



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

HB5255

Introduced 2/8/2012, by Rep. Brandon W. Phelps

#### SYNOPSIS AS INTRODUCED:

220 ILCS 5/19-120

Amends the Public Utilities Act. Provides that the Illinois Commerce Commission shall have the authority after notice and hearing on the complaint or on the Commission's own motion to investigate into any complaints with regard to door-to-door sales practices and impose financial certificate of service authority penalties for such complaints.

LRB097 19603 CEL 64857 b

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 19-120 as follows:

6 (220 ILCS 5/19-120)

7 Sec. 19-120. Commission oversight of services provided by  
8 gas suppliers.

9 (a) The provisions of this Section shall apply only to  
10 alternative gas suppliers serving or seeking to serve  
11 residential or small commercial customers and only to the  
12 extent such alternative gas suppliers provide services to  
13 residential or small commercial customers.

14 (b) The Commission shall have jurisdiction in accordance  
15 with the provisions of Article X of this Act either to  
16 investigate on its own motion in order to determine whether or  
17 to entertain and dispose of any complaint against any  
18 alternative gas supplier alleging that:

19 (1) the alternative gas supplier has violated or is in  
20 nonconformance with any applicable provisions of Section  
21 19-110, 19-111, 19-112, or Section 19-115;

22 (2) an alternative gas supplier has failed to provide  
23 service in accordance with the terms of its contract or

1 contracts with a customer or customers;

2 (3) the alternative gas supplier has violated or is in  
3 nonconformance with the transportation services tariff of,  
4 or any of its agreements relating to transportation  
5 services with, the gas utility or municipal system  
6 providing transportation services; or

7 (4) the alternative gas supplier has violated or failed  
8 to comply with the requirements of Sections 8-201 through  
9 8-207, 8-301, 8-505, or 8-507 of this Act as made  
10 applicable to alternative gas suppliers.

11 (c) The Commission shall have authority after notice and  
12 hearing held on the complaint or on the Commission's own motion  
13 to order any or all of the following remedies, penalties, or  
14 forms of relief:

15 (1) order an alternative gas supplier to cease and  
16 desist, or correct, any violation of or nonconformance with  
17 the provisions of Section 19-110, 19-111, 19-112, or  
18 19-115;

19 (2) impose financial penalties for violations of or  
20 nonconformances with the provisions of Section 19-110,  
21 19-111, 19-112, or 19-115, not to exceed (i) \$10,000 per  
22 occurrence or (ii) \$30,000 per day for those violations or  
23 nonconformances which continue after the Commission issues  
24 a cease-and-desist order; ~~and~~

25 (3) alter, modify, revoke, or suspend the certificate  
26 of service authority of an alternative gas supplier for

1 substantial or repeated violations of or nonconformances  
2 with the provisions of Section 19-110, 19-111, 19-112, or  
3 19-115; and -

4 (4) investigate any complaints with regard to  
5 door-to-door sales practices and impose financial  
6 certificate of service authority penalties for such  
7 complaints as provided in paragraphs (1) through (3) of  
8 this subsection.

9 (d) Nothing in this Act shall be construed to limit,  
10 restrict, or mitigate in any way the power and authority of the  
11 State's Attorneys or the Attorney General under the Consumer  
12 Fraud and Deceptive Business Practices Act.

13 (Source: P.A. 95-1051, eff. 4-10-09.)