

1 AN ACT concerning public aid.

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

4 Section 5. The Energy Assistance Act is amended by changing
5 Section 13 as follows:

6 (305 ILCS 20/13)

7 (Section scheduled to be repealed on December 31, 2013)

8 Sec. 13. Supplemental Low-Income Energy Assistance Fund.

9 (a) The Supplemental Low-Income Energy Assistance Fund is
10 hereby created as a special fund in the State Treasury. The
11 Supplemental Low-Income Energy Assistance Fund is authorized
12 to receive moneys from voluntary donations from individuals,
13 foundations, corporations, and other sources, moneys received
14 pursuant to Section 17, and, by statutory deposit, the moneys
15 collected pursuant to this Section. The Fund is also authorized
16 to receive voluntary donations from individuals, foundations,
17 corporations, and other sources, as well as contributions made
18 in accordance with Section 507MM of the Illinois Income Tax
19 Act. Subject to appropriation, the Department shall use moneys
20 from the Supplemental Low-Income Energy Assistance Fund for
21 payments to electric or gas public utilities, municipal
22 electric or gas utilities, and electric cooperatives on behalf
23 of their customers who are participants in the program

1 authorized by Sections 4 and 18 of this Act, for the provision
2 of weatherization services and for administration of the
3 Supplemental Low-Income Energy Assistance Fund. The yearly
4 expenditures for weatherization may not exceed 10% of the
5 amount collected during the year pursuant to this Section. The
6 yearly administrative expenses of the Supplemental Low-Income
7 Energy Assistance Fund may not exceed 10% of the amount
8 collected during that year pursuant to this Section.

9 (b) Notwithstanding the provisions of Section 16-111 of the
10 Public Utilities Act but subject to subsection (k) of this
11 Section, each public utility, electric cooperative, as defined
12 in Section 3.4 of the Electric Supplier Act, and municipal
13 utility, as referenced in Section 3-105 of the Public Utilities
14 Act, that is engaged in the delivery of electricity or the
15 distribution of natural gas within the State of Illinois shall,
16 effective January 1, 1998, assess each of its customer accounts
17 a monthly Energy Assistance Charge for the Supplemental
18 Low-Income Energy Assistance Fund. The delivering public
19 utility, municipal electric or gas utility, or electric or gas
20 cooperative for a self-assessing purchaser remains subject to
21 the collection of the fee imposed by this Section. The monthly
22 charge shall be as follows:

23 (1) \$0.48 per month on each account for residential
24 electric service;

25 (2) \$0.48 per month on each account for residential gas
26 service;

1 (3) \$4.80 per month on each account for non-residential
2 electric service which had less than 10 megawatts of peak
3 demand during the previous calendar year;

4 (4) \$4.80 per month on each account for non-residential
5 gas service which had distributed to it less than 4,000,000
6 therms of gas during the previous calendar year;

7 (5) \$360 per month on each account for non-residential
8 electric service which had 10 megawatts or greater of peak
9 demand during the previous calendar year; and

10 (6) \$360 per month on each account for non-residential
11 gas service which had 4,000,000 or more therms of gas
12 distributed to it during the previous calendar year.

13 The incremental change to such charges imposed by this
14 amendatory Act of the 96th General Assembly shall not (i) be
15 used for any purpose other than to directly assist customers
16 and (ii) be applicable to utilities serving less than 100,000
17 customers in Illinois on January 1, 2009.

18 In addition, electric and gas utilities have committed, and
19 shall contribute, a one-time payment of \$22 million to the
20 Fund, within 10 days after the effective date of the tariffs
21 established pursuant to Sections 16-111.8 and 19-145 of the
22 Public Utilities Act to be used for the Department's cost of
23 implementing the programs described in Section 18 of this
24 amendatory Act of the 96th General Assembly, the Arrearage
25 Reduction Program described in Section 18, and the programs
26 described in Section 8-105 of the Public Utilities Act. If a

1 utility elects not to file a rider within 90 days after the
2 effective date of this amendatory Act of the 96th General
3 Assembly, then the contribution from such utility shall be made
4 no later than February 1, 2010.

