

1 AN ACT concerning State government.

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

4 Section 5. The Illinois Power Agency Act is amended by  
5 changing Sections 1-10 and 1-20 and by adding Section 1-76 as  
6 follows:

7 (20 ILCS 3855/1-10)

8 Sec. 1-10. Definitions.

9 "Agency" means the Illinois Power Agency.

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

18 "Authority" means the Illinois Finance Authority.

19 "Clean coal facility" means an electric generating  
20 facility that uses primarily coal as a feedstock and that  
21 captures and sequesters carbon dioxide emissions at the  
22 following levels: at least 50% of the total carbon dioxide  
23 emissions that the facility would otherwise emit if, at the

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

21 "Clean coal SNG brownfield facility" means a facility that  
22 (1) has commenced construction by July 1, 2015 on an urban  
23 brownfield site in a municipality with at least 1,000,000  
24 residents; (2) uses a gasification process to produce  
25 substitute natural gas; (3) uses coal as at least 50% of the  
26 total feedstock over the term of any sourcing agreement with a

1 utility and the remainder of the feedstock may be either  
2 petroleum coke or coal, with all such coal having a high  
3 bituminous rank and greater than 1.7 pounds of sulfur per  
4 million Btu content unless the facility reasonably determines  
5 that it is necessary to use additional petroleum coke to  
6 deliver additional consumer savings, in which case the facility  
7 shall use coal for at least 35% of the total feedstock over the  
8 term of any sourcing agreement; and (4) captures and sequesters  
9 at least 85% of the total carbon dioxide emissions that the  
10 facility would otherwise emit.

11 "Clean coal SNG facility" means a facility that uses a  
12 gasification process to produce substitute natural gas, that  
13 sequesters at least 90% of the total carbon dioxide emissions  
14 that the facility would otherwise emit, that uses at least 90%  
15 coal as a feedstock, with all such coal having a high  
16 bituminous rank and greater than 1.7 pounds of sulfur per  
17 million btu content, and that has a valid and effective permit  
18 to construct emission sources and air pollution control  
19 equipment and approval with respect to the federal regulations  
20 for Prevention of Significant Deterioration of Air Quality  
21 (PSD) for the plant pursuant to the federal Clean Air Act;  
22 provided, however, a clean coal SNG brownfield facility shall  
23 not be a clean coal SNG facility.

24 "Commission" means the Illinois Commerce Commission.

25 "Costs incurred in connection with the development and  
26 construction of a facility" means:

1           (1) the cost of acquisition of all real property,  
2 fixtures, and improvements in connection therewith and  
3 equipment, personal property, and other property, rights,  
4 and easements acquired that are deemed necessary for the  
5 operation and maintenance of the facility;

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

8           (3) all origination, commitment, utilization,  
9 facility, placement, underwriting, syndication, credit  
10 enhancement, and rating agency fees;

11           (4) engineering, design, procurement, consulting,  
12 legal, accounting, title insurance, survey, appraisal,  
13 escrow, trustee, collateral agency, interest rate hedging,  
14 interest rate swap, capitalized interest, contingency, as  
15 required by lenders, and other financing costs, and other  
16 expenses for professional services; and

17           (5) the costs of plans, specifications, site study and  
18 investigation, installation, surveys, other Agency costs  
19 and estimates of costs, and other expenses necessary or  
20 incidental to determining the feasibility of any project,  
21 together with such other expenses as may be necessary or  
22 incidental to the financing, insuring, acquisition, and  
23 construction of a specific project and starting up,  
24 commissioning, and placing that project in operation.

25           "Department" means the Department of Commerce and Economic  
26 Opportunity.

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

2 "Demand-response" means measures that decrease peak  
3 electricity demand or shift demand from peak to off-peak  
4 periods.

