributed renewable energy generation device" means a
15 device that is:

16 (1) powered by wind, solar thermal energy,
17 photovoltaic cells and panels, biodiesel, crops and
18 untreated and unadulterated organic waste biomass, tree
19 waste, and hydropower that does not involve new
20 construction or significant expansion of hydropower dams;

21 (2) interconnected at the distribution system level of
22 either an electric utility as defined in this Section, an
23 alternative retail electric supplier as defined in Section
24 16-102 of the Public Utilities Act, a municipal utility as
25 defined in Section 3-105 of the Public Utilities Act, or a
26 rural electric cooperative as defined in Section 3-119 of

1 the Public Utilities Act; and

2 (3) located on the customer side of the customer's
3 electric meter and is generally used to offset that
4 customer's electricity load.

5 "Energy efficiency" means measures that reduce the amount
6 of electricity or natural gas required to achieve a given end
7 use.

8 "Electric utility" has the same definition as found in
9 Section 16-102 of the Public Utilities Act.

10 "Facility" means an electric generating unit or a
11 co-generating unit that produces electricity along with
12 related equipment necessary to connect the facility to an
13 electric transmission or distribution system.

14 "Governmental aggregator" means one or more units of local
15 government that individually or collectively procure
16 electricity to serve residential retail electrical loads
17 located within its or their jurisdiction.

18 "Local government" means a unit of local government as
19 defined in Article VII of Section 1 of the Illinois
20 Constitution.

21 "Municipality" means a city, village, or incorporated
22 town.

23 "Person" means any natural person, firm, partnership,
24 corporation, either domestic or foreign, company, association,
25 limited liability company, joint stock company, or association
26 and includes any trustee, receiver, assignee, or personal

1 representative thereof.

2 "Project" means the planning, bidding, and construction of
3 a facility.

4 "Public utility" has the same definition as found in
5 Section 3-105 of the Public Utilities Act.

6 "Real property" means any interest in land together with
7 all structures, fixtures, and improvements thereon, including
8 lands under water and riparian rights, any easements,
9 covenants, licenses, leases, rights-of-way, uses, and other
10 interests, together with any liens, judgments, mortgages, or
11 other claims or security interests related to real property.

12 "Renewable energy credit" means a tradable credit that
13 represents the environmental attributes of a certain amount of
14 energy produced from a renewable energy resource.

15 "Renewable energy resources" includes energy and its
16 associated renewable energy credit or renewable energy credits
17 from wind, solar thermal energy, photovoltaic cells and panels,
18 biodiesel, crops and untreated and unadulterated organic waste
19 biomass, tree waste, hydropower that does not involve new
20 construction or significant expansion of hydropower dams, and
21 other alternative sources of environmentally preferable
22 energy. For purposes of this Act, landfill gas produced in the
23 State is considered a renewable energy resource. "Renewable
24 energy resources" does not include the incineration or burning
25 of tires, garbage, general household, institutional, and
26 commercial waste, industrial lunchroom or office waste,

1 landscape waste other than tree waste, railroad crossties,
2 utility poles, or construction or demolition debris, other than
3 untreated and unadulterated waste wood.

4 "Revenue bond" means any bond, note, or other evidence of
5 indebtedness issued by the Authority, the principal and
6 interest of which is payable solely from revenues or income
7 derived from any project or activity of the Agency.

8 "Sequester" means permanent storage of carbon dioxide by
9 injecting it into a saline aquifer, a depleted gas reservoir,
10 or an oil reservoir, directly or through an enhanced oil
11 recovery process that may involve intermediate storage in a
12 salt dome.

13 "Servicing agreement" means (i) in the case of an electric
14 utility, an agreement between the owner of a clean coal
15 facility and such electric utility, which agreement shall have
16 terms and conditions meeting the requirements of paragraph (3)
17 of subsection (d) of Section 1-75, and (ii) in the case of an
18 alternative retail electric supplier, an agreement between the
19 owner of a clean coal facility and such alternative retail
20 electric supplier, which agreement shall have terms and
21 conditions meeting the requirements of Section 16-115(d) (5) of
22 the Public Utilities Act.

23 "Substitute natural gas" or "SNG" means a gas manufactured
24 by gasification of hydrocarbon feedstock, which is
25 substantially interchangeable in use and distribution with
26 conventional natural gas.

1 "Total resource cost test" or "TRC test" means a standard
2 that is met if, for an investment in energy efficiency or
3 demand-response measures, the benefit-cost ratio is greater
4 than one. The benefit-cost ratio is the ratio of the net
5 present value of the total benefits of the program to the net
6 present value of the total costs as calculated over the
7 lifetime of the measures. A total resource cost test compares
8 the sum of avoided electric utility costs, representing the
9 benefits that accrue to the system and the participant in the
10 delivery of those efficiency measures, as well as other
11 quantifiable societal benefits, including avoided natural gas
12 utility costs, to the sum of all incremental costs of end-use
13 measures that are implemented due to the program (including
14 both utility and participant contributions), plus costs to
15 administer, deliver, and evaluate each demand-side program, to
16 quantify the net savings obtained by substituting the
17 demand-side program for supply resources. In calculating
18 avoided costs of power and energy that an electric utility
19 would otherwise have had to acquire, reasonable estimates shall
20 be included of financial costs likely to be imposed by future
21 regulations and legislation on emissions of greenhouse gases.

22 (Source: P.A. 95-481, eff. 8-28-07; 95-913, eff. 1-1-09;
23 95-1027, eff. 6-1-09; 96-33, eff. 7-10-09; 96-159, eff.
24 8-10-09; 96-784, eff. 8-28-09; 96-1000, eff. 7-2-10.)

1 Sec. 1-56. Illinois Power Agency Renewable Energy
2 Resources Fund.

3 (a) The Illinois Power Agency Renewable Energy Resources
4 Fund is created as a special fund in the State treasury.