5 (c) For purposes of this Section:

6 (1) "residential electric service" means electric
7 utility service for household purposes delivered to a
8 dwelling of 2 or fewer units which is billed under a
9 residential rate, or electric utility service for
10 household purposes delivered to a dwelling unit or units
11 which is billed under a residential rate and is registered
12 by a separate meter for each dwelling unit;

13 (2) "residential gas service" means gas utility
14 service for household purposes distributed to a dwelling of
15 2 or fewer units which is billed under a residential rate,
16 or gas utility service for household purposes distributed
17 to a dwelling unit or units which is billed under a
18 residential rate and is registered by a separate meter for
19 each dwelling unit;

20 (3) "non-residential electric service" means electric
21 utility service which is not residential electric service;
22 and

23 (4) "non-residential gas service" means gas utility
24 service which is not residential gas service.

25 (d) Within 30 days after the effective date of this
26 amendatory Act of the 96th General Assembly, each public

1 utility engaged in the delivery of electricity or the
2 distribution of natural gas shall file with the Illinois
3 Commerce Commission tariffs incorporating the Energy
4 Assistance Charge in other charges stated in such tariffs,
5 which shall become effective no later than the beginning of the
6 first billing cycle following such filing.

7 (e) The Energy Assistance Charge assessed by electric and
8 gas public utilities shall be considered a charge for public
9 utility service.

10 (f) By the 20th day of the month following the month in
11 which the charges imposed by the Section were collected, each
12 public utility, municipal utility, and electric cooperative
13 shall remit to the Department of Revenue all moneys received as
14 payment of the Energy Assistance Charge on a return prescribed
15 and furnished by the Department of Revenue showing such
16 information as the Department of Revenue may reasonably
17 require; provided, however, that a utility offering an
18 Arrearage Reduction Program pursuant to Section 18 of this Act
19 shall be entitled to net those amounts necessary to fund and
20 recover the costs of such Program as authorized by that Section
21 that is no more than the incremental change in such Energy
22 Assistance Charge authorized by this amendatory Act of the 96th
23 General Assembly. If a customer makes a partial payment, a
24 public utility, municipal utility, or electric cooperative may
25 elect either: (i) to apply such partial payments first to
26 amounts owed to the utility or cooperative for its services and

1 then to payment for the Energy Assistance Charge or (ii) to
2 apply such partial payments on a pro-rata basis between amounts
3 owed to the utility or cooperative for its services and to
4 payment for the Energy Assistance Charge.

5 (g) The Department of Revenue shall deposit into the
6 Supplemental Low-Income Energy Assistance Fund all moneys
7 remitted to it in accordance with subsection (f) of this
8 Section; provided, however, that the amounts remitted by each
9 utility shall be used to provide assistance to that utility's
10 customers. The utilities shall coordinate with the Department
11 to establish an equitable and practical methodology for
12 implementing this subsection (g) beginning with the 2010
13 program year.

14 (h) On or before December 31, 2002, the Department shall
15 prepare a report for the General Assembly on the expenditure of
16 funds appropriated from the Low-Income Energy Assistance Block
17 Grant Fund for the program authorized under Section 4 of this
18 Act.

19 (i) The Department of Revenue may establish such rules as
20 it deems necessary to implement this Section.

21 (j) The Department of Commerce and Economic Opportunity may
22 establish such rules as it deems necessary to implement this
23 Section.

24 (k) The charges imposed by this Section shall only apply to
25 customers of municipal electric or gas utilities and electric
26 or gas cooperatives if the municipal electric or gas utility or

1 electric or gas cooperative makes an affirmative decision to
2 impose the charge. If a municipal electric or gas utility or an
3 electric cooperative makes an affirmative decision to impose
4 the charge provided by this Section, the municipal electric or
5 gas utility or electric cooperative shall inform the Department
6 of Revenue in writing of such decision when it begins to impose
7 the charge. If a municipal electric or gas utility or electric
8 or gas cooperative does not assess this charge, the Department
9 may not use funds from the Supplemental Low-Income Energy
10 Assistance Fund to provide benefits to its customers under the
11 program authorized by Section 4 of this Act.

12 In its use of federal funds under this Act, the Department
13 may not cause a disproportionate share of those federal funds
14 to benefit customers of systems which do not assess the charge
15 provided by this Section.

16 This Section is repealed effective December 31, 2018 ~~2013~~
17 unless renewed by action of the General Assembly. The General
18 Assembly shall consider the results of the evaluations
19 described in Section 8 in its deliberations.

20 (Source: P.A. 95-48, eff. 8-10-07; 95-331, eff. 8-21-07; 96-33,
21 eff. 7-10-09; 96-154, eff. 1-1-10; 96-1000, eff. 7-2-10.)

22 Section 99. Effective date. This Act takes effect upon
23 becoming law.