5 "Distributed renewable energy generation device" means a  
6 device that is:

7 (1) powered by wind, solar thermal energy,  
8 photovoltaic cells and panels, biodiesel, crops and  
9 untreated and unadulterated organic waste biomass, tree  
10 waste, and hydropower that does not involve new  
11 construction or significant expansion of hydropower dams;

12 (2) interconnected at the distribution system level of  
13 either an electric utility as defined in this Section, an  
14 alternative retail electric supplier as defined in Section  
15 16-102 of the Public Utilities Act, a municipal utility as  
16 defined in Section 3-105 of the Public Utilities Act, or a  
17 rural electric cooperative as defined in Section 3-119 of  
18 the Public Utilities Act;

19 (3) located on the customer side of the customer's  
20 electric meter and is primarily used to offset that  
21 customer's electricity load; and

22 (4) limited in nameplate capacity to no more than 2,000  
23 kilowatts.

24 "Eligible retail customers" has the same definition as  
25 found in Section 16-111.5 of the Public Utilities Act.

26 "Energy efficiency" means measures that reduce the amount

1 of electricity or natural gas required to achieve a given end  
2 use.

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

5 "Facility" means an electric generating unit or a  
6 co-generating unit that produces electricity along with  
7 related equipment necessary to connect the facility to an  
8 electric transmission or distribution system.

9 "Governmental aggregator" means one or more units of local  
10 government that individually or collectively procure  
11 electricity to serve residential retail electrical loads  
12 located within its or their jurisdiction.

13 "Local government" means a unit of local government as  
14 defined in ~~Article VII~~ of Section 1 of Article VII of the  
15 Illinois Constitution.

16 "Municipal brownfield site" means a site (1) that is owned  
17 by a municipality and conveyed or leased to a person proposing  
18 to operate a qualified solar remediation facility on such site  
19 and (2) that is the subject of a Superfund alternative approach  
20 agreement between the United States Environmental Protection  
21 Agency and potentially responsible parties in accordance with  
22 the federal Comprehensive Environmental Response,  
23 Compensation, and Liability Act of 1980, as amended, requiring  
24 remedial clean up of such site.

25 "Municipality" means a city, village, or incorporated  
26 town.

1 "Person" means any natural person, firm, partnership,  
2 corporation, either domestic or foreign, company, association,  
3 limited liability company, joint stock company, or association  
4 and includes any trustee, receiver, assignee, or personal  
5 representative thereof.

6 "Project" means the planning, bidding, and construction of  
7 a facility.

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

10 "Qualified solar power purchase agreement" means an  
11 agreement between the operator of a qualified solar remediation  
12 facility and an electric utility that has terms and conditions  
13 meeting the requirements of subsection (c) of Section 1-76 of  
14 this Act and is consistent with the utility's applicable  
15 tariffs.

16 "Qualified solar remediation facility" means an electric  
17 generating facility:

18 (1) that uses photovoltaic cells and panels to produce  
19 energy;

20 (2) that is located at a municipal brownfield site;

21 (3) that has a nameplate capacity of no more than 20  
22 megawatts; and

23 (4) where construction of the electric generating  
24 facility structure has not commenced on or before the date  
25 the application to approve a qualified solar power purchase  
26 agreement for such facility is submitted to the Agency in

1 accordance with Section 1-76 of this Act.

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

8 "Renewable energy credit" means a tradable credit that  
9 represents the environmental attributes of a certain amount of  
10 energy produced from a renewable energy resource.

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



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

5 "Sequester" means permanent storage of carbon dioxide by  
6 injecting it into a saline aquifer, a depleted gas reservoir,  
7 or an oil reservoir, directly or through an enhanced oil  
8 recovery process that may involve intermediate storage,  
9 regardless of whether these activities are conducted by a clean  
10 coal facility, a clean coal SNG facility, a clean coal SNG  
11 brownfield facility, or a party with which a clean coal  
12 facility, ~~or~~ clean coal SNG facility, or clean coal SNG  
13 brownfield facility has contracted for such purposes.

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

1 (h-1) of Section 9-220 of the Public Utilities Act.

2 "Substitute natural gas" or "SNG" means a gas manufactured  
3 by gasification of hydrocarbon feedstock, which is  
4 substantially interchangeable in use and distribution with  
5 conventional natural gas.

