



Sen. Jacqueline Y. Collins

**Filed: 3/15/2013**

09800SB2350sam001

LRB098 10156 CEL 42472 a

1 AMENDMENT TO SENATE BILL 2350

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2350 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Public Utilities Act is amended by changing  
5 Sections 16-111.7 and 19-140 as follows:

6 (220 ILCS 5/16-111.7)

7 Sec. 16-111.7. On-bill financing program; electric  
8 utilities.

9 (a) The Illinois General Assembly finds that Illinois homes  
10 and businesses have the potential to save energy through  
11 conservation and cost-effective energy efficiency measures.  
12 Programs created pursuant to this Section will allow utility  
13 customers to purchase cost-effective energy efficiency  
14 measures, including measures set forth in a  
15 Commission-approved energy efficiency and demand-response plan  
16 under Section 8-103 of this Act and that are cost-effective as

1 that term is defined by that Section, with no required initial  
2 upfront payment, and to pay the cost of those products and  
3 services over time on their utility bill.

4 (b) Notwithstanding any other provision of this Act, an  
5 electric utility serving more than 100,000 customers on January  
6 1, 2009 shall offer a Commission-approved on-bill financing  
7 program ("program") that allows its eligible retail customers,  
8 as that term is defined in Section 16-111.5 of this Act, who  
9 own a residential single family home, duplex, or other  
10 residential building with 4 or less units, or condominium at  
11 which the electric service is being provided (i) to borrow  
12 funds from a third party lender in order to purchase electric  
13 energy efficiency measures approved under the program for  
14 installation in such home or condominium without any required  
15 upfront payment and (ii) to pay back such funds over time  
16 through the electric utility's bill. Based upon the process  
17 described in subsection (b-5) of this Section, small commercial  
18 retail customers, as that term is defined in Section 16-102 of  
19 this Act, who own the premises at which electric service is  
20 being provided may be included in such program. After receiving  
21 a request from an electric utility for approval of a proposed  
22 program and tariffs pursuant to this Section, the Commission  
23 shall render its decision within 120 days. If no decision is  
24 rendered within 120 days, then the request shall be deemed to  
25 be approved.

26 Notwithstanding the provisions of the preceding paragraph,

1 an electric utility serving more than 100,000 customers on or  
2 after January 1, 2013 shall offer a Commission-approved,  
3 on-bill financing program to owners of multifamily  
4 mastermetered residential or mixed-use mastermetered buildings  
5 with 5 or more residential units no later than December 31,  
6 2013 under the processes described in subsection (c-5) of this  
7 Section.

8 If a landlord increases the rent because of on-bill  
9 financing, then the tenant must be given 30 days notice prior  
10 to the increase and the cause for the increase in rent.

11 (b-5) Within 30 days after the effective date of this  
12 amendatory Act of the 96th General Assembly, the Commission  
13 shall convene a workshop process during which interested  
14 participants may discuss issues related to the program,  
15 including program design, eligible electric energy efficiency  
16 measures, vendor qualifications, and a methodology for  
17 ensuring ongoing compliance with such qualifications,  
18 financing, sample documents such as request for proposals,  
19 contracts and agreements, dispute resolution, pre-installment  
20 and post-installment verification, and evaluation. The  
21 workshop process shall be completed within 150 days after the  
22 effective date of this amendatory Act of the 96th General  
23 Assembly.

24 (c) Not later than 60 days following completion of the  
25 workshop process described in subsection (b-5) of this Section,  
26 each electric utility subject to subsection (b) of this Section

1 shall submit a proposed program to the Commission that contains  
2 the following components:

3 (1) A list of recommended electric energy efficiency  
4 measures that will be eligible for on-bill financing. An  
5 eligible electric energy efficiency measure ("measure")  
6 shall be a product or service for which one or more of the  
7 following is true ~~defined by the following:~~

8 (A) (blank); ~~the measure would be applied to or~~  
9 ~~replace electric energy using equipment; and either~~

10 (B) the projected ~~application of the measure to~~  
11 ~~equipment and systems will have estimated electricity~~  
12 ~~savings (determined by rates in effect at the time of~~  
13 ~~purchase), that are sufficient to cover the costs of~~  
14 ~~implementing the measures, including finance charges~~  
15 ~~and any program fees not recovered pursuant to~~  
16 ~~subsection (f) of this Section; to assist the electric~~  
17 ~~utility in identifying or approving measures, the~~  
18 ~~utility may consult with the Department of Commerce and~~  
19 ~~Economic Opportunity, as well as with retailers,~~  
20 ~~technicians, and installers of electric energy~~  
21 ~~efficiency measures and energy auditors (collectively~~  
22 ~~"vendors"); or~~

