



Rep. Kelly Burke

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LRB099 06843 MLM 36293 a

1 AMENDMENT TO SENATE BILL 1312

2 AMENDMENT NO. _____. Amend Senate Bill 1312, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Public Utilities Act is amended by changing
6 Section 4-304 as follows:

7 (220 ILCS 5/4-304) (from Ch. 111 2/3, par. 4-304)

8 Sec. 4-304. Beginning in 1986, the Commission shall prepare
9 an annual report which shall be filed by January 31 of each
10 year with the Joint Committee on Legislative Support Services
11 of the General Assembly, ~~the Public Counsel~~ and the Governor
12 and which shall be publicly available. Such report shall
13 include:

14 (1) A general review of agency activities and changes,
15 including:

16 (a) a review of significant decisions and other

1 regulatory actions for the preceding year, and pending
2 cases, and an analysis of the impact of such decisions and
3 actions, and potential impact of any significant pending
4 cases;

5 (b) for each significant decision, regulatory action
6 and pending case, a description of the positions advocated
7 by major parties, including Commission staff, and for each
8 such decision rendered or action taken, the position
9 adopted by the Commission and reason therefor;

10 (c) a description of the Commission's budget,
11 caseload, and staff levels, including specifically:

12 (i) a breakdown by type of case of the cases
13 resolved and filed during the year and of pending
14 cases;

15 (ii) a description of the allocation of the
16 Commission's budget, identifying amounts budgeted for
17 each significant regulatory function or activity and
18 for each department, bureau, section, division or
19 office of the Commission and its employees;

20 (iii) a description of current employee levels,
21 identifying any change occurring during the year in the
22 number of employees, personnel policies and practices
23 or compensation levels; and identifying the number and
24 type of employees assigned to each Commission
25 regulatory function and to each department, bureau,
26 section, division or office of the Commission;

1 (d) a description of any significant changes in
2 Commission policies, programs or practices with respect to
3 agency organization and administration, hearings and
4 procedures or substantive regulatory activity.

5 (2) A discussion and analysis of the state of each utility
6 industry regulated by the Commission and significant changes,
7 trends and developments therein, including the number and types
8 of firms offering each utility service, existing, new and
9 prospective technologies, variations in the quality,
10 availability and price for utility services in different
11 geographic areas of the State, and any other industry factors
12 or circumstances which may affect the public interest or the
13 regulation of such industries.

14 (3) A specific discussion of the energy planning
15 responsibilities and activities of the Commission and energy
16 utilities, including:

17 (a) the extent to which conservation, cogeneration,
18 renewable energy technologies and improvements in energy
19 efficiency are being utilized by energy consumers, the
20 extent to which additional potential exists for the
21 economical utilization of such supplies, and a description
22 of existing and proposed programs and policies designed to
23 promote and encourage such utilization;

24 (b) a description of each energy plan filed with the
25 Commission pursuant to the provisions of this Act, and a
26 copy, or detailed summary of the most recent energy plans

1 adopted by the Commission; ~~and~~

2 (c) a discussion of the powers by which the Commission
3 is implementing the planning responsibilities of Article
4 VIII, including a description of the staff and budget
5 assigned to such function, the procedures by which
6 Commission staff reviews and analyzes energy plans
7 submitted by the utilities, the Department of Natural
8 Resources, and any other person or party; and -

9 (d) a summary of the adoption of solar photovoltaic
10 systems by residential and small business consumers in
11 Illinois and a description of any and all barriers to
12 residential and small business consumers' financing,
13 installation, and valuation of energy produced by solar
14 photovoltaic systems; electric utilities, alternative
15 retail electric suppliers, and installers of distributed
16 generation shall provide all information requested by the
17 Commission or its staff necessary to complete the analysis
18 required by this paragraph (d).