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

1 (Source: P.A. 96-33, eff. 7-10-09; 96-159, eff. 8-10-09;  
2 96-784, eff. 8-28-09; 96-1000, eff. 7-2-10; 97-96, eff.  
3 7-13-11; 97-239, eff. 8-2-11; 97-491, eff. 8-22-11; 97-616,  
4 eff. 10-26-11; revised 11-10-11.)

5 (20 ILCS 3855/1-20)

6 Sec. 1-20. General powers of the Agency.

7 (a) The Agency is authorized to do each of the following:

8 (1) Develop electricity procurement plans to ensure  
9 adequate, reliable, affordable, efficient, and  
10 environmentally sustainable electric service at the lowest  
11 total cost over time, taking into account any benefits of  
12 price stability, for electric utilities that on December  
13 31, 2005 provided electric service to at least 100,000  
14 customers in Illinois and for small multi-jurisdictional  
15 electric utilities that (A) on December 31, 2005 served  
16 less than 100,000 customers in Illinois and (B) request a  
17 procurement plan for their Illinois jurisdictional load.  
18 The procurement plans shall be updated on an annual basis  
19 and shall include electricity generated from renewable  
20 resources sufficient to achieve the standards specified in  
21 this Act.

22 (2) Conduct competitive procurement processes to  
23 procure the supply resources identified in the procurement  
24 plan, pursuant to Section 16-111.5 of the Public Utilities  
25 Act.

1           (3) Develop electric generation and co-generation  
2 facilities that use indigenous coal or renewable  
3 resources, or both, financed with bonds issued by the  
4 Illinois Finance Authority.

5           (4) Supply electricity from the Agency's facilities at  
6 cost to one or more of the following: municipal electric  
7 systems, governmental aggregators, or rural electric  
8 cooperatives in Illinois.

9           (b) Except as otherwise limited by this Act, the Agency has  
10 all of the powers necessary or convenient to carry out the  
11 purposes and provisions of this Act, including without  
12 limitation, each of the following:

13           (1) To have a corporate seal, and to alter that seal at  
14 pleasure, and to use it by causing it or a facsimile to be  
15 affixed or impressed or reproduced in any other manner.

16           (2) To use the services of the Illinois Finance  
17 Authority necessary to carry out the Agency's purposes.

18           (3) To negotiate and enter into loan agreements and  
19 other agreements with the Illinois Finance Authority.

20           (4) To obtain and employ personnel and hire consultants  
21 that are necessary to fulfill the Agency's purposes, and to  
22 make expenditures for that purpose within the  
23 appropriations for that purpose.

24           (5) To purchase, receive, take by grant, gift, devise,  
25 bequest, or otherwise, lease, or otherwise acquire, own,  
26 hold, improve, employ, use, and otherwise deal in and with,

1 real or personal property whether tangible or intangible,  
2 or any interest therein, within the State.

3 (6) To acquire real or personal property, whether  
4 tangible or intangible, including without limitation  
5 property rights, interests in property, franchises,  
6 obligations, contracts, and debt and equity securities,  
7 and to do so by the exercise of the power of eminent domain  
8 in accordance with Section 1-21; except that any real  
9 property acquired by the exercise of the power of eminent  
10 domain must be located within the State.

11 (7) To sell, convey, lease, exchange, transfer,  
12 abandon, or otherwise dispose of, or mortgage, pledge, or  
13 create a security interest in, any of its assets,  
14 properties, or any interest therein, wherever situated.

15 (8) To purchase, take, receive, subscribe for, or  
16 otherwise acquire, hold, make a tender offer for, vote,  
17 employ, sell, lend, lease, exchange, transfer, or  
18 otherwise dispose of, mortgage, pledge, or grant a security  
19 interest in, use, and otherwise deal in and with, bonds and  
20 other obligations, shares, or other securities (or  
21 interests therein) issued by others, whether engaged in a  
22 similar or different business or activity.