23 (C) the product or service ~~measure~~ is included in a  
24 Commission-approved energy efficiency and  
25 demand-response plan under Section 8-103 of this Act  
26 and is cost-effective as that term is defined by that

1 Section.

2 (2) The electric utility shall issue a request for  
3 proposals ("RFP") to lenders for purposes of providing  
4 financing to participants to pay for approved measures. The  
5 RFP criteria shall include, but not be limited to, the  
6 interest rate, origination fees, and credit terms. The  
7 utility shall select the winning bidders based on its  
8 evaluation of these criteria, with a preference for those  
9 bids containing the rates, fees, and terms most favorable  
10 to participants;

11 (3) The utility shall work with the lenders selected  
12 pursuant to the RFP process, and with vendors, to establish  
13 the terms and processes pursuant to which a participant can  
14 purchase eligible electric energy efficiency measures  
15 using the financing obtained from the lender. The vendor  
16 shall explain and offer the approved financing packaging to  
17 those customers identified in subsection (b) of this  
18 Section and shall assist customers in applying for  
19 financing. As part of the process, vendors shall also  
20 provide to participants information about any other  
21 incentives that may be available for the measures.

22 (4) The lender shall conduct credit checks or undertake  
23 other appropriate measures to limit credit risk, and shall  
24 review and approve or deny financing applications  
25 submitted by customers identified in subsection (b) of this  
26 Section. Following the lender's approval of financing and

1 the participant's purchase of the measure or measures, the  
2 lender shall forward payment information to the electric  
3 utility, and the utility shall add as a separate line item  
4 on the participant's utility bill a charge showing the  
5 amount due under the program each month.

6 (4.3) The obligation created by a loan issued under the  
7 program shall run with the meter. For the purposes of this  
8 Section, "run with the meter" means all of the following:

9 (A) any portion of a loan issued under the program  
10 that remains outstanding prior to sale or transfer of  
11 the applicable real property, survives a change in  
12 ownership, tenancy, or meter account responsibility;

13 (B) any portion of a loan issued under the program  
14 that remains outstanding, at all times constitutes an  
15 obligation of the utility customer of record in respect  
16 to the premises served by the measure to repay; and

17 (C) arrears in repayment of a loan issued under the  
18 program that are outstanding prior to sale or transfer  
19 of the applicable real property remains the  
20 responsibility of the incurring customer, unless  
21 expressly assumed by the subsequent customer or third  
22 party.

23 (4.5) For each loan issued under the program, the  
24 utility or its agent shall record in the county recorder's  
25 office of a county in which the property is located, a  
26 notice, with respect to the real property on which the

1 premises served by the measures are located, of the  
2 existence of the loan obligation and stating the total  
3 amount of the loan obligation, the term of the loan  
4 obligation, and that the loan obligation is being repaid  
5 through a charge on an electric service provided to the  
6 property. The notice shall also state that it is being  
7 filed under this Section and, unless fully satisfied prior  
8 to sale or transfer of the property, the loan obligation  
9 shall survive changes in ownership, tenancy, or meter  
10 account responsibility and, until fully satisfied, shall  
11 constitute the obligation of the person responsible for the  
12 meter account. The notice shall not constitute a mortgage  
13 or deed of trust and shall not create any security interest  
14 or lien on the property. Upon satisfaction of the loan  
15 obligation, the utility or its agent shall promptly record  
16 a notice of repayment or a termination of notice. The  
17 county recorder shall record the notices in the same book  
18 in which the deeds are recorded.

19 (5) A loan issued ~~to a participant~~ pursuant to the  
20 program shall be the sole responsibility of the utility  
21 customer of record in respect to the premises served by the  
22 measure ~~participant~~, and any dispute that may arise  
23 concerning the loan's terms, conditions, or charges shall  
24 be resolved between the utility customer of record  
25 ~~participant~~ and lender. ~~Upon transfer of the property title~~  
26 ~~for the premises at which the participant receives electric~~

1 ~~service from the utility or the participant's request to~~  
2 ~~terminate service at such premises, the participant shall~~  
3 ~~pay in full its electric utility bill, including all~~  
4 ~~amounts due under the program, provided that this~~  
5 ~~obligation may be modified as provided in subsection (g) of~~  
6 ~~this Section.~~ Amounts due under the program shall be deemed  
7 amounts owed for residential and, as appropriate, small  
8 commercial electric service.

9 (6) The electric utility shall remit payment in full to  
10 the lender each month on behalf of the participant. In the  
11 event a participant defaults on payment of its electric  
12 utility bill, the electric utility shall continue to remit  
13 all payments due under the program to the lender, and the  
14 utility shall be entitled to recover all costs related to a  
15 participant's nonpayment through the automatic adjustment  
16 clause tariff established pursuant to Section 16-111.8 of  
17 this Act. In addition, the electric utility shall retain a  
18 security interest in the measure or measures purchased  
19 under the program to the extent those measures are not  
20 integral to the shell of a building, and the utility  
21 retains its right to disconnect a participant that defaults  
22 on the payment of its utility bill.

23 (7) The total outstanding amount financed under the  
24 programs in this subsection and subsection (c-5) of this  
25 Section ~~program~~ shall not exceed \$2.5 million for an  
26 electric utility or electric utilities under a single



1 holding company, provided that the electric utility or  
2 electric utilities may petition the Commission for an  
3 increase in such amount.

4 (c-5) Within 60 days after the effective date of this  
5 amendatory Act of the 98th General Assembly, each covered  
6 electric utility shall submit a proposed program to the  
7 Commission that fully comports with the provisions of  
8 subsection (c) of this Section, with the following additional  
9 provision: an electric utility subject to this Section shall  
10 fully coordinate its program with any gas utility or utilities  
11 that provide gas service to buildings within the electric  
12 utility's service territory so that is practical and feasible  
13 for the owner of a multifamily building to make a single  
14 application to access loans for both gas and electric energy  
15 efficiency measures in any individual building.

16 (d) A program approved by the Commission shall also include  
17 the following criteria and guidelines for such program:

18 (1) guidelines for financing of measures installed  
19 under a program, including, but not limited to, RFP  
20 criteria and limits on both individual loan amounts and the  
21 duration of the loans;

22 (2) criteria and standards for identifying and  
23 approving measures;

24 (3) qualifications of vendors that will market or  
25 install measures, as well as a methodology for ensuring  
26 ongoing compliance with such qualifications;

1           (4) sample contracts and agreements necessary to  
2           implement the measures and program; and

3           (5) the types of data and information that utilities  
4           and vendors participating in the program shall collect for  
5           purposes of preparing the reports required under  
6           subsection (g) of this Section.

7           (e) The proposed program submitted by each electric utility  
8           shall be consistent with the provisions of this Section that  
9           define operational, financial and billing arrangements between  
10          and among program participants, vendors, lenders, and the  
11          electric utility.

12          (f) An electric utility shall recover all of the prudently  
13          incurred costs of offering a program approved by the Commission  
14          pursuant to this Section, including, but not limited to, all  
15          start-up and administrative costs and the costs for program  
16          evaluation. All prudently incurred costs under this Section  
17          shall be recovered from the residential and small commercial  
18          retail customer classes eligible to participate in the program  
19          through the automatic adjustment clause tariff established  
20          pursuant to Section 8-103 of this Act.

21          (g) An independent evaluation of a program shall be  
22          conducted after 3 years of the program's operation. The  
23          electric utility shall retain an independent evaluator who  
24          shall evaluate the effects of the measures installed under the  
25          program and the overall operation of the program, including, l  
26          but not limited to, l customer eligibility criteria and whether

1 the payment obligation for permanent electric energy  
2 efficiency measures that will continue to provide benefits of  
3 energy savings should attach to the meter location. As part of  
4 the evaluation process, the evaluator shall also solicit  
5 feedback from participants and interested stakeholders. The  
6 evaluator shall issue a report to the Commission on its  
7 findings no later than 4 years after the date on which the  
8 program commenced, and the Commission shall issue a report to  
9 the Governor and General Assembly including a summary of the  
10 information described in this Section as well as its  
11 recommendations as to whether the program should be  
12 discontinued, continued with modification or modifications or  
13 continued without modification, provided that any recommended  
14 modifications shall only apply prospectively and to measures  
15 not yet installed or financed.

16 (h) An electric utility offering a Commission-approved  
17 program pursuant to this Section shall not be required to  
18 comply with any other statute, order, rule, or regulation of  
19 this State that may relate to the offering of such program,  
20 provided that nothing in this Section is intended to limit the  
21 electric utility's obligation to comply with this Act and the  
22 Commission's orders, rules, and regulations, including Part  
23 280 of Title 83 of the Illinois Administrative Code.

24 (i) The source of a utility customer's electric supply  
25 shall not disqualify a customer from participation in the  
26 utility's on-bill financing program. Customers of alternative

1 retail electric suppliers may participate in the program under  
2 the same terms and conditions applicable to the utility's  
3 supply customers.

4 (Source: P.A. 96-33, eff. 7-10-09; 97-616, eff. 10-26-11.)

5 (220 ILCS 5/19-140)

6 Sec. 19-140. On-bill financing program; gas utilities.

7 (a) The Illinois General Assembly finds that Illinois homes  
8 and businesses have the potential to save energy through  
9 conservation and cost-effective energy efficiency measures.  
10 Programs created pursuant to this Section will allow utility  
11 customers to purchase cost-effective energy efficiency  
12 measures, including measures set forth in a  
13 Commission-approved energy efficiency and demand-response plan  
14 under Section 8-103 of this Act that are cost-effective as that  
15 term is defined by that Section, with no required initial  
16 upfront payment, and to pay the cost of those products and  
17 services over time on their utility bill.

18 (b) Notwithstanding any other provision of this Act, a gas  
19 utility serving more than 100,000 customers on January 1, 2009  
20 shall offer a Commission-approved on-bill financing program  
21 ("program") that allows its retail customers who own a  
22 residential single family home, duplex, or other residential  
23 building with 4 or less units, or condominium at which the gas  
24 service is being provided (i) to borrow funds from a third  
25 party lender in order to purchase gas energy efficiency

1 measures approved under the program for installation in such  
2 home or condominium without any required upfront payment and  
3 (ii) to pay back such funds over time through the gas utility's  
4 bill. Based upon the process described in subsection (b-5) of  
5 this Section, small commercial retail customers, as that term  
6 is defined in Section 19-105 of this Act, who own the premises  
7 at which gas service is being provided may be included in such  
8 program. After receiving a request from a gas utility for  
9 approval of a proposed program and tariffs pursuant to this  
10 Section, the Commission shall render its decision within 120  
11 days. If no decision is rendered within 120 days, then the  
12 request shall be deemed to be approved.

13 Notwithstanding the provisions of the preceding paragraph,  
14 a gas utility serving more than 100,000 customers on or after  
15 January 1, 2013 shall offer a Commission-approved on-bill  
16 financing program to owners of multifamily residential or  
17 mixed-use buildings with 5 or more residential units no later  
18 than December 31, 2013 under the processes described in  
19 subsection (c-5) of this Section.

20 (b-5) Within 30 days after the effective date of this  
21 amendatory Act of the 96th General Assembly, the Commission  
22 shall convene a workshop process during which interested  
23 participants may discuss issues related to the program,  
24 including program design, eligible gas energy efficiency  
25 measures, vendor qualifications, and a methodology for  
26 ensuring ongoing compliance with such qualifications,

1 financing, sample documents such as request for proposals,  
2 contracts and agreements, dispute resolution, pre-installment  
3 and post-installment verification, and evaluation. The  
4 workshop process shall be completed within 150 days after the  
5 effective date of this amendatory Act of the 96th General  
6 Assembly.

7 (c) Not later than 60 days following completion of the  
8 workshop process described in subsection (b-5) of this Section,  
9 each gas utility subject to subsection (b) of this Section  
10 shall submit a proposed program to the Commission that contains  
11 the following components:

12 (1) A list of recommended gas energy efficiency  
13 measures that will be eligible for on-bill financing. An  
14 eligible gas energy efficiency measure ("measure") shall  
15 be a product or service for which one or more of the  
16 following is true ~~defined by the following:~~

17 (A) (blank); ~~The measure would be applied to or~~  
18 ~~replace gas energy using equipment; and~~

19 (B) the projected ~~Application of the measure to~~  
20 ~~equipment and systems will have estimated gas savings~~  
21 ~~(determined by rates in effect at the time of~~  
22 ~~purchase), that~~ are sufficient to cover the costs of  
23 implementing the measures, including finance charges  
24 and any program fees not recovered pursuant to  
25 subsection (f) of this Section; and ~~. To assist the gas~~  
26 ~~utility in identifying or approving measures, the~~

1 ~~utility may consult with the Department of Commerce and~~  
2 ~~Economic Opportunity, as well as with retailers,~~  
3 ~~technicians and installers of gas energy efficiency~~  
4 ~~measures and energy auditors (collectively "vendors").~~

5 (C) the product or service is included in a  
6 Commission-approved energy efficiency and  
7 demand-response plan under Section 8-104 of this Act  
8 and is cost-effective as that term is defined by that  
9 Section.

