

1 AN ACT in relation to public 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  
5 changing Section 16-125 as follows:

6 (220 ILCS 5/16-125)

7 Sec. 16-125. Transmission and distribution reliability  
8 requirements.

9 (a) To assure the reliable delivery of electricity to  
10 all customers in this State and the effective implementation  
11 of the provisions of this Article, the Commission shall,  
12 within 180 days of the effective date of this Article, adopt  
13 rules and regulations for assessing and assuring the  
14 reliability of the transmission and distribution systems and  
15 facilities that are under the Commission's jurisdiction.

16 (b) These rules and regulations shall require an each  
17 electric utility or alternative retail electric supplier  
18 owning, controlling, or operating transmission and  
19 distribution facilities and equipment subject to the  
20 Commission's jurisdiction, referred to in this Section as  
21 "jurisdictional entities", to adopt and implement procedures  
22 for restoring transmission and distribution services to  
23 customers after transmission or distribution outages on a  
24 nondiscriminatory basis without regard to whether a customer  
25 has chosen the electric utility, an affiliate of the electric  
26 utility, or another entity as its provider of electric power  
27 and energy. These rules and regulations shall also, at a  
28 minimum, specifically require each jurisdictional entity to  
29 submit annually to the Commission.

30 (1) the number and duration of planned and  
31 unplanned outages during the prior year and their impacts

1 on customers;

2 (2) outages that were controllable and outages that  
3 were exacerbated in scope or duration by the condition of  
4 facilities, equipment or premises or by the actions or  
5 inactions of operating personnel or agents;

6 (3) customer service interruptions that were due  
7 solely to the actions or inactions of an alternative  
8 retail electric supplier or a public utility in supplying  
9 power or energy;

10 (4) a detailed report of the age, current  
11 condition, reliability and performance of the  
12 jurisdictional entity's existing transmission and  
13 distribution facilities, which shall include, without  
14 limitation, the following data:

15 (i) a summary of the jurisdictional entity's  
16 outages and voltage variances reportable under the  
17 Commission's rules;

18 (ii) the jurisdictional entity's expenditures  
19 for transmission construction and maintenance, the  
20 ratio of those expenditures to the jurisdictional  
21 entity's transmission investment, and the average  
22 remaining depreciation lives of the entity's  
23 transmission facilities, expressed as a percentage  
24 of total depreciation lives;

25 (iii) the jurisdictional entity's expenditures  
26 for distribution construction and maintenance, the  
27 ratio of those expenditures to the jurisdictional  
28 entity's distribution investment, and the average  
29 remaining depreciation lives of the entity's  
30 distribution facilities, expressed as a percentage  
31 of total depreciation lives;

32 (iv) a customer satisfaction survey covering,  
33 among other areas identified in Commission rules,  
34 reliability, customer service, and understandability

1 of the jurisdictional entity's services and prices;  
2 and

3 (v) the corresponding information, in the same  
4 format, for the previous 3 years, if available;

5 (5) a plan for future investment and reliability  
6 improvements for the jurisdictional entity's transmission  
7 and distribution facilities that will ensure continued  
8 reliable delivery of energy to customers and provide the  
9 delivery reliability needed for fair and open  
10 competition; and

11 (6) a report of the jurisdictional entity's  
12 implementation of its plan filed pursuant to subparagraph  
13 (5) for the previous reporting period.

14 (c) The Commission rules shall set forth the criteria  
15 that will be used to assess each jurisdictional entity's  
16 annual report and evaluate its reliability performance. Such  
17 criteria must take into account, at a minimum: the items  
18 required to be reported in subsection (b); the relevant  
19 characteristics of the area served; the age and condition of  
20 the system's equipment and facilities; good engineering  
21 practices; the costs of potential actions; and the benefits  
22 of avoiding the risks of service disruption.

23 (d) At least every 3 years, beginning in the year the  
24 Commission issues the rules required by subsection (a) or the  
25 following year if the rules are issued after June 1, the  
26 Commission shall assess the annual report of each  
27 jurisdictional entity and evaluate its reliability  
28 performance. The Commission's evaluation shall include  
29 specific identification of, and recommendations concerning,  
30 any potential reliability problems that it has identified as  
31 a result of its evaluation.