23 (9) To make and execute agreements, contracts, and  
24 other instruments necessary or convenient in the exercise  
25 of the powers and functions of the Agency under this Act,  
26 including contracts with any person, including personal

1 service contracts, or with any local government, State  
2 agency, or other entity; and all State agencies and all  
3 local governments are authorized to enter into and do all  
4 things necessary to perform any such agreement, contract,  
5 or other instrument with the Agency. No such agreement,  
6 contract, or other instrument shall exceed 40 years.

7 (10) To lend money, invest and reinvest its funds in  
8 accordance with the Public Funds Investment Act, and take  
9 and hold real and personal property as security for the  
10 payment of funds loaned or invested.

11 (11) To borrow money at such rate or rates of interest  
12 as the Agency may determine, issue its notes, bonds, or  
13 other obligations to evidence that indebtedness, and  
14 secure any of its obligations by mortgage or pledge of its  
15 real or personal property, machinery, equipment,  
16 structures, fixtures, inventories, revenues, grants, and  
17 other funds as provided or any interest therein, wherever  
18 situated.

19 (12) To enter into agreements with the Illinois Finance  
20 Authority to issue bonds whether or not the income  
21 therefrom is exempt from federal taxation.

22 (13) To procure insurance against any loss in  
23 connection with its properties or operations in such amount  
24 or amounts and from such insurers, including the federal  
25 government, as it may deem necessary or desirable, and to  
26 pay any premiums therefor.

1           (14) To negotiate and enter into agreements with  
2 trustees or receivers appointed by United States  
3 bankruptcy courts or federal district courts or in other  
4 proceedings involving adjustment of debts and authorize  
5 proceedings involving adjustment of debts and authorize  
6 legal counsel for the Agency to appear in any such  
7 proceedings.

8           (15) To file a petition under Chapter 9 of Title 11 of  
9 the United States Bankruptcy Code or take other similar  
10 action for the adjustment of its debts.

11           (16) To enter into management agreements for the  
12 operation of any of the property or facilities owned by the  
13 Agency.

14           (17) To enter into an agreement to transfer and to  
15 transfer any land, facilities, fixtures, or equipment of  
16 the Agency to one or more municipal electric systems,  
17 governmental aggregators, or rural electric agencies or  
18 cooperatives, for such consideration and upon such terms as  
19 the Agency may determine to be in the best interest of the  
20 citizens of Illinois.

21           (18) To enter upon any lands and within any building  
22 whenever in its judgment it may be necessary for the  
23 purpose of making surveys and examinations to accomplish  
24 any purpose authorized by this Act.

25           (19) To maintain an office or offices at such place or  
26 places in the State as it may determine.

1           (20) To request information, and to make any inquiry,  
2           investigation, survey, or study that the Agency may deem  
3           necessary to enable it effectively to carry out the  
4           provisions of this Act.

5           (21) To accept and expend appropriations.

6           (22) To engage in any activity or operation that is  
7           incidental to and in furtherance of efficient operation to  
8           accomplish the Agency's purposes, including hiring  
9           employees that the Director deems essential for the  
10          operations of the Agency.

11          (23) To adopt, revise, amend, and repeal rules with  
12          respect to its operations, properties, and facilities as  
13          may be necessary or convenient to carry out the purposes of  
14          this Act, subject to the provisions of the Illinois  
15          Administrative Procedure Act and Sections 1-22 and 1-35 of  
16          this Act.

17          (24) To establish and collect charges and fees as  
18          described in this Act.

19          (25) To conduct competitive gasification feedstock  
20          procurement processes to procure the feedstocks for the  
21          clean coal SNG brownfield facility in accordance with the  
22          requirements of Section 1-78 of this Act.

23          (26) To review, revise, and approve sourcing  
24          agreements and mediate and resolve disputes between gas  
25          utilities and the clean coal SNG brownfield facility  
26          pursuant to subsection (h-1) of Section 9-220 of the Public



1 Utilities Act.

2 (27) To review and approve qualified solar power  
3 purchase agreements pursuant to Section 1-76 of this Act.

4 (Source: P.A. 96-784, eff. 8-28-09; 96-1000, eff. 7-2-10;  
5 97-96, eff. 7-13-11; 97-325, eff. 8-12-11; 97-618, eff.  
6 10-26-11; revised 11-10-11.)

7 (20 ILCS 3855/1-76 new)

8 Sec. 1-76. Qualified solar power purchase agreements.

9 (a) The General Assembly finds that encouraging the  
10 development and use of solar energy is in the public interest  
11 and consistent with the renewable energy goals of the State.  
12 The General Assembly further finds that repurposing and  
13 redeveloping brownfield sites owned by municipalities,  
14 including in particular those sites that are in need of  
15 remedial clean up due to prior contamination, to host solar  
16 energy producing facilities is in the economic and  
17 environmental interests of the State, those municipalities,  
18 and the public.

19 (b) For a period of one year after the effective date of  
20 this amendatory Act of the 97th General Assembly, the Agency  
21 shall accept applications from proposed operators of proposed  
22 qualified solar remediation facilities to approve a qualified  
23 solar power purchase agreement. The Agency shall accept only  
24 one application that meets the criteria set forth in this  
25 Section. The Agency shall not accept an application that does

1 not meet the criteria set forth in this Section. The  
2 application shall include a proposed qualified solar power  
3 purchase agreement between the applicant and an electric  
4 utility.

5 (c) Each qualified solar power purchase agreement shall:

6 (1) include provisions governing the prices paid for  
7 electricity generated by the qualified solar remediation  
8 facility and for renewable energy credits purchased in  
9 connection with the electricity, which prices in aggregate  
10 (for both electricity and renewable energy credits) shall  
11 not:

12 (A) exceed 23 cents per kilowatt hour in the first  
13 year of the sale thereof pursuant to such qualified  
14 solar power purchase agreement; and

15 (B) increase during the term of the qualified solar  
16 power purchase agreement by more than 1.5% per year;

17 (2) specify a term of no more than 20 years, commencing  
18 on the commercial operation date of the facility;

19 (3) require the facility to be constructed on the  
20 specified municipal brownfield site and to achieve the  
21 commercial operation date within 5 years after the approval  
22 of the qualified solar power purchase agreement by the  
23 Agency;

24 (4) include a representation by the applicant that,  
25 from and after the execution of the qualified solar power  
26 purchase agreement, any costs incurred in the

1 environmental remediation of the municipal brownfield  
2 site, other than for the construction of the qualified  
3 solar remediation facility, shall not cause an increase in  
4 the prices paid for electricity generated by the qualified  
5 solar remediation facility in excess of the prices stated  
6 in the proposed qualified solar power purchase agreement;

7 (5) provide for purchase and sale of the full output of  
8 a qualified solar remediation facility consistent with the  
9 electric utility's tariffs and practice, but not to exceed  
10 a nameplate capacity of 20 megawatts;

11 (6) require the qualified solar remediation facility  
12 to provide to the electric utility, on a day-prior basis,  
13 an estimate of the integrated hourly output from the  
14 facility and, on a monthly basis, the actual integrated  
15 hourly output from the facility; and

16 (7) provide that the effectiveness of such agreement is  
17 contingent upon (i) approval by the Agency pursuant to this  
18 Section and (ii) inclusion in a procurement plan that is  
19 submitted by the Agency and approved by the Commission.

20 (d) The Agency shall promptly review an application  
21 submitted pursuant to this Section. The Agency shall approve a  
22 qualified solar power purchase agreement within 90 days after  
23 the Agency has received such an application or before the next  
24 submission of the Agency's procurement plan to the Commission,  
25 whichever is earlier, unless the Agency finds that the  
26 agreement does not conform to the requirements of subsection

1 (c) of this Section. Immediately following the approval of the  
2 qualified solar power purchase agreement by the Agency, the  
3 Agency shall include and incorporate the qualified solar power  
4 purchase agreement and the proposed output in the Agency's  
5 procurement plan.