5 (b) The Illinois Power Agency Renewable Energy Resources
6 Fund shall be administered by the Agency to procure renewable
7 energy resources. Prior to June 1, 2011, resources procured
8 pursuant to this Section shall be procured from facilities
9 located in Illinois, provided the resources are available from
10 those facilities. If resources are not available in Illinois,
11 then they shall be procured in states that adjoin Illinois. If
12 resources are not available in Illinois or in states that
13 adjoin Illinois, then they may be purchased elsewhere.
14 Beginning June 1, 2011, resources procured pursuant to this
15 Section shall be procured from facilities located in Illinois
16 or states that adjoin Illinois. If resources are not available
17 in Illinois or in states that adjoin Illinois, then they may be
18 procured elsewhere. To the extent available, at least 75% of
19 these renewable energy resources shall come from wind
20 generation. Of the renewable energy resources procured
21 pursuant to this Section at least the following specified
22 percentages shall come from photovoltaics on the following
23 schedule: 0.5% by June 1, 2012; 1.5% by June 1, 2013; 3% by
24 June 1, 2014; and 6% by June 1, 2015 and thereafter. Of the
25 renewable energy resources procured pursuant to this Section at
26 least the following percentages shall come from distributed

1 renewable energy generation devices: 0.5% by June 1, 2013,
2 0.75% by June 1, 2014, and 1% by June 1, 2015 and thereafter.
3 To the extent available, half of the renewable energy resources
4 procured from distributed renewable energy generation shall
5 come from devices of less than 25 kilowatts in nameplate
6 capacity. Renewable energy resources procured from distributed
7 generation devices may also count towards the required
8 percentages for wind and solar photovoltaics. Procurement of
9 renewable energy resources from distributed renewable energy
10 generation devices shall be done on an annual basis through
11 multi-year contracts of no less than 5 years.

12 The Agency shall create credit requirements for suppliers
13 of distributed renewable energy. In order to minimize the
14 administrative burden on contracting entities, the Agency
15 shall solicit the use of third-party organizations to aggregate
16 distributed renewable energy into groups of no less than one
17 megawatt in installed capacity. These third-party
18 organizations shall administer contracts with individual
19 distributed renewable energy generation device owners. An
20 individual distributed renewable energy generation device
21 owner shall have the ability to measure the output of his or
22 her distributed renewable energy generation device.

23 (c) The Agency shall procure renewable energy resources at
24 least once each year in conjunction with a procurement event
25 for electric utilities required to comply with Section 1-75 of
26 the Act and shall, whenever possible, enter into long-term

1 contracts on an annual basis for a portion of the incremental
2 requirement for the given procurement year.

3 (d) The price paid to procure renewable energy credits
4 using monies from the Illinois Power Agency Renewable Energy
5 Resources Fund shall not exceed the winning bid prices paid for
6 like resources procured for electric utilities required to
7 comply with Section 1-75 of this Act.

8 (e) All renewable energy credits procured using monies from
9 the Illinois Power Agency Renewable Energy Resources Fund shall
10 be permanently retired.

11 (f) The procurement process described in this Section is
12 exempt from the requirements of the Illinois Procurement Code,
13 pursuant to Section 20-10 of that Code.

14 (g) All disbursements from the Illinois Power Agency
15 Renewable Energy Resources Fund shall be made only upon
16 warrants of the Comptroller drawn upon the Treasurer as
17 custodian of the Fund upon vouchers signed by the Director or
18 by the person or persons designated by the Director for that
19 purpose. The Comptroller is authorized to draw the warrant upon
20 vouchers so signed. The Treasurer shall accept all warrants so
21 signed and shall be released from liability for all payments
22 made on those warrants.

23 (h) The Illinois Power Agency Renewable Energy Resources
24 Fund shall not be subject to sweeps, administrative charges, or
25 chargebacks, including, but not limited to, those authorized
26 under Section 8h of the State Finance Act, that would in any

1 way result in the transfer of any funds from this Fund to any
2 other fund of this State or in having any such funds utilized
3 for any purpose other than the express purposes set forth in
4 this Section.

5 (Source: P.A. 96-159, eff. 8-10-09; 96-1000, eff. 7-2-10;
6 96-1437, eff. 8-17-10.)

7 (20 ILCS 3855/1-75)

8 Sec. 1-75. Planning and Procurement Bureau. The Planning
9 and Procurement Bureau has the following duties and
10 responsibilities:

11 (a) The Planning and Procurement Bureau shall each
12 year, beginning in 2008, develop procurement plans and
13 conduct competitive procurement processes in accordance
14 with the requirements of Section 16-111.5 of the Public
15 Utilities Act for the eligible retail customers of electric
16 utilities that on December 31, 2005 provided electric
17 service to at least 100,000 customers in Illinois. For the
18 purposes of this Section, the term "eligible retail
19 customers" has the same definition as found in Section
20 16-111.5(a) of the Public Utilities Act.

21 (1) The Agency shall each year, beginning in 2008,
22 as needed, issue a request for qualifications for
23 experts or expert consulting firms to develop the
24 procurement plans in accordance with Section 16-111.5
25 of the Public Utilities Act. In order to qualify an

1 expert or expert consulting firm must have:

2 (A) direct previous experience assembling
3 large-scale power supply plans or portfolios for
4 end-use customers;

5 (B) an advanced degree in economics,
6 mathematics, engineering, risk management, or a
7 related area of study;

8 (C) 10 years of experience in the electricity
9 sector, including managing supply risk;

10 (D) expertise in wholesale electricity market
11 rules, including those established by the Federal
12 Energy Regulatory Commission and regional
13 transmission organizations;

14 (E) expertise in credit protocols and
15 familiarity with contract protocols;

16 (F) adequate resources to perform and fulfill
17 the required functions and responsibilities; and

18 (G) the absence of a conflict of interest and
19 inappropriate bias for or against potential
20 bidders or the affected electric utilities.