10 (2) The gas utility shall issue a request for proposals  
11 ("RFP") to lenders for purposes of providing financing to  
12 participants to pay for approved measures. The RFP criteria  
13 shall include, but not be limited to, the interest rate,  
14 origination fees, and credit terms. The utility shall  
15 select the winning bidders based on its evaluation of these  
16 criteria, with a preference for those bids containing the  
17 rates, fees, and terms most favorable to participants.

18 (3) The utility shall work with the lenders selected  
19 pursuant to the RFP process, and with vendors, to establish  
20 the terms and processes pursuant to which a participant can  
21 purchase eligible gas energy efficiency measures using the  
22 financing obtained from the lender. The vendor shall  
23 explain and offer the approved financing packaging to those  
24 customers identified in subsection (b) of this Section and  
25 shall assist customers in applying for financing. As part  
26 of such process, vendors shall also provide to participants

1 information about any other incentives that may be  
2 available for the measures.

3 (4) The lender shall conduct credit checks or undertake  
4 other appropriate measures to limit credit risk, and shall  
5 review and approve or deny financing applications  
6 submitted by customers identified in subsection (b) of this  
7 Section. Following the lender's approval of financing and  
8 the participant's purchase of the measure or measures, the  
9 lender shall forward payment information to the gas  
10 utility, and the utility shall add as a separate line item  
11 on the participant's utility bill a charge showing the  
12 amount due under the program each month.

13 (4.3) The obligation created by a loan issued under the  
14 program shall run with the meter. For the purposes of this  
15 Section, "run with the meter" means all of the following:

16 (A) any portion of a loan issued under the program  
17 that remains outstanding prior to sale or transfer of  
18 the applicable real property, survives a change in  
19 ownership, tenancy, or meter account responsibility;

20 (B) any portion of a loan issued under the program  
21 that remains outstanding, at all times constitutes an  
22 obligation of the utility customer of record in respect  
23 to the premises served by the measure to repay; and

24 (C) arrears in repayment of a loan issued under the  
25 program that are outstanding prior to sale or transfer  
26 of the applicable real property remains the



1           responsibility of the incurring customer, unless  
2           expressly assumed by the subsequent customer or third  
3           party.

4           (4.5) For each loan issued under the program, the  
5           utility or its agent shall record in the county recorder's  
6           office of a county in which the property is located, a  
7           notice, with respect to the real property on which the  
8           premises served by the measures are located, of the  
9           existence of the loan obligation and stating the total  
10           amount of the loan obligation, the term of the loan  
11           obligation, and that the loan obligation is being repaid  
12           through a charge on a gas service provided to the property.  
13           The notice shall also state that it is being filed under  
14           this Section and, unless fully satisfied prior to sale or  
15           transfer of the property, the loan obligation shall survive  
16           changes in ownership, tenancy, or meter account  
17           responsibility and, until fully satisfied, shall  
18           constitute the obligation of the person responsible for the  
19           meter account. The notice shall not constitute a mortgage  
20           or deed of trust and shall not create any security interest  
21           or lien on the property. Upon satisfaction of the loan  
22           obligation, the utility or its agent shall promptly record  
23           a notice of repayment or a termination of notice. The  
24           county recorder shall record the notices in the same book  
25           in which the deeds are recorded.

26           (5) A loan issued ~~to a participant~~ pursuant to the

1 program shall be the sole responsibility of the utility  
2 customer of record in respect to the premises served by the  
3 measure participant, and any dispute that may arise  
4 concerning the loan's terms, conditions, or charges shall  
5 be resolved between the utility customer of record  
6 ~~participant~~ and lender. ~~Upon transfer of the property title~~  
7 ~~for the premises at which the participant receives gas~~  
8 ~~service from the utility or the participant's request to~~  
9 ~~terminate service at such premises, the participant shall~~  
10 ~~pay in full its gas utility bill, including all amounts due~~  
11 ~~under the program, provided that this obligation may be~~  
12 ~~modified as provided in subsection (g) of this Section.~~  
13 Amounts due under the program shall be deemed amounts owed  
14 for residential and, as appropriate, small commercial gas  
15 service.