19 (4) A discussion of the extent to which utility services
20 are available to all Illinois citizens including:

21 (a) the percentage and number of persons or households
22 requiring each such service who are not receiving such
23 service, and the reasons therefore, including specifically
24 the number of such persons or households who are unable to
25 afford such service;

26 (b) a critical analysis of existing programs designed

1 to promote and preserve the availability and affordability
2 of utility services; and

3 (c) an analysis of the financial impact on utilities
4 and other ratepayers of the inability of some customers or
5 potential customers to afford utility service, including
6 the number of service disconnections and reconnections,
7 and cost thereof and the dollar amount of uncollectible
8 accounts recovered through rates.

9 (5) A detailed description of the means by which the
10 Commission is implementing its new statutory responsibilities
11 under this Act, and the status of such implementation,
12 including specifically:

13 (a) Commission reorganization resulting from the
14 addition of an Executive Director and hearing examiner
15 qualifications and review;

16 (b) Commission responsibilities for construction and
17 rate supervision, including construction cost audits,
18 management audits, excess capacity adjustments, phase-ins
19 of new plant and the means and capability for monitoring
20 and reevaluating existing or future construction projects;

21 (c) promulgation and application of rules concerning
22 ex parte communications, circulation of recommended orders
23 and transcription of closed meetings.

24 (6) A description of all appeals taken from Commission
25 orders, findings or decisions and the status and outcome of
26 such appeals.

1 (7) A description of the status of all studies and
2 investigations required by this Act, including those ordered
3 pursuant to Sections 8-304, 9-242, 9-244 and 13-301 and all
4 such subsequently ordered studies or investigations.

5 (8) A discussion of new or potential developments in
6 federal legislation, and federal agency and judicial decisions
7 relevant to State regulation of utility services.

8 (9) All recommendations for appropriate legislative action
9 by the General Assembly.

10 The Commission may include such other information as it
11 deems to be necessary or beneficial in describing or explaining
12 its activities or regulatory responsibilities. The report
13 required by this Section shall be adopted by a vote of the full
14 Commission prior to filing.

15 (Source: P.A. 91-357, eff. 7-29-99.)

16 Section 10. If and only if House Bill 3766 of the 99th
17 General Assembly becomes law in the form in which it passed
18 both houses on May 26, 2015, then the Public Utilities Act is
19 amended by changing Section 16-119 as follows:

20 (220 ILCS 5/16-119)

21 Sec. 16-119. Switching suppliers. An electric utility or an
22 alternative retail electric supplier may establish a term of
23 service, notice period for terminating service and provisions
24 governing early termination through a tariff or contract. A

1 customer may change its supplier subject to tariff or contract
2 terms and conditions. Any notice provisions; or provision for a
3 fee, charge or penalty with early termination of a contract;
4 shall be conspicuously disclosed in any tariff or contract. Any
5 tariff filed or contract renewed or entered into on and after
6 the effective date of this amendatory Act of the 99th General
7 Assembly that contains an early termination clause shall
8 disclose the amount of the early termination fee or penalty,,
9 provided that any early termination fee or penalty shall not
10 exceed \$50 total for residential customers and \$150 for small
11 commercial retail customers as defined in Section 16-102 of
12 this Act, regardless of whether or not the tariff or contract
13 is a multiyear tariff or contract. A customer shall remain
14 responsible for any unpaid charges owed to an electric utility
15 or alternative retail electric supplier at the time it switches
16 to another provider.

17 The caps on early termination fees and penalties under this
18 Section shall apply only to early termination fees and
19 penalties for early termination of electric service. The caps
20 shall not apply to charges or fees for devices, equipment, or
21 other services provided by the utility or alternative retail
22 electric supplier.

23 (Source: P.A. 90-561, eff. 12-16-97; 09900HB3766enr.)

24 Section 99. Effective date. This Section takes effect upon
25 becoming law. Section 10 takes effect upon becoming law or on

1 the date House Bill 3766 of the 99th General Assembly takes
2 effect, whichever is later.".