21 (2) The Agency shall each year, as needed, issue a
22 request for qualifications for a procurement
23 administrator to conduct the competitive procurement
24 processes in accordance with Section 16-111.5 of the
25 Public Utilities Act. In order to qualify an expert or
26 expert consulting firm must have:

1 (A) direct previous experience administering a
2 large-scale competitive procurement process;

3 (B) an advanced degree in economics,
4 mathematics, engineering, or a related area of
5 study;

6 (C) 10 years of experience in the electricity
7 sector, including risk management experience;

8 (D) expertise in wholesale electricity market
9 rules, including those established by the Federal
10 Energy Regulatory Commission and regional
11 transmission organizations;

12 (E) expertise in credit and contract
13 protocols;

14 (F) adequate resources to perform and fulfill
15 the required functions and responsibilities; and

16 (G) the absence of a conflict of interest and
17 inappropriate bias for or against potential
18 bidders or the affected electric utilities.

19 (3) The Agency shall provide affected utilities
20 and other interested parties with the lists of
21 qualified experts or expert consulting firms
22 identified through the request for qualifications
23 processes that are under consideration to develop the
24 procurement plans and to serve as the procurement
25 administrator. The Agency shall also provide each
26 qualified expert's or expert consulting firm's

1 response to the request for qualifications. All
2 information provided under this subparagraph shall
3 also be provided to the Commission. The Agency may
4 provide by rule for fees associated with supplying the
5 information to utilities and other interested parties.
6 These parties shall, within 5 business days, notify the
7 Agency in writing if they object to any experts or
8 expert consulting firms on the lists. Objections shall
9 be based on:

10 (A) failure to satisfy qualification criteria;

11 (B) identification of a conflict of interest;

12 or

13 (C) evidence of inappropriate bias for or
14 against potential bidders or the affected
15 utilities.

16 The Agency shall remove experts or expert
17 consulting firms from the lists within 10 days if there
18 is a reasonable basis for an objection and provide the
19 updated lists to the affected utilities and other
20 interested parties. If the Agency fails to remove an
21 expert or expert consulting firm from a list, an
22 objecting party may seek review by the Commission
23 within 5 days thereafter by filing a petition, and the
24 Commission shall render a ruling on the petition within
25 10 days. There is no right of appeal of the
26 Commission's ruling.

1 (4) The Agency shall issue requests for proposals
2 to the qualified experts or expert consulting firms to
3 develop a procurement plan for the affected utilities
4 and to serve as procurement administrator.

5 (5) The Agency shall select an expert or expert
6 consulting firm to develop procurement plans based on
7 the proposals submitted and shall award one-year
8 contracts to those selected with an option for the
9 Agency for a one-year renewal.

10 (6) The Agency shall select an expert or expert
11 consulting firm, with approval of the Commission, to
12 serve as procurement administrator based on the
13 proposals submitted. If the Commission rejects, within
14 5 days, the Agency's selection, the Agency shall submit
15 another recommendation within 3 days based on the
16 proposals submitted. The Agency shall award a one-year
17 contract to the expert or expert consulting firm so
18 selected with Commission approval with an option for
19 the Agency for a one-year renewal.

20 (b) The experts or expert consulting firms retained by
21 the Agency shall, as appropriate, prepare procurement
22 plans, and conduct a competitive procurement process as
23 prescribed in Section 16-111.5 of the Public Utilities Act,
24 to ensure adequate, reliable, affordable, efficient, and
25 environmentally sustainable electric service at the lowest
26 total cost over time, taking into account any benefits of

1 price stability, for eligible retail customers of electric
2 utilities that on December 31, 2005 provided electric
3 service to at least 100,000 customers in the State of
4 Illinois.

5 (c) Renewable portfolio standard.

6 (1) The procurement plans shall include
7 cost-effective renewable energy resources. A minimum
8 percentage of each utility's total supply to serve the
9 load of eligible retail customers, as defined in
10 Section 16-111.5(a) of the Public Utilities Act,
11 procured for each of the following years shall be
12 generated from cost-effective renewable energy
13 resources: at least 2% by June 1, 2008; at least 4% by
14 June 1, 2009; at least 5% by June 1, 2010; at least 6%
15 by June 1, 2011; at least 7% by June 1, 2012; at least
16 8% by June 1, 2013; at least 9% by June 1, 2014; at
17 least 10% by June 1, 2015; and increasing by at least
18 1.5% each year thereafter to at least 25% by June 1,
19 2025. To the extent that it is available, at least 75%
20 of the renewable energy resources used to meet these
21 standards shall come from wind generation and,
22 beginning on June 1, 2011, at least the following
23 percentages of the renewable energy resources used to
24 meet these standards shall come from photovoltaics on
25 the following schedule: 0.5% by June 1, 2012, 1.5% by
26 June 1, 2013; 3% by June 1, 2014; and 6% by June 1,

1 2015 and thereafter. Of the renewable energy resources
2 procured pursuant to this Section at least the
3 following percentages shall come from distributed
4 renewable energy generation devices: 0.5% by June 1,
5 2013, 0.75% by June 1, 2014, and 1% by June 1, 2015 and
6 thereafter. To the extent available, half of the
7 renewable energy resources procured from distributed
8 renewable energy generation shall come from devices of
9 less than 25 kilowatts in nameplate capacity.
10 Renewable energy resources procured from distributed
11 generation devices may also count towards the required
12 percentages for wind and solar photovoltaics.
13 Procurement of renewable energy resources from
14 distributed renewable energy generation devices shall
15 be done on an annual basis through multi-year contracts
16 of no less than 5 years.