16 (6) The gas utility shall remit payment in full to the  
17 lender each month on behalf of the participant. In the  
18 event a participant defaults on payment of its gas utility  
19 bill, the gas utility shall continue to remit all payments  
20 due under the program to the lender, and the utility shall  
21 be entitled to recover all costs related to a participant's  
22 nonpayment through the automatic adjustment clause tariff  
23 established pursuant to Section 19-145 of this Act. In  
24 addition, the gas utility shall retain a security interest  
25 in the measure or measures purchased under the program to  
26 the extent those measures are not integral to the shell of

1        the building, and the utility retains its right to  
2        disconnect a participant that defaults on the payment of  
3        its utility bill.

4            (7) The total outstanding amount financed under the  
5        programs in this subsection and subsection (c-5) of this  
6        Section program shall not exceed \$2.5 million for a gas  
7        utility or gas utilities under a single holding company,  
8        provided that the gas utility or gas utilities may petition  
9        the Commission for an increase in such amount.

10        (c-5) Within 60 days after the effective date of this  
11        amendatory Act of the 98th General Assembly, each covered gas  
12        utility shall submit a proposed program to the Commission that  
13        fully comports with the provisions of subsection (c) of this  
14        Section, with the following additional provision: a gas utility  
15        subject to this Section shall fully coordinate its program with  
16        any electric utility or utilities that provide electric service  
17        to buildings within the gas utility's service territory so that  
18        is practical and feasible for the owner of a multifamily  
19        building to make a single application to access loans for both  
20        gas and electric energy efficiency measures in any individual  
21        building.

22            (d) A program approved by the Commission shall also include  
23        the following criteria and guidelines for such program:

24            (1) guidelines for financing of measures installed  
25        under a program, including, but not limited to, RFP  
26        criteria and limits on both individual loan amounts and the

1 duration of the loans;

2 (2) criteria and standards for identifying and  
3 approving measures;

4 (3) qualifications of vendors that will market or  
5 install measures, as well as a methodology for ensuring  
6 ongoing compliance with such qualifications;

7 (4) sample contracts and agreements necessary to  
8 implement the measures and program; and

9 (5) the types of data and information that utilities  
10 and vendors participating in the program shall collect for  
11 purposes of preparing the reports required under  
12 subsection (g) of this Section.

13 (e) The proposed program submitted by each gas utility  
14 shall be consistent with the provisions of this Section that  
15 define operational, financial, and billing arrangements  
16 between and among program participants, vendors, lenders, and  
17 the gas utility.

18 (f) A gas utility shall recover all of the prudently  
19 incurred costs of offering a program approved by the Commission  
20 pursuant to this Section, including, but not limited to, all  
21 start-up and administrative costs and the costs for program  
22 evaluation. All prudently incurred costs under this Section  
23 shall be recovered from the residential and small commercial  
24 retail customer classes eligible to participate in the program  
25 through the automatic adjustment clause tariff established  
26 pursuant to Section 8-104 of this Act.

1           (g) An independent evaluation of a program shall be  
2 conducted after 3 years of the program's operation. The gas  
3 utility shall retain an independent evaluator who shall  
4 evaluate the effects of the measures installed under the  
5 program and the overall operation of the program, including,  
6 but not limited to, customer eligibility criteria and whether  
7 the payment obligation for permanent gas energy efficiency  
8 measures that will continue to provide benefits of energy  
9 savings should attach to the meter location. As part of the  
10 evaluation process, the evaluator shall also solicit feedback  
11 from participants and interested stakeholders. The evaluator  
12 shall issue a report to the Commission on its findings no later  
13 than 4 years after the date on which the program commenced, and  
14 the Commission shall issue a report to the Governor and General  
15 Assembly including a summary of the information described in  
16 this Section as well as its recommendations as to whether the  
17 program should be discontinued, continued with modification or  
18 modifications or continued without modification, provided that  
19 any recommended modifications shall only apply prospectively  
20 and to measures not yet installed or financed.

21           (h) A gas utility offering a Commission-approved program  
22 pursuant to this Section shall not be required to comply with  
23 any other statute, order, rule, or regulation of this State  
24 that may relate to the offering of such program, provided that  
25 nothing in this Section is intended to limit the gas utility's  
26 obligation to comply with this Act and the Commission's orders,

1 rules, and regulations, including Part 280 of Title 83 of the  
2 Illinois Administrative Code.

3 (i) The source of a utility customer's gas supply shall not  
4 disqualify a customer from participation in the utility's  
5 on-bill financing program. Customers of alternative gas  
6 suppliers may participate in the program under the same terms  
7 and conditions applicable to the utility's supply customers.

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

9 Section 99. Effective date. This Act takes effect upon  
10 becoming law."