



Rep. Esther Golar

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09800HB0576ham002

LRB098 03406 CEL 44518 a

1 AMENDMENT TO HOUSE BILL 576

2 AMENDMENT NO. _____. Amend House Bill 576 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Public Utilities Act is amended by changing
5 Section 9-201 as follows:

6 (220 ILCS 5/9-201) (from Ch. 111 2/3, par. 9-201)

7 Sec. 9-201. (a) Unless the Commission otherwise orders, and
8 except as otherwise provided in this Section, no change shall
9 be made by any public utility in any rate or other charge or
10 classification, or in any rule, regulation, practice or
11 contract relating to or affecting any rate or other charge,
12 classification or service, or in any privilege or facility,
13 except after 45 days' notice to the Commission and to the
14 public as herein provided. Such notice shall be given by filing
15 with the Commission and keeping open for public inspection new
16 schedules or supplements stating plainly the change or changes

1 to be made in the schedule or schedules then in force, and the
2 time when the change or changes will go into effect, and by
3 publication in a newspaper of general circulation or such other
4 notice to persons affected by such change as may be prescribed
5 by rule of the Commission. The Commission, for good cause
6 shown, may allow changes without requiring the 45 days' notice
7 herein provided for, by an order specifying the changes so to
8 be made and the time when they shall take effect and the manner
9 in which they shall be filed and published.

10 When any change is proposed in any rate or other charge, or
11 classification, or in any rule, regulation, practice, or
12 contract relating to or affecting any rate or other charge,
13 classification or service, or in any privilege or facility,
14 such proposed change shall be plainly indicated on the new
15 schedule filed with the Commission, by some character to be
16 designated by the Commission, immediately preceding or
17 following the item.

18 When any public utility providing water or sewer service
19 proposes any change in any rate or other charge, or
20 classification, or in any rule, regulation, practice, or
21 contract relating to or affecting any rate or other charge,
22 classification or service, or in any privilege or facility,
23 such utility shall, in addition to the other notice
24 requirements of this Act, provide notice of such change to all
25 customers potentially affected by including a notice and
26 description of such change, and of Commission procedures for

1 intervention, in the first bill sent to each such customer
2 after the filing of the proposed change. Costs associated with
3 notifications shall be included in the water or sewer utility's
4 revenue requirement.

5 For water or sewer utilities with greater than 15,000 total
6 customers, the following notice requirements are applicable,
7 in addition to the other notice requirements of this Act:

8 (1) As a separate bill insert, an initial notice in the
9 first bill sent to all customers potentially affected by
10 the proposed change after the filing of the proposed change
11 shall include:

12 (A) the approximate date when the change or changes
13 shall go into effect assuming the Commission utilizes
14 the 11-month process as described in this Section;

15 (B) a statement indicating that the estimated bill
16 impact may vary based on multiple factors, including,
17 but not limited to, meter size, usage volume, and the
18 fire protection district;

19 (C) the water or sewer utility's customer service
20 number or other number as may be appropriate where an
21 authorized agent of the water or sewer utility can
22 explain how the proposed increase might impact an
23 individual customer's bill;

24 (D) if the proposed change involves a change from a
25 flat to a volumetric rate, an explanation of volumetric
26 rate;

1 (E) a reference to the water or sewer utility's
2 website where customers can find tips on water
3 conservation; and

4 (F) for customers receiving both water and sewer
5 service from a utility and if the customer has an
6 option to install a separate meter for irrigation to
7 mitigate sewer charges, an explanation of the water and
8 sewer utility's and the customer's responsibilities
9 for installation of a separate meter if such a change
10 is approved.

11 (2) A second notice to all customers shall be included
12 on the first bill after the Commission suspends the tariffs
13 initiating the rate case.

14 (3) Final notice of such change shall be sent to all
15 customers potentially affected by the proposed change by
16 including information required under this paragraph (3)
17 with the first bill after the effective date of the rates
18 approved by the Final Order of the Commission in a rate
19 case. The notice shall include the following:

20 (A) the date when the change or changes went into
21 effect;

22 (B) the water or sewer utility's customer service
23 number or other number as may be appropriate where an
24 authorized agent of the water or sewer utility can
25 explain how the proposed increase might impact an
26 individual customer's bill;

1 (C) an explanation that usage shall now be charged
2 at a volumetric rate rather than a flat rate, if
3 applicable;

4 (D) a reference to the water or sewer utility's
5 website where the customer can find tips on water
6 conservation; and

7 (E) for customers receiving both water and sewer
8 service from a utility and if the customer has an
9 option to install a separate meter for irrigation to
10 mitigate sewer charges, an explanation of the water and
11 sewer utility's and the customer's responsibilities
12 for installation of a separate meter if such a change
13 is approved.