17 The Agency shall create credit requirements for
18 suppliers of distributed renewable energy. In order to
19 minimize the administrative burden on contracting
20 entities, the Agency shall solicit the use of
21 third-party organizations to aggregate distributed
22 renewable energy into groups of no less than one
23 megawatt in installed capacity. These third-party
24 organizations shall administer contracts with
25 individual distributed renewable energy generation
26 device owners. An individual distributed renewable

1 energy generation device owner shall have the ability
2 to measure the output of his or her distributed
3 renewable energy generation device. For purposes of
4 this subsection (c), "cost-effective" means that the
5 costs of procuring renewable energy resources do not
6 cause the limit stated in paragraph (2) of this
7 subsection (c) to be exceeded and do not exceed
8 benchmarks based on market prices for renewable energy
9 resources in the region, which shall be developed by
10 the procurement administrator, in consultation with
11 the Commission staff, Agency staff, and the
12 procurement monitor and shall be subject to Commission
13 review and approval.

14 (2) For purposes of this subsection (c), the
15 required procurement of cost-effective renewable
16 energy resources for a particular year shall be
17 measured as a percentage of the actual amount of
18 electricity (megawatt-hours) supplied by the electric
19 utility to eligible retail customers in the planning
20 year ending immediately prior to the procurement. For
21 purposes of this subsection (c), the amount paid per
22 kilowatthour means the total amount paid for electric
23 service expressed on a per kilowatthour basis. For
24 purposes of this subsection (c), the total amount paid
25 for electric service includes without limitation
26 amounts paid for supply, transmission, distribution,

1 surcharges, and add-on taxes.

2 Notwithstanding the requirements of this
3 subsection (c), the total of renewable energy
4 resources procured pursuant to the procurement plan
5 for any single year shall be reduced by an amount
6 necessary to limit the annual estimated average net
7 increase due to the costs of these resources included
8 in the amounts paid by eligible retail customers in
9 connection with electric service to:

10 (A) in 2008, no more than 0.5% of the amount
11 paid per kilowatthour by those customers during
12 the year ending May 31, 2007;

13 (B) in 2009, the greater of an additional 0.5%
14 of the amount paid per kilowatthour by those
15 customers during the year ending May 31, 2008 or 1%
16 of the amount paid per kilowatthour by those
17 customers during the year ending May 31, 2007;

18 (C) in 2010, the greater of an additional 0.5%
19 of the amount paid per kilowatthour by those
20 customers during the year ending May 31, 2009 or
21 1.5% of the amount paid per kilowatthour by those
22 customers during the year ending May 31, 2007;

23 (D) in 2011, the greater of an additional 0.5%
24 of the amount paid per kilowatthour by those
25 customers during the year ending May 31, 2010 or 2%
26 of the amount paid per kilowatthour by those

1 customers during the year ending May 31, 2007; and

2 (E) thereafter, the amount of renewable energy
3 resources procured pursuant to the procurement
4 plan for any single year shall be reduced by an
5 amount necessary to limit the estimated average
6 net increase due to the cost of these resources
7 included in the amounts paid by eligible retail
8 customers in connection with electric service to
9 no more than the greater of 2.015% of the amount
10 paid per kilowatthour by those customers during
11 the year ending May 31, 2007 or the incremental
12 amount per kilowatthour paid for these resources
13 in 2011.

14 No later than June 30, 2011, the Commission shall
15 review the limitation on the amount of renewable energy
16 resources procured pursuant to this subsection (c) and
17 report to the General Assembly its findings as to
18 whether that limitation unduly constrains the
19 procurement of cost-effective renewable energy
20 resources.

21 (3) Through June 1, 2011, renewable energy
22 resources shall be counted for the purpose of meeting
23 the renewable energy standards set forth in paragraph
24 (1) of this subsection (c) only if they are generated
25 from facilities located in the State, provided that
26 cost-effective renewable energy resources are

1 available from those facilities. If those
2 cost-effective resources are not available in
3 Illinois, they shall be procured in states that adjoin
4 Illinois and may be counted towards compliance. If
5 those cost-effective resources are not available in
6 Illinois or in states that adjoin Illinois, they shall
7 be purchased elsewhere and shall be counted towards
8 compliance. After June 1, 2011, cost-effective
9 renewable energy resources located in Illinois and in
10 states that adjoin Illinois may be counted towards
11 compliance with the standards set forth in paragraph
12 (1) of this subsection (c). If those cost-effective
13 resources are not available in Illinois or in states
14 that adjoin Illinois, they shall be purchased
15 elsewhere and shall be counted towards compliance.

16 (4) The electric utility shall retire all
17 renewable energy credits used to comply with the
18 standard.

19 (5) Beginning with the year commencing June 1,
20 2010, an electric utility subject to this subsection
21 (c) shall apply the lesser of the maximum alternative
22 compliance payment rate or the most recent estimated
23 alternative compliance payment rate for its service
24 territory for the corresponding compliance period,
25 established pursuant to subsection (d) of Section
26 16-115D of the Public Utilities Act to its retail

1 customers that take service pursuant to the electric
2 utility's hourly pricing tariff or tariffs. The
3 electric utility shall retain all amounts collected as
4 a result of the application of the alternative
5 compliance payment rate or rates to such customers,
6 and, beginning in 2011, the utility shall include in
7 the information provided under item (1) of subsection
8 (d) of Section 16-111.5 of the Public Utilities Act the
9 amounts collected under the alternative compliance
10 payment rate or rates for the prior year ending May 31.
11 Notwithstanding any limitation on the procurement of
12 renewable energy resources imposed by item (2) of this
13 subsection (c), the Agency shall increase its spending
14 on the purchase of renewable energy resources to be
15 procured by the electric utility for the next plan year
16 by an amount equal to the amounts collected by the
17 utility under the alternative compliance payment rate
18 or rates in the prior year ending May 31.

19 (d) Clean coal portfolio standard.

20 (1) The procurement plans shall include electricity
21 generated using clean coal. Each utility shall enter into
22 one or more sourcing agreements with the initial clean coal
23 facility, as provided in paragraph (3) of this subsection
24 (d), covering electricity generated by the initial clean
25 coal facility representing at least 5% of each utility's
26 total supply to serve the load of eligible retail customers

1 in 2015 and each year thereafter, as described in paragraph
2 (3) of this subsection (d), subject to the limits specified
3 in paragraph (2) of this subsection (d). It is the goal of
4 the State that by January 1, 2025, 25% of the electricity
5 used in the State shall be generated by cost-effective
6 clean coal facilities. For purposes of this subsection (d),
7 "cost-effective" means that the expenditures pursuant to
8 such sourcing agreements do not cause the limit stated in
9 paragraph (2) of this subsection (d) to be exceeded and do
10 not exceed cost-based benchmarks, which shall be developed
11 to assess all expenditures pursuant to such sourcing
12 agreements covering electricity generated by clean coal
13 facilities, other than the initial clean coal facility, by
14 the procurement administrator, in consultation with the
15 Commission staff, Agency staff, and the procurement
16 monitor and shall be subject to Commission review and
17 approval.

18 (A) A utility party to a sourcing agreement shall
19 immediately retire any emission credits that it
20 receives in connection with the electricity covered by
21 such agreement.

22 (B) Utilities shall maintain adequate records
23 documenting the purchases under the sourcing agreement
24 to comply with this subsection (d) and shall file an
25 accounting with the load forecast that must be filed
26 with the Agency by July 15 of each year, in accordance

1 with subsection (d) of Section 16-111.5 of the Public
2 Utilities Act.

3 (C) A utility shall be deemed to have complied with
4 the clean coal portfolio standard specified in this
5 subsection (d) if the utility enters into a sourcing
6 agreement as required by this subsection (d).

7 (2) For purposes of this subsection (d), the required
8 execution of sourcing agreements with the initial clean
9 coal facility for a particular year shall be measured as a
10 percentage of the actual amount of electricity
11 (megawatt-hours) supplied by the electric utility to
12 eligible retail customers in the planning year ending
13 immediately prior to the agreement's execution. For
14 purposes of this subsection (d), the amount paid per
15 kilowatthour means the total amount paid for electric
16 service expressed on a per kilowatthour basis. For purposes
17 of this subsection (d), the total amount paid for electric
18 service includes without limitation amounts paid for
19 supply, transmission, distribution, surcharges and add-on
20 taxes.

21 Notwithstanding the requirements of this subsection
22 (d), the total amount paid under sourcing agreements with
23 clean coal facilities pursuant to the procurement plan for
24 any given year shall be reduced by an amount necessary to
25 limit the annual estimated average net increase due to the
26 costs of these resources included in the amounts paid by

1 eligible retail customers in connection with electric
2 service to:

3 (A) in 2010, no more than 0.5% of the amount
4 paid per kilowatthour by those customers during
5 the year ending May 31, 2009;

6 (B) in 2011, the greater of an additional 0.5%
7 of the amount paid per kilowatthour by those
8 customers during the year ending May 31, 2010 or 1%
9 of the amount paid per kilowatthour by those
10 customers during the year ending May 31, 2009;

11 (C) in 2012, the greater of an additional 0.5%
12 of the amount paid per kilowatthour by those
13 customers during the year ending May 31, 2011 or
14 1.5% of the amount paid per kilowatthour by those
15 customers during the year ending May 31, 2009;

16 (D) in 2013, the greater of an additional 0.5%
17 of the amount paid per kilowatthour by those
18 customers during the year ending May 31, 2012 or 2%
19 of the amount paid per kilowatthour by those
20 customers during the year ending May 31, 2009; and

21 (E) thereafter, the total amount paid under
22 sourcing agreements with clean coal facilities
23 pursuant to the procurement plan for any single
24 year shall be reduced by an amount necessary to
25 limit the estimated average net increase due to the
26 cost of these resources included in the amounts

1 paid by eligible retail customers in connection
2 with electric service to no more than the greater
3 of (i) 2.015% of the amount paid per kilowatthour
4 by those customers during the year ending May 31,
5 2009 or (ii) the incremental amount per
6 kilowatthour paid for these resources in 2013.
7 These requirements may be altered only as provided
8 by statute. No later than June 30, 2015, the
9 Commission shall review the limitation on the
10 total amount paid under sourcing agreements, if
11 any, with clean coal facilities pursuant to this
12 subsection (d) and report to the General Assembly
13 its findings as to whether that limitation unduly
14 constrains the amount of electricity generated by
15 cost-effective clean coal facilities that is
16 covered by sourcing agreements.

17 (3) Initial clean coal facility. In order to promote
18 development of clean coal facilities in Illinois, each
19 electric utility subject to this Section shall execute a
20 sourcing agreement to source electricity from a proposed
21 clean coal facility in Illinois (the "initial clean coal
22 facility") that will have a nameplate capacity of at least
23 500 MW when commercial operation commences, that has a
24 final Clean Air Act permit on the effective date of this
25 amendatory Act of the 95th General Assembly, and that will
26 meet the definition of clean coal facility in Section 1-10

1 of this Act when commercial operation commences. The
2 sourcing agreements with this initial clean coal facility
3 shall be subject to both approval of the initial clean coal
4 facility by the General Assembly and satisfaction of the
5 requirements of paragraph (4) of this subsection (d) and
6 shall be executed within 90 days after any such approval by
7 the General Assembly. The Agency and the Commission shall
8 have authority to inspect all books and records associated
9 with the initial clean coal facility during the term of
10 such a sourcing agreement. A utility's sourcing agreement
11 for electricity produced by the initial clean coal facility
12 shall include:

13 (A) a formula contractual price (the "contract
14 price") approved pursuant to paragraph (4) of this
15 subsection (d), which shall:

16 (i) be determined using a cost of service
17 methodology employing either a level or deferred
18 capital recovery component, based on a capital
19 structure consisting of 45% equity and 55% debt,
20 and a return on equity as may be approved by the
21 Federal Energy Regulatory Commission, which in any
22 case may not exceed the lower of 11.5% or the rate
23 of return approved by the General Assembly
24 pursuant to paragraph (4) of this subsection (d);
25 and

26 (ii) provide that all miscellaneous net

1 revenue, including but not limited to net revenue
2 from the sale of emission allowances, if any,
3 substitute natural gas, if any, grants or other
4 support provided by the State of Illinois or the
5 United States Government, firm transmission
6 rights, if any, by-products produced by the
7 facility, energy or capacity derived from the
8 facility and not covered by a sourcing agreement
9 pursuant to paragraph (3) of this subsection (d) or
10 item (5) of subsection (d) of Section 16-115 of the
11 Public Utilities Act, whether generated from the
12 synthesis gas derived from coal, from SNG, or from
13 natural gas, shall be credited against the revenue
14 requirement for this initial clean coal facility;

15 (B) power purchase provisions, which shall:

16 (i) provide that the utility party to such
17 sourcing agreement shall pay the contract price
18 for electricity delivered under such sourcing
19 agreement;

20 (ii) require delivery of electricity to the
21 regional transmission organization market of the
22 utility that is party to such sourcing agreement;

23 (iii) require the utility party to such
24 sourcing agreement to buy from the initial clean
25 coal facility in each hour an amount of energy
26 equal to all clean coal energy made available from

1 the initial clean coal facility during such hour
2 times a fraction, the numerator of which is such
3 utility's retail market sales of electricity
4 (expressed in kilowatthours sold) in the State
5 during the prior calendar month and the
6 denominator of which is the total retail market
7 sales of electricity (expressed in kilowatthours
8 sold) in the State by utilities during such prior
9 month and the sales of electricity (expressed in
10 kilowatthours sold) in the State by alternative
11 retail electric suppliers during such prior month
12 that are subject to the requirements of this
13 subsection (d) and paragraph (5) of subsection (d)
14 of Section 16-115 of the Public Utilities Act,
15 provided that the amount purchased by the utility
16 in any year will be limited by paragraph (2) of
17 this subsection (d); and

18 (iv) be considered pre-existing contracts in
19 such utility's procurement plans for eligible
20 retail customers;

21 (C) contract for differences provisions, which
22 shall:

23 (i) require the utility party to such sourcing
24 agreement to contract with the initial clean coal
25 facility in each hour with respect to an amount of
26 energy equal to all clean coal energy made

1 available from the initial clean coal facility
2 during such hour times a fraction, the numerator of
3 which is such utility's retail market sales of
4 electricity (expressed in kilowatthours sold) in
5 the utility's service territory in the State
6 during the prior calendar month and the
7 denominator of which is the total retail market
8 sales of electricity (expressed in kilowatthours
9 sold) in the State by utilities during such prior
10 month and the sales of electricity (expressed in
11 kilowatthours sold) in the State by alternative
12 retail electric suppliers during such prior month
13 that are subject to the requirements of this
14 subsection (d) and paragraph (5) of subsection (d)
15 of Section 16-115 of the Public Utilities Act,
16 provided that the amount paid by the utility in any
17 year will be limited by paragraph (2) of this
18 subsection (d);

19 (ii) provide that the utility's payment
20 obligation in respect of the quantity of
21 electricity determined pursuant to the preceding
22 clause (i) shall be limited to an amount equal to
23 (1) the difference between the contract price
24 determined pursuant to subparagraph (A) of
25 paragraph (3) of this subsection (d) and the
26 day-ahead price for electricity delivered to the

1 regional transmission organization market of the
2 utility that is party to such sourcing agreement
3 (or any successor delivery point at which such
4 utility's supply obligations are financially
5 settled on an hourly basis) (the "reference
6 price") on the day preceding the day on which the
7 electricity is delivered to the initial clean coal
8 facility busbar, multiplied by (2) the quantity of
9 electricity determined pursuant to the preceding
10 clause (i); and

11 (iii) not require the utility to take physical
12 delivery of the electricity produced by the
13 facility;

14 (D) general provisions, which shall:

15 (i) specify a term of no more than 30 years,
16 commencing on the commercial operation date of the
17 facility;

18 (ii) provide that utilities shall maintain
19 adequate records documenting purchases under the
20 sourcing agreements entered into to comply with
21 this subsection (d) and shall file an accounting
22 with the load forecast that must be filed with the
23 Agency by July 15 of each year, in accordance with
24 subsection (d) of Section 16-111.5 of the Public
25 Utilities Act.

26 (iii) provide that all costs associated with

1 the initial clean coal facility will be
2 periodically reported to the Federal Energy
3 Regulatory Commission and to purchasers in
4 accordance with applicable laws governing
5 cost-based wholesale power contracts;

6 (iv) permit the Illinois Power Agency to
7 assume ownership of the initial clean coal
8 facility, without monetary consideration and
9 otherwise on reasonable terms acceptable to the
10 Agency, if the Agency so requests no less than 3
11 years prior to the end of the stated contract term;

12 (v) require the owner of the initial clean coal
13 facility to provide documentation to the
14 Commission each year, starting in the facility's
15 first year of commercial operation, accurately
16 reporting the quantity of carbon emissions from
17 the facility that have been captured and
18 sequestered and report any quantities of carbon
19 released from the site or sites at which carbon
20 emissions were sequestered in prior years, based
21 on continuous monitoring of such sites. If, in any
22 year after the first year of commercial operation,
23 the owner of the facility fails to demonstrate that
24 the initial clean coal facility captured and
25 sequestered at least 50% of the total carbon
26 emissions that the facility would otherwise emit