6 (e) The Commission shall approve the inclusion of the  
7 qualified solar power purchase agreement in the Agency's  
8 procurement plan, unless the Commission finds that any  
9 projected rate increases to eligible retail electric customers  
10 attributable solely to costs incurred by an electric utility  
11 pursuant to the qualified solar power purchase agreement  
12 violate the requirements of paragraph (2) of subsection (c) of  
13 Section 1-75 of this Act. Upon approval of a qualified solar  
14 power purchase agreement by the Commission, such qualified  
15 solar power purchase agreement shall be executed by the parties  
16 and become effective subject to the electric utility's  
17 applicable tariffs.

18 (f) The Agency may assess a fee to the applicant to recover  
19 the costs incurred in reviewing the application pursuant to  
20 this Section.

21 (g) All costs incurred by an electric utility pursuant to a  
22 qualified solar power purchase agreement approved by the Agency  
23 pursuant to this Section, including costs for renewable energy  
24 credits purchased in connection with electricity generated by  
25 that qualified solar remediation facility and costs incurred in  
26 negotiating the agreement and seeking approval by the Agency in

1 accordance with this Section, shall be deemed prudently  
2 incurred and reasonable in amount, and the electric utility  
3 shall be entitled to full cost recovery pursuant to the tariffs  
4 filed with the Commission.

5 (h) Any renewable energy credits purchased by an electric  
6 utility pursuant to a qualified solar power purchase agreement  
7 approved by the Agency pursuant to this Section shall count  
8 towards the required percentages for solar photovoltaic energy  
9 for the purposes of subsection (c) of Section 1-75 of this Act.

10 (i) The electric utility shall include purchases under the  
11 qualified solar power purchase agreement in its portfolio of  
12 purchases associated with eligible retail customers, at a value  
13 equal to the total of the per-kilowatt-hour cost of on-peak  
14 energy, capacity, and solar renewable energy credits  
15 associated with renewable energy procured in the most recent  
16 power procurement event conducted under Section 1-75 of this  
17 Act that included executed contracts for solar renewable energy  
18 credits. The value of purchases under the qualified solar power  
19 purchase agreement shall be recovered under tariffs approved by  
20 the Commission pursuant to subsection (l) of Section 16-111.5  
21 of the Public Utilities Act.

22 The electric utility shall estimate the kilowatt-hour  
23 quantity of qualified solar power purchase agreement energy  
24 expected to be acquired in a procurement plan year. The over or  
25 under cost recovery mechanism contained in the tariff approved  
26 by the Commission pursuant to subsection (l) of Section

1 16-111.5 of the Public Utilities Act shall reconcile the  
2 estimated costs with the actual costs allocated to eligible  
3 retail customers by multiplying the per-kilowatt-hour cost  
4 established in this Section by the difference between the  
5 estimated kilowatt-hour quantity and the actual kilowatt-hour  
6 quantity generated by the qualified solar remediation  
7 facility.

8 (j) If the price established by the qualified solar power  
9 purchase agreement in conformance with subsection (c) of this  
10 Section is different than the value of the purchases under the  
11 qualified solar power purchase agreement as determined by  
12 subsection (i) of this Section, the difference shall be  
13 collected equally from, or credited equally to, all of the  
14 electric utility's delivery service customers through a cents  
15 per-kilowatt-hour tariff mechanism approved by the Commission.  
16 Such tariff mechanism shall be established outside the context  
17 of a general rate case or formula rate proceeding. The tariff  
18 mechanism each year shall establish an estimated amount to  
19 collect or credit and shall contain provisions that ensure that  
20 its application does not result in over or under recovery,  
21 including, but not limited to, changes in qualified solar  
22 remediation facility production or customer usage or demand  
23 patterns.

24 The application of subsections (i) and (j) of this Section  
25 together shall be construed to permit the electric utility to  
26 recover all of its costs incurred to comply with this Section.

1       (k) Nothing in this Section shall be construed to prohibit  
2       the electric utility from recovering prudently incurred costs  
3       under this Section from its delivery service customers or  
4       bundled service customers.

5       Section 99. Effective date. This Act takes effect upon  
6       becoming law.