

1 AN ACT concerning public utilities.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Public Utilities Act is amended by changing
5 Section 16-120 as follows:

6 (220 ILCS 5/16-120)

7 Sec. 16-120. Development of competitive market; Commission
8 study and reports; investigation.

9 (a) On or before December 31, 1999 and once every 3 years
10 thereafter, the Commission shall monitor and analyze patterns
11 of entry and exit, applications for entry and exit, and any
12 barriers to entry or participation that may exist, for services
13 provided under this Article; shall analyze any impediments to
14 the establishment of a fully competitive energy and power
15 market in Illinois; and shall include its findings together
16 with appropriate recommendations for legislative action in a
17 report to the General Assembly.

18 (b) Beginning in 2001, and ending in 2006, and beginning
19 again in 2012, the Commission shall prepare an annual report
20 regarding the development of electricity markets in Illinois
21 which shall be filed by April 1 of each year with the Joint
22 Committee on Legislative Support Services of the General
23 Assembly and the Governor and which shall be publicly

1 available. Such report shall include, at a minimum, the
2 following information:

3 (1) the aggregate annual peak demand of retail
4 customers in the State of Illinois in the preceding
5 calendar year;

6 (2) the total annual kilowatt-hours delivered and sold
7 to retail customers in the State of Illinois by each
8 electric utility within its own service territory, each
9 electric utility outside its service territory, and
10 alternative retail electric suppliers in the preceding
11 calendar year;

12 (3) the percentage of the total kilowatt-hours
13 delivered and sold to retail customers in the State of
14 Illinois in the preceding calendar year by each electric
15 utility within its service territory, each electric
16 utility outside its service territory, and each
17 alternative retail electric supplier; ~~and~~

18 (4) any other information the Commission considers
19 significant in assessing the development of Illinois
20 electricity markets, which may include, to the extent
21 available, information similar to that described in items
22 1, 2 and 3 with respect to cogeneration, self-generation
23 and other sources of electric power and energy provided to
24 customers that do not take delivery services or bundled
25 electric utility services; and

26 (5) the status of consumer protections for the retail

1 customers of alternative retail electric suppliers, and
2 recommendations for improving such consumer protections
3 whether through administrative action, Commission rule, or
4 recommendations to the General Assembly for adoption based
5 on conditions in Illinois and other states with competitive
6 markets for retail electric customers.

7 The Commission may also include such other information as
8 it deems to be necessary or beneficial in describing or
9 explaining the results of its Report. The Report required by
10 this Section shall be adopted by a vote of the full Commission
11 prior to filing. Proprietary or confidential information shall
12 not be disclosed publicly. Nothing contained in this Section
13 shall prohibit the Commission from taking actions that would
14 otherwise be allowed under this Act.

15 (c) The Commission shall prepare a report on the value of
16 municipal aggregation of electricity customers. The report
17 shall be filed with the General Assembly and the Governor no
18 later than January 15, 2003 and shall be publicly available.
19 The report shall, at a minimum, include:

20 (1) a description and analysis of actual and potential
21 forms of aggregation of electricity customers in Illinois
22 and in the other states, including aggregation through
23 municipal, affinity, and other organizations and through
24 aggregation of consumer purchases of electricity from
25 renewable energy sources;

26 (2) estimates of the potential benefits of municipal

1 aggregation to Illinois electricity customers in at least 5
2 specific municipal examples comparing their costs under
3 bundled rates and unbundled rates, including real-time
4 prices;

5 (3) a description of the barriers to municipal and
6 other forms of aggregation in Illinois, including legal,
7 economic, informational, and other barriers; and

8 (4) options for legislative action to foster municipal
9 and other forms of aggregation of electricity customers.

10 In preparing the report, the Commission shall consult with
11 persons involved in aggregation or the study of aggregation of
12 electricity customers in Illinois, including municipalities,
13 utilities, aggregators, and non-profit organizations. The
14 provisions of Section 16-122 notwithstanding, the Commission
15 may request and utilities shall provide such aggregated load
16 data as may be necessary to perform the analyses required by
17 this subsection; provided, however, proprietary or
18 confidential information shall not be disclosed publicly.

19 (Source: P.A. 92-585, eff. 6-26-02.)