1 or that sequestration of emissions from prior
2 years has failed, resulting in the release of
3 carbon dioxide into the atmosphere, the owner of
4 the facility must offset excess emissions. Any
5 such carbon offsets must be permanent, additional,
6 verifiable, real, located within the State of
7 Illinois, and legally and practicably enforceable.
8 The cost of such offsets for the facility that are
9 not recoverable shall not exceed \$15 million in any
10 given year. No costs of any such purchases of
11 carbon offsets may be recovered from a utility or
12 its customers. All carbon offsets purchased for
13 this purpose and any carbon emission credits
14 associated with sequestration of carbon from the
15 facility must be permanently retired. The initial
16 clean coal facility shall not forfeit its
17 designation as a clean coal facility if the
18 facility fails to fully comply with the applicable
19 carbon sequestration requirements in any given
20 year, provided the requisite offsets are
21 purchased. However, the Attorney General, on
22 behalf of the People of the State of Illinois, may
23 specifically enforce the facility's sequestration
24 requirement and the other terms of this contract
25 provision. Compliance with the sequestration
26 requirements and offset purchase requirements

1 specified in paragraph (3) of this subsection (d)
2 shall be reviewed annually by an independent
3 expert retained by the owner of the initial clean
4 coal facility, with the advance written approval
5 of the Attorney General. The Commission may, in the
6 course of the review specified in item (vii),
7 reduce the allowable return on equity for the
8 facility if the facility wilfully fails to comply
9 with the carbon capture and sequestration
10 requirements set forth in this item (v);

11 (vi) include limits on, and accordingly
12 provide for modification of, the amount the
13 utility is required to source under the sourcing
14 agreement consistent with paragraph (2) of this
15 subsection (d);

16 (vii) require Commission review: (1) to
17 determine the justness, reasonableness, and
18 prudence of the inputs to the formula referenced in
19 subparagraphs (A)(i) through (A)(iii) of paragraph
20 (3) of this subsection (d), prior to an adjustment
21 in those inputs including, without limitation, the
22 capital structure and return on equity, fuel
23 costs, and other operations and maintenance costs
24 and (2) to approve the costs to be passed through
25 to customers under the sourcing agreement by which
26 the utility satisfies its statutory obligations.

1 Commission review shall occur no less than every 3
2 years, regardless of whether any adjustments have
3 been proposed, and shall be completed within 9
4 months;

5 (viii) limit the utility's obligation to such
6 amount as the utility is allowed to recover through
7 tariffs filed with the Commission, provided that
8 neither the clean coal facility nor the utility
9 waives any right to assert federal pre-emption or
10 any other argument in response to a purported
11 disallowance of recovery costs;

12 (ix) limit the utility's or alternative retail
13 electric supplier's obligation to incur any
14 liability until such time as the facility is in
15 commercial operation and generating power and
16 energy and such power and energy is being delivered
17 to the facility busbar;

18 (x) provide that the owner or owners of the
19 initial clean coal facility, which is the
20 counterparty to such sourcing agreement, shall
21 have the right from time to time to elect whether
22 the obligations of the utility party thereto shall
23 be governed by the power purchase provisions or the
24 contract for differences provisions;

25 (xi) append documentation showing that the
26 formula rate and contract, insofar as they relate

1 to the power purchase provisions, have been
2 approved by the Federal Energy Regulatory
3 Commission pursuant to Section 205 of the Federal
4 Power Act;

5 (xii) provide that any changes to the terms of
6 the contract, insofar as such changes relate to the
7 power purchase provisions, are subject to review
8 under the public interest standard applied by the
9 Federal Energy Regulatory Commission pursuant to
10 Sections 205 and 206 of the Federal Power Act; and

11 (xiii) conform with customary lender
12 requirements in power purchase agreements used as
13 the basis for financing non-utility generators.

14 (4) Effective date of sourcing agreements with the
15 initial clean coal facility. Any proposed sourcing
16 agreement with the initial clean coal facility shall not
17 become effective unless the following reports are prepared
18 and submitted and authorizations and approvals obtained:

19 (i) Facility cost report. The owner of the
20 initial clean coal facility shall submit to the
21 Commission, the Agency, and the General Assembly a
22 front-end engineering and design study, a facility
23 cost report, method of financing (including but
24 not limited to structure and associated costs),
25 and an operating and maintenance cost quote for the
26 facility (collectively "facility cost report"),

1 which shall be prepared in accordance with the
2 requirements of this paragraph (4) of subsection
3 (d) of this Section, and shall provide the
4 Commission and the Agency access to the work
5 papers, relied upon documents, and any other
6 backup documentation related to the facility cost
7 report.

8 (ii) Commission report. Within 6 months
9 following receipt of the facility cost report, the
10 Commission, in consultation with the Agency, shall
11 submit a report to the General Assembly setting
12 forth its analysis of the facility cost report.
13 Such report shall include, but not be limited to, a
14 comparison of the costs associated with
15 electricity generated by the initial clean coal
16 facility to the costs associated with electricity
17 generated by other types of generation facilities,
18 an analysis of the rate impacts on residential and
19 small business customers over the life of the
20 sourcing agreements, and an analysis of the
21 likelihood that the initial clean coal facility
22 will commence commercial operation by and be
23 delivering power to the facility's busbar by 2016.
24 To assist in the preparation of its report, the
25 Commission, in consultation with the Agency, may
26 hire one or more experts or consultants, the costs

1 of which shall be paid for by the owner of the
2 initial clean coal facility. The Commission and
3 Agency may begin the process of selecting such
4 experts or consultants prior to receipt of the
5 facility cost report.

6 (iii) General Assembly approval. The proposed
7 sourcing agreements shall not take effect unless,
8 based on the facility cost report and the
9 Commission's report, the General Assembly enacts
10 authorizing legislation approving (A) the
11 projected price, stated in cents per kilowatthour,
12 to be charged for electricity generated by the
13 initial clean coal facility, (B) the projected
14 impact on residential and small business
15 customers' bills over the life of the sourcing
16 agreements, and (C) the maximum allowable return
17 on equity for the project; and

18 (iv) Commission review. If the General
19 Assembly enacts authorizing legislation pursuant
20 to subparagraph (iii) approving a sourcing
21 agreement, the Commission shall, within 90 days of
22 such enactment, complete a review of such sourcing
23 agreement. During such time period, the Commission
24 shall implement any directive of the General
25 Assembly, resolve any disputes between the parties
26 to the sourcing agreement concerning the terms of

1 such agreement, approve the form of such
2 agreement, and issue an order finding that the
3 sourcing agreement is prudent and reasonable.

4 The facility cost report shall be prepared as follows:

5 (A) The facility cost report shall be prepared by
6 duly licensed engineering and construction firms
7 detailing the estimated capital costs payable to one or
8 more contractors or suppliers for the engineering,
9 procurement and construction of the components
10 comprising the initial clean coal facility and the
11 estimated costs of operation and maintenance of the
12 facility. The facility cost report shall include:

13 (i) an estimate of the capital cost of the core
14 plant based on one or more front end engineering
15 and design studies for the gasification island and
16 related facilities. The core plant shall include
17 all civil, structural, mechanical, electrical,
18 control, and safety systems.

19 (ii) an estimate of the capital cost of the
20 balance of the plant, including any capital costs
21 associated with sequestration of carbon dioxide
22 emissions and all interconnects and interfaces
23 required to operate the facility, such as
24 transmission of electricity, construction or
25 backfeed power supply, pipelines to transport
26 substitute natural gas or carbon dioxide, potable

1 water supply, natural gas supply, water supply,
2 water discharge, landfill, access roads, and coal
3 delivery.

4 The quoted construction costs shall be expressed
5 in nominal dollars as of the date that the quote is
6 prepared and shall include (1) capitalized financing
7 costs during construction, (2) taxes, insurance, and
8 other owner's costs, and (3) an assumed escalation in
9 materials and labor beyond the date as of which the
10 construction cost quote is expressed.

11 (B) The front end engineering and design study for
12 the gasification island and the cost study for the
13 balance of plant shall include sufficient design work
14 to permit quantification of major categories of
15 materials, commodities and labor hours, and receipt of
16 quotes from vendors of major equipment required to
17 construct and operate the clean coal facility.

18 (C) The facility cost report shall also include an
19 operating and maintenance cost quote that will provide
20 the estimated cost of delivered fuel, personnel,
21 maintenance contracts, chemicals, catalysts,
22 consumables, spares, and other fixed and variable
23 operations and maintenance costs.

24 (a) The delivered fuel cost estimate will be
25 provided by a recognized third party expert or
26 experts in the fuel and transportation industries.

1 (b) The balance of the operating and
2 maintenance cost quote, excluding delivered fuel
3 costs will be developed based on the inputs
4 provided by duly licensed engineering and
5 construction firms performing the construction
6 cost quote, potential vendors under long-term
7 service agreements and plant operating agreements,
8 or recognized third party plant operator or
9 operators.

10 The operating and maintenance cost quote
11 (including the cost of the front end engineering
12 and design study) shall be expressed in nominal
13 dollars as of the date that the quote is prepared
14 and shall include (1) taxes, insurance, and other
15 owner's costs, and (2) an assumed escalation in
16 materials and labor beyond the date as of which the
17 operating and maintenance cost quote is expressed.

18 (D) The facility cost report shall also include (i)
19 an analysis of the initial clean coal facility's
20 ability to deliver power and energy into the applicable
21 regional transmission organization markets and (ii) an
22 analysis of the expected capacity factor for the
23 initial clean coal facility.

24 (E) Amounts paid to third parties unrelated to the
25 owner or owners of the initial clean coal facility to
26 prepare the core plant construction cost quote,

1 including the front end engineering and design study,
2 and the operating and maintenance cost quote will be
3 reimbursed through Coal Development Bonds.

4 (5) Re-powering and retrofitting coal-fired power
5 plants previously owned by Illinois utilities to qualify as
6 clean coal facilities. During the 2009 procurement
7 planning process and thereafter, the Agency and the
8 Commission shall consider sourcing agreements covering
9 electricity generated by power plants that were previously
10 owned by Illinois utilities and that have been or will be
11 converted into clean coal facilities, as defined by Section
12 1-10 of this Act. Pursuant to such procurement planning
13 process, the owners of such facilities may propose to the
14 Agency sourcing agreements with utilities and alternative
15 retail electric suppliers required to comply with
16 subsection (d) of this Section and item (5) of subsection
17 (d) of Section 16-115 of the Public Utilities Act, covering
18 electricity generated by such facilities. In the case of
19 sourcing agreements that are power purchase agreements,
20 the contract price for electricity sales shall be
21 established on a cost of service basis. In the case of
22 sourcing agreements that are contracts for differences,
23 the contract price from which the reference price is
24 subtracted shall be established on a cost of service basis.
25 The Agency and the Commission may approve any such utility
26 sourcing agreements that do not exceed cost-based

1 benchmarks developed by the procurement administrator, in
2 consultation with the Commission staff, Agency staff and
3 the procurement monitor, subject to Commission review and
4 approval. The Commission shall have authority to inspect
5 all books and records associated with these clean coal
6 facilities during the term of any such contract.

7 (6) Costs incurred under this subsection (d) or
8 pursuant to a contract entered into under this subsection
9 (d) shall be deemed prudently incurred and reasonable in
10 amount and the electric utility shall be entitled to full
11 cost recovery pursuant to the tariffs filed with the
12 Commission.

13 (e) The draft procurement plans are subject to public
14 comment, as required by Section 16-111.5 of the Public
15 Utilities Act.

16 (f) The Agency shall submit the final procurement plan
17 to the Commission. The Agency shall revise a procurement
18 plan if the Commission determines that it does not meet the
19 standards set forth in Section 16-111.5 of the Public
20 Utilities Act.

21 (g) The Agency shall assess fees to each affected
22 utility to recover the costs incurred in preparation of the
23 annual procurement plan for the utility.

24 (h) The Agency shall assess fees to each bidder to
25 recover the costs incurred in connection with a competitive
26 procurement process.

1 (Source: P.A. 95-481, eff. 8-28-07; 95-1027, eff. 6-1-09;
2 96-159, eff. 8-10-09; 96-1437, eff. 8-17-10.)".