32 (e) In the event that more than 30,000 customers of an  
33 electric utility are subjected to a continuous power  
34 interruption of 4 hours or more that results in the

1 transmission of power at less than 50% of the standard  
 2 voltage, or that results in the total loss of power  
 3 transmission, the utility shall be responsible for  
 4 compensating customers affected by that interruption for 4  
 5 hours or more for all actual damages, which shall not  
 6 include consequential damages, suffered as a result of the  
 7 power interruption. The utility shall also reimburse the  
 8 affected municipality, county, or other unit of local  
 9 government in which the power interruption has taken place  
 10 for all emergency and contingency expenses incurred by the  
 11 unit of local government as a result of the interruption. A  
 12 waiver of the requirements of this subsection may be granted  
 13 by the Commission in instances in which the utility can show  
 14 that the power interruption was a result of any one or more  
 15 of the following causes:

16 (1) Unpreventable damage due to weather events or  
 17 conditions.

18 (2) Customer tampering.

19 (3) Unpreventable damage due to civil or  
 20 international unrest or animals.

21 (4) Damage to utility equipment or other actions by  
 22 a party other than the utility, its employees, agents,  
 23 or contractors.

24 Loss of revenue and expenses incurred in complying with this  
 25 subsection may not be recovered from ratepayers.

26 (f) In the event of a power surge or other fluctuation  
 27 that causes damage and affects more than 30,000 customers,  
 28 the electric utility shall pay to affected customers the  
 29 replacement value of all goods damaged as a result of the  
 30 power surge or other fluctuation unless the utility can show  
 31 that the power surge or other fluctuation was due to one or  
 32 more of the following causes:

33 (1) Unpreventable damage due to weather events or  
 34 conditions.

1 (2) Customer tampering.

2 (3) Unpreventable damage due to civil or  
3 international unrest or animals.

4 (4) Damage to utility equipment or other actions by  
5 a party other than the utility, its employees, agents,  
6 or contractors.

7 Loss of revenue and expenses incurred in complying with this  
8 subsection may not be recovered from ratepayers. Customers  
9 with respect to whom a waiver has been granted by the  
10 Commission pursuant to subparagraphs (1)-(4) of subsections  
11 (e) and (f) shall not count toward the 30,000 customers  
12 required therein.

13 (g) Whenever an electric utility must perform planned  
14 or routine maintenance or repairs on its equipment that will  
15 result in transmission of power at less than 50% of the  
16 standard voltage, loss of power, or power fluctuation (as  
17 defined in subsection (f)), the utility shall make  
18 reasonable efforts to notify potentially affected customers  
19 no less than 24 hours in advance of performance of the  
20 repairs or maintenance.

21 (h) Remedies provided for under this Section may be  
22 sought exclusively through the Illinois Commerce Commission  
23 as provided under Section 10-109 of this Act. Damages  
24 awarded under this Section for a power interruption shall be  
25 limited to actual damages, which shall not include  
26 consequential damages, and litigation costs. Damage awards  
27 may not be paid out of utility rate funds.

28 (i) The provisions of this Section shall not in any way  
29 diminish or replace other civil or administrative remedies  
30 available to a customer or a class of customers.

31 (j) The Commission shall by rule require an electric  
32 utility to maintain service records detailing information on  
33 each instance of transmission of power at less than 50% of  
34 the standard voltage, loss of power, or power fluctuation

1 (as defined in subsection (f)), that affects 10 or more  
2 customers. Occurrences that are momentary shall not be  
3 required to be recorded or reported. The service record  
4 shall include, for each occurrence, the following  
5 information:

- 6 (1) The date.
- 7 (2) The time of occurrence.
- 8 (3) The duration of the incident.
- 9 (4) The number of customers affected.
- 10 (5) A description of the cause.
- 11 (6) The geographic area affected.
- 12 (7) The specific equipment involved in the  
13 fluctuation or interruption.
- 14 (8) A description of measures taken to restore  
15 service.
- 16 (9) A description of measures taken to remedy the  
17 cause of the power interruption or fluctuation.
- 18 (10) A description of measures taken to prevent  
19 future occurrence.
- 20 (11) The amount of remuneration, if any, paid to  
21 affected customers.
- 22 (12) A statement of whether the fixed charge was  
23 waived for affected customers.

24 Copies of the records containing this information shall  
25 be available for public inspection at the utility's offices,  
26 and copies thereof may be obtained upon payment of a fee not  
27 exceeding the reasonable cost of reproduction. A copy of  
28 each record shall be filed with the Commission and shall be  
29 available for public inspection. Copies of the records may  
30 be obtained upon payment of a fee not exceeding the  
31 reasonable cost of reproduction.

32 (k) The requirements of subsections (e) through (j) of  
33 this Section shall apply only to an electric public utility  
34 having 1,000,000 or more customers.

1 (Source: P.A. 90-561, eff. 12-16-97.)