



Rep. André M. Thapedi

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LRB097 19667 CEL 66737 a

1 AMENDMENT TO HOUSE BILL 4559

2 AMENDMENT NO. _____. Amend House Bill 4559 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Public Utilities Act is amended by changing
5 Section 8-306 as follows:

6 (220 ILCS 5/8-306)

7 Sec. 8-306. Special provisions relating to water and sewer
8 utilities.

9 (a) No later than 120 days after the effective date of this
10 amendatory Act of the 94th General Assembly, the Commission
11 shall prepare, make available to customers upon request, and
12 post on its Internet web site information concerning the
13 service obligations of water and sewer utilities and remedies
14 that a customer may pursue for a violation of the customer's
15 rights. The information shall specifically address the rights
16 of a customer of a water or sewer utility in the following

1 situations:

2 (1) The customer's water meter is replaced.

3 (2) The customer's bill increases by more than 50%
4 within one billing period.

5 (3) The customer's water service is terminated.

6 (4) The customer wishes to complain after receiving a
7 termination of service notice.

8 (5) The customer is unable to make payment on a billing
9 statement.

10 (6) A rate is filed, including without limitation a
11 surcharge or annual reconciliation filing, that will
12 increase the amount billed to the customer.

13 (7) The customer is billed for services provided prior
14 to the date covered by the billing statement.

15 (8) The customer is due to receive a credit.

16 Each billing statement issued by a water or sewer utility
17 shall include an Internet web site address where the customer
18 can view the information required under this subsection (a) and
19 a telephone number that the customer may call to request a copy
20 of the information.

21 (b) A water or sewer utility may discontinue service only
22 after it has mailed or delivered by other means a written
23 notice of discontinuance substantially in the form of Appendix
24 A of 83 Ill. Adm. Code 280. The notice must include the
25 Internet web site address where the customer can view the
26 information required under subsection (a) and a telephone

1 number that the customer may call to request a copy of the
2 information. Any notice required to be delivered or mailed to a
3 customer prior to discontinuance of service shall be delivered
4 or mailed separately from any bill. Service shall not be
5 discontinued until at least 5 days after delivery or 8 days
6 after the mailing of this notice. Service shall not be
7 discontinued and shall be restored if discontinued for the
8 reason which is the subject of a dispute or complaint during
9 the pendency of informal or formal complaint procedures of the
10 Illinois Commerce Commission under 83 Ill. Adm. Code 280.160 or
11 280.170, where the customer has complied with those rules.
12 Service shall not be discontinued and shall be restored if
13 discontinued where a customer has established a deferred
14 payment agreement pursuant to 83 Ill. Adm. Code 280.110 and has
15 not defaulted on such agreement. Residential customers who are
16 indebted to a utility for past due utility service shall have
17 the opportunity to make arrangements with the utility to retire
18 the debt by periodic payments, referred to as a deferred
19 payment agreement, unless this customer has failed to make
20 payment under such a plan during the past 12 months. The terms
21 and conditions of a reasonable deferred payment agreement shall
22 be determined by the utility after consideration of the
23 following factors, based upon information available from
24 current utility records or provided by the customer or
25 applicant:

- 26 (1) size of the past due account;

- 1 (2) customer or applicant's ability to pay;
- 2 (3) customer or applicant's payment history;
- 3 (4) reason for the outstanding indebtedness; and
- 4 (5) any other relevant factors relating to the
- 5 circumstances of the customer or applicant's service.

6 A residential customer shall pay a maximum of one-fourth of the
7 amount past due and owing at the time of entering into the
8 deferred payment agreement, and the water or sewer utility
9 shall allow a minimum of 2 months from the date of the
10 agreement and a maximum of 12 months for payment to be made
11 under a deferred payment agreement. Late payment charges may be
12 assessed against the amount owing that is the subject of a
13 deferred payment agreement.

14 (c) A water or sewer utility shall provide notice as
15 required by subsection (a) of Section 9-201 after the filing of
16 each information sheet under a purchased water surcharge,
17 purchased sewage treatment surcharge, or qualifying
18 infrastructure plant surcharge. The utility also shall post
19 notice of the filing in accordance with the requirements of 83
20 Ill. Adm. Code 255. Unless filed as part of a general rate
21 increase, notice of the filing of a purchased water surcharge
22 rider, purchased sewage treatment surcharge rider, or
23 qualifying infrastructure plant surcharge rider also shall be
24 given in the manner required by this subsection (c) for the
25 filing of information sheets.

26 (d) Commission rules pertaining to formal and informal

1 complaints against public utilities shall apply with full and
2 equal force to water and sewer utilities and their customers,
3 including provisions of 83 Ill. Adm. Code 280.170, and the
4 Commission shall respond to each complaint by providing the
5 consumer with a copy of the utility's response to the complaint
6 and a copy of the Commission's review of the complaint and its
7 findings. The Commission shall also provide the consumer with
8 all available options for recourse.

9 (e) Any refund shown on the billing statement of a customer
10 of a water or sewer utility must be itemized and must state if
11 the refund is an adjustment or credit.

12 (f) Water service for building construction purposes. At
13 the request of any municipality or township within the service
14 area of a public utility that provides water service to
15 customers within the municipality or township, a public utility
16 must (1) require all water service used for building
17 construction purposes to be measured by meter and subject to
18 approved rates and charges for metered water service and (2)
19 prohibit the unauthorized use of water taken from hydrants or
20 service lines installed at construction sites.

21 (g) Water meters.

22 (1) Periodic testing. Unless otherwise approved by the
23 Commission, each service water meter shall be periodically
24 inspected and tested in accordance with the schedule
25 specified in 83 Ill. Adm. Code 600.340, or more frequently
26 as the results may warrant, to insure that the meter

1 accuracy is maintained within the limits set out in 83 Ill.
2 Adm. Code 600.310.

3 (2) Meter tests requested by customer.

4 (A) Each utility furnishing metered water service
5 shall, without charge, test the accuracy of any meter
6 upon request by the customer served by such meter,
7 provided that the meter in question has not been tested
8 by the utility or by the Commission within 2 years
9 previous to such request. The customer or his or her
10 representatives shall have the privilege of witnessing
11 the test at the option of the customer. A written
12 report, giving the results of the test, shall be made
13 to the customer.

14 (B) When a meter that has been in service less than
15 2 years since its last test is found to be accurate
16 within the limits specified in 83 Ill. Adm. Code
17 600.310, the customer shall pay a fee to the utility
18 not to exceed the amounts specified in 83 Ill. Adm.
19 Code 600.350(b). Fees for testing meters not included
20 in this Section or so located that the cost will be out
21 of proportion to the fee specified will be determined
22 by the Commission upon receipt of a complete
23 description of the case.

24 (3) Commission referee tests. Upon written application
25 to the Commission by any customer, a test will be made of
26 the customer's meter by a representative of the Commission.

1 For such a test, a fee as provided for in subsection (g) (2)
2 shall accompany the application. If the meter is found to
3 be registering more than 1.5% fast on the average when
4 tested as prescribed in 83 Ill. Adm. Code 600.310, the
5 utility shall refund to the customer the amount of the fee.
6 The utility shall in no way disturb the meter after a
7 customer has made an application for a referee test until
8 authority to do so is given by the Commission or the
9 customer in writing.

10 (h) Water and sewer utilities; low usage. Each public
11 utility that provides water and sewer service must establish a
12 unit sewer rate, subject to review by the Commission, that
13 applies only to those customers who use less than 1,000 gallons
14 of water in any billing period.

15 (i) Water and sewer utilities; separate meters. Each public
16 utility that provides water and sewer service must offer
17 separate rates for water and sewer service to any commercial or
18 residential customer who uses separate meters to measure each
19 of those services. In order for the separate rate to apply, a
20 combination of meters must be used to measure the amount of
21 water that reaches the sewer system and the amount of water
22 that does not reach the sewer system.

23 (j) Each water or sewer public utility must disclose on
24 each billing statement any amount billed that is for service
25 provided prior to the date covered by the billing statement.
26 The disclosure must include the dates for which the prior

1 service is being billed. Each billing statement that includes
2 an amount billed for service provided prior to the date covered
3 by the billing statement must disclose the dates for which that
4 amount is billed and must include a copy of the document
5 created under subsection (a) and a statement of current
6 Commission rules concerning unbilled or misbilled service.

7 (k) When the customer is due a refund resulting from
8 payment of an overcharge, the utility shall credit the customer
9 in the amount of overpayment with interest from the date of
10 overpayment by the customer. The rate for interest shall be at
11 the appropriate rate determined by the Commission under 83 Ill.
12 Adm. Code 280.70.

13 (l) Water and sewer public utilities; subcontractors. The
14 Commission shall adopt rules for water and sewer public
15 utilities to provide notice to the customers of the proper kind
16 of identification that a subcontractor must present to the
17 customer, to prohibit a subcontractor from soliciting or
18 receiving payment of any kind for any service provided by the
19 water or sewer public utility or the subcontractor, and to
20 establish sanctions for violations.

21 (m) Water and sewer public utilities; unaccounted-for
22 water. By December 31, 2006, each water public utility shall
23 file tariffs with the Commission to establish the maximum
24 percentage of unaccounted-for water that would be considered in
25 the determination of any rates or surcharges. The rates or
26 surcharges approved for a water public utility shall not

1 include charges for unaccounted-for water in excess of this
2 maximum percentage without well-documented support and
3 justification for the Commission to consider in any request to
4 recover charges in excess of the tariffed maximum percentage.

5 (n) Rate increases; public forums. When any public utility
6 providing water or sewer service proposes a general rate
7 increase, in addition to other notice requirements, the water
8 or sewer public utility must notify its customers of their
9 right to request a public forum. A customer or group of
10 customers must make written request to the Commission for a
11 public forum and must also provide written notification of the
12 request to the customer's municipal or, for unincorporated
13 areas, township government. The Commission, at its discretion,
14 may schedule the public forum. If it is determined that public
15 forums are required for multiple municipalities or townships,
16 the Commission shall schedule these public forums, in locations
17 within approximately 45 minutes drive time of the
18 municipalities or townships for which the public forums have
19 been scheduled. The public utility must provide advance notice
20 of 30 days for each public forum to the governing bodies of
21 those units of local government affected by the increase. The
22 day of each public forum shall be selected so as to encourage
23 the greatest public participation. Each public forum will begin
24 at 7:00 p.m. Reports and comments made during or as a result of
25 each public forum must be made available to the hearing
26 officials and reviewed when drafting a recommended or tentative

1 decision, finding or order pursuant to Section 10-111 of this
2 Act. The provisions of this subsection shall not apply to a
3 water or sewer public utility with \$300,000 or less of annual
4 operating revenues that requests a rate increase using the
5 Commission's Simplified Rate Case Procedures, provided that
6 customers of the public utilities are notified (i) of any
7 requested rate increase, (ii) of their right to provide
8 comments to the Commission about utility service and the
9 requested rate increase, and (iii) of their right to request a
10 public meeting at which the requested rate increase shall be
11 discussed.

12 (Source: P.A. 94-950, eff. 6-27-06.)

13 Section 99. Effective date. This Act takes effect upon
14 becoming law."