

1 AN ACT concerning 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 Sections 8-205 and 10-106 and adding Section 8-205.5
6 as follows:

7 (220 ILCS 5/8-205) (from Ch. 111 2/3, par. 8-205)

8 Sec. 8-205. Termination of service used for space
9 heating or cooling. Termination of gas and electric utility
10 service to all residential users, including all tenants of
11 mastermetered apartment buildings, for nonpayment of bills,
12 where gas or electricity is used as the only source of space
13 heating or cooling or to control or operate the only space
14 heating equipment or cooling equipment, such as air
15 conditioners and fans, at the residence is prohibited,

16 1. on any day when the National Weather Service
17 forecast for the following 24 hours covering the area of
18 the utility in which the residence is located includes a
19 forecast that the temperature will be 32 degrees
20 Fahrenheit or below; ~~or~~

21 2. on any day preceding a holiday or a weekend when
22 such a forecast indicated that the temperature will be 32
23 degrees Fahrenheit or below during the holiday or
24 weekend; ~~or~~

25 3. on any day when the National Weather Service
26 forecast for the following 24 hours covering the area of
27 the utility in which the residence is located includes a
28 forecast that there will be a heat advisory; or

29 4. on any day preceding a holiday or a weekend when
30 such a forecast indicates that there will be a heat
31 advisory during the holiday or weekend.

1 (Source: P.A. 84-617.)

2 (220 ILCS 5/8-205.5 new)

3 Sec. 8-205.5. Termination of service used for space
 4 heating or cooling; Commission rules. Termination of gas and
 5 electric utility service to all residential users, including
 6 all tenants of mastermetered apartment buildings, for
 7 nonpayment of bills, where gas or electricity is used as the
 8 only source of space heating or cooling or to control or
 9 operate the only space heating equipment or cooling
 10 equipment, such as air conditioners and fans, at the
 11 residence may be prohibited if the Commerce Commission
 12 determines, pursuant to its emergency rule making authority
 13 under Section 5-45 of the Illinois Administrative Procedure
 14 Act, the following:

- 15 (1) