

# SB1398



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

SB1398

Introduced 2/9/2011, by Sen. Mike Jacobs

#### SYNOPSIS AS INTRODUCED:

220 ILCS 5/5-109

from Ch. 111 2/3, par. 5-109

Amends the Public Utilities Act. Makes a technical change to a Section concerning reports.

LRB097 06498 ASK 46581 b

A BILL FOR

1 AN ACT concerning regulation.

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 5-109 as follows:

6 (220 ILCS 5/5-109) (from Ch. 111 2/3, par. 5-109)

7 Sec. 5-109. Reports; false reports; penalty. Each public  
8 utility in the ~~the~~ State, other than a commercial mobile radio  
9 service provider, shall each year furnish to the Commission, in  
10 such form as the Commission shall require, annual reports as to  
11 all the items mentioned in the preceding Sections of this  
12 Article, and in addition such other items, whether of a nature  
13 similar to those therein enumerated or otherwise, as the  
14 Commission may prescribe. Such annual reports shall contain all  
15 the required information for the period of 12 months ending on  
16 June 30 in each year, or ending on December 31 in each year, as  
17 the Commission may by order prescribe for each class of public  
18 utilities, except commercial mobile radio service providers,  
19 and shall be filed with the Commission at its office in  
20 Springfield within 3 months after the close of the year for  
21 which the report is made. The Commission shall have authority  
22 to require any public utility to file monthly reports of  
23 earnings and expenses of such utility, and to file other

1 periodical or special, or both periodical and special reports  
2 concerning any matter about which the Commission is authorized  
3 by law to keep itself informed. All reports shall be under  
4 oath.

5 When any report is erroneous or defective or appears to the  
6 Commission to be erroneous or defective, the Commission may  
7 notify the public utility to amend such report within 30 days,  
8 and before or after the termination of such period the  
9 Commission may examine the officers, agents, or employees, and  
10 books, records, accounts, vouchers, plant, equipment and  
11 property of such public utility, and correct such items in the  
12 report as upon such examination the Commission may find  
13 defective or erroneous.

14 All reports made to the Commission by any public utility  
15 and the contents thereof shall be open to public inspection,  
16 unless otherwise ordered by the Commission. Such reports shall  
17 be preserved in the office of the Commission.

18 Any public utility which fails to make and file any report  
19 called for by the Commission within the time specified; or to  
20 make specific answer to any question propounded by the  
21 Commission within 30 days from the time it is lawfully required  
22 to do so, or within such further time, not to exceed 90 days,  
23 as may in its discretion be allowed by the Commission, shall  
24 forfeit up to \$100 for each and every day it may so be in  
25 default if the utility collects less than \$100,000 annually in  
26 gross revenue; and if the utility collects \$100,000 or more

1 annually in gross revenue, it shall forfeit \$1,000 per day for  
2 each and every day it is in default.

3 Any person who willfully makes any false return or report  
4 to the Commission or to any member, officer, or employee  
5 thereof, any person who willfully, in a return or report,  
6 withholds or fails to provide material information to which the  
7 Commission is entitled under this Act and which information is  
8 either required to be filed by statute, rule, regulation,  
9 order, or decision of the Commission or has been requested by  
10 the Commission, and any person who willfully aids or abets such  
11 person shall be guilty of a Class A misdemeanor.

12 (Source: P.A. 95-331, eff. 8-21-07.)