

1 AN ACT concerning utilities.

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

4 Section 5. The Public Utilities Act is amended by changing
5 Section 16-103 as follows:

6 (220 ILCS 5/16-103)

7 Sec. 16-103. Service obligations of electric utilities.

8 (a) An electric utility shall continue offering to retail
9 customers each tariffed service that it offered as a distinct
10 and identifiable service on the effective date of this
11 amendatory Act of 1997 until the service is (i) declared
12 competitive pursuant to Section 16-113, or (ii) abandoned
13 pursuant to Section 8-508. Nothing in this subsection shall be
14 construed as limiting an electric utility's right to propose,
15 or the Commission's power to approve, allow or order
16 modifications in the rates, terms and conditions for such
17 services pursuant to Article IX or Section 16-111 of this Act.

18 (b) An electric utility shall also offer, as tariffed
19 services, delivery services in accordance with this Article,
20 the power purchase options described in Section 16-110 and
21 real-time pricing as provided in Section 16-107.

22 (c) Notwithstanding any other provision of this Article,
23 each electric utility shall continue offering to all

1 residential customers and to all small commercial retail
2 customers in its service area, as a tariffed service, bundled
3 electric power and energy delivered to the customer's premises
4 consistent with the bundled utility service provided by the
5 electric utility on the effective date of this amendatory Act
6 of 1997. Upon declaration of the provision of electric power
7 and energy as competitive, the electric utility shall continue
8 to offer to such customers, as a tariffed service, bundled
9 service options at rates which reflect recovery of all cost
10 components for providing the service. For those components of
11 the service which have been declared competitive, cost shall be
12 the market based prices. Market based prices as referred to
13 herein shall mean, for electric power and energy, either (i)
14 those prices for electric power and energy determined as
15 provided in Section 16-112, or (ii) the electric utility's cost
16 of obtaining the electric power and energy at wholesale through
17 a competitive bidding or other arms-length acquisition
18 process.

19 (d) Any residential or small commercial retail customer
20 which elects delivery services is entitled to return to the
21 electric utility's bundled utility tariffed service offering
22 provided in accordance with subsection (c) of this Section upon
23 payment of a reasonable administrative fee which shall be set
24 forth in the tariff. Notwithstanding any other obligation of an
25 electric utility in this Section: (1) if ~~if~~ the residential or
26 small commercial customer has not elected delivery services

1 within 2 billing cycles after returning to the electric
2 utility's bundled utility tariffed service offering, then the
3 electric utility shall be entitled, but not required, to impose
4 the condition that such customer may not elect delivery
5 services for up to 12 months after the date on which the
6 customer returned to bundled utility tariffed service and (2)
7 the electric utility shall be entitled, but not required, to
8 impose the condition that a customer who has left delivery
9 service for the electric utility's bundled service, provided,
10 ~~however, that the customer shall~~ not be permitted to return to
11 the same alternative retail electric supplier within up to 2
12 billing cycles after the customer returned to bundled utility
13 tariffed service other than in situations, including, but not
14 limited to, where the return was in error, inadvertent, or the
15 result of any other unintended operational consequence.

16 (e) The Commission shall not require an electric utility to
17 offer any tariffed service other than the services required by
18 this Section, and shall not require an electric utility to
19 offer any competitive service.

20 (Source: P.A. 97-497, eff. 8-22-11.)

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