



Rep. Esther Golar

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LRB098 03406 JLS 44716 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.

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

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

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

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

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

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

25 (E) a reference to the water or sewer utility's
26 website where customers can find tips on water

1 conservation; and

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

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

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

18 (A) the date when the change or changes went into
19 effect;

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

25 (C) an explanation that usage shall now be charged
26 at a volumetric rate rather than a flat rate, if

1 applicable;

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

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

12 (b) Whenever there shall be filed with the Commission any
13 schedule stating an individual or joint rate or other charge,
14 classification, contract, practice, rule or regulation, the
15 Commission shall have power, and it is hereby given authority,
16 either upon complaint or upon its own initiative without
17 complaint, at once, and if it so orders, without answer or
18 other formal pleadings by the interested public utility or
19 utilities, but upon reasonable notice, to enter upon a hearing
20 concerning the propriety of such rate or other charge,
21 classification, contract, practice, rule or regulation, and
22 pending the hearing and decision thereon, such rate or other
23 charge, classification, contract, practice, rule or regulation
24 shall not go into effect. The period of suspension of such rate
25 or other charge, classification, contract, practice, rule or
26 regulation shall not extend more than 105 days beyond the time

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

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

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

26 (c) If the Commission enters upon a hearing concerning the

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

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

1 commissioner's assistant or hearing examiner concerning the
2 filing is permitted until a notice of hearing has been issued.
3 After the notice of hearing has been issued, the only
4 communications by any such person with a commissioner,
5 commissioner's assistant, or hearing examiner concerning the
6 filing permitted are communications permitted under Section
7 10-103 of this Act. If any such communication does occur, then
8 within 5 days of the docket being initiated all details
9 relating to the communication shall be placed on the public
10 record of the proceeding. The record shall include any
11 materials, whether written, recorded, filmed, or graphic in
12 nature, produced or reproduced on any media, used in connection
13 with the communication. The record shall reflect the names of
14 all persons who transmitted, received, or were otherwise
15 involved in the communication, the duration of the
16 communication, and whether the communication occurred in
17 person or by other means. In the case of an oral communication,
18 the record shall also reflect the location or locations of all
19 persons involved in the communication and, if the communication
20 occurred by telephone, the telephone numbers for the callers
21 and recipients of the communication. A commissioner,
22 commissioner's assistant, or hearing examiner who is involved
23 in any such communication shall be recused from the affected
24 proceeding. The Commission, or any commissioner or hearing
25 examiner presiding over the proceeding shall, in the event of a
26 violation of this Section, take action necessary to ensure that

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

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