14 (b) Whenever there shall be filed with the Commission any
15 schedule stating an individual or joint rate or other charge,
16 classification, contract, practice, rule or regulation, the
17 Commission shall have power, and it is hereby given authority,
18 either upon complaint or upon its own initiative without
19 complaint, at once, and if it so orders, without answer or
20 other formal pleadings by the interested public utility or
21 utilities, but upon reasonable notice, to enter upon a hearing
22 concerning the propriety of such rate or other charge,
23 classification, contract, practice, rule or regulation, and
24 pending the hearing and decision thereon, such rate or other
25 charge, classification, contract, practice, rule or regulation
26 shall not go into effect. The period of suspension of such rate

1 or other charge, classification, contract, practice, rule or
2 regulation shall not extend more than 105 days beyond the time
3 when such rate or other charge, classification, contract,
4 practice, rule or regulation would otherwise go into effect
5 unless the Commission, in its discretion, extends the period of
6 suspension for a further period not exceeding 6 months.

7 All rates or other charges, classifications, contracts,
8 practices, rules or regulations not so suspended shall, on the
9 expiration of 45 days from the time of filing the same with the
10 Commission, or of such lesser time as the Commission may grant,
11 go into effect and be the established and effective rates or
12 other charges, classifications, contracts, practices, rules
13 and regulations, subject to the power of the Commission, after
14 a hearing had on its own motion or upon complaint, as herein
15 provided, to alter or modify the same.

16 Within 30 days after such changes have been authorized by
17 the Commission, copies of the new or revised schedules shall be
18 posted or filed in accordance with the terms of Section 9-103
19 of this Act, in such a manner that all changes shall be plainly
20 indicated. The Commission shall incorporate into the period of
21 suspension a review period of 4 business days during which the
22 Commission may review and determine whether the new or revised
23 schedules comply with the Commission's decision approving a
24 change to the public utility's rates. Such review period shall
25 not extend the suspension period by more than 2 days. Absent
26 notification to the contrary within the 4 business day period,

1 the new or revised schedules shall be deemed approved.

2 (c) If the Commission enters upon a hearing concerning the
3 propriety of any proposed rate or other charge, classification,
4 contract, practice, rule or regulation, the Commission shall
5 establish the rates or other charges, classifications,
6 contracts, practices, rules or regulations proposed, in whole
7 or in part, or others in lieu thereof, which it shall find to
8 be just and reasonable. In such hearing, the burden of proof to
9 establish the justness and reasonableness of the proposed rates
10 or other charges, classifications, contracts, practices, rules
11 or regulations, in whole and in part, shall be upon the
12 utility. The utility, the staff of the Commission, the Attorney
13 General, or any party to a proceeding initiated under this
14 Section who has been granted intervenor status and submitted a
15 post-hearing brief must be given the opportunity to present
16 oral argument, if requested no later than the date for filing
17 exceptions, on the propriety of any proposed rate or other
18 charge, classification, contract, practice, rule, or
19 regulation. No rate or other charge, classification, contract,
20 practice, rule or regulation shall be found just and reasonable
21 unless it is consistent with Sections of this Article.

22 (d) Except where compliance with Section 8-401 of this Act
23 is of urgent and immediate concern, no representative of a
24 public utility may discuss with a commissioner, commissioner's
25 assistant, or hearing examiner in a non-public setting a
26 planned filing for a general rate increase. If a public utility

1 makes a filing under this Section, then no substantive
2 communication by any such person with a commissioner,
3 commissioner's assistant or hearing examiner concerning the
4 filing is permitted until a notice of hearing has been issued.
5 After the notice of hearing has been issued, the only
6 communications by any such person with a commissioner,
7 commissioner's assistant, or hearing examiner concerning the
8 filing permitted are communications permitted under Section
9 10-103 of this Act. If any such communication does occur, then
10 within 5 days of the docket being initiated all details
11 relating to the communication shall be placed on the public
12 record of the proceeding. The record shall include any
13 materials, whether written, recorded, filmed, or graphic in
14 nature, produced or reproduced on any media, used in connection
15 with the communication. The record shall reflect the names of
16 all persons who transmitted, received, or were otherwise
17 involved in the communication, the duration of the
18 communication, and whether the communication occurred in
19 person or by other means. In the case of an oral communication,
20 the record shall also reflect the location or locations of all
21 persons involved in the communication and, if the communication
22 occurred by telephone, the telephone numbers for the callers
23 and recipients of the communication. A commissioner,
24 commissioner's assistant, or hearing examiner who is involved
25 in any such communication shall be recused from the affected
26 proceeding. The Commission, or any commissioner or hearing

1 examiner presiding over the proceeding shall, in the event of a
2 violation of this Section, take action necessary to ensure that
3 such violation does not prejudice any party or adversely affect
4 the fairness of the proceedings including dismissing the
5 affected proceeding. Nothing in this subsection (d) is intended
6 to preclude otherwise allowable updates on issues that may be
7 indirectly related to a general rate case filing because cost
8 recovery for the underlying activity may be requested. Such
9 updates may include, without limitation, issues related to
10 outages and restoration, credit ratings, security issuances,
11 reliability, Federal Energy Regulatory Commission matters,
12 Federal Communications Commission matters, regional
13 reliability organizations, consumer education, or labor
14 matters, provided that such updates may not include cost
15 recovery in a planned rate case.

16 (Source: P.A. 96-33, eff. 7-10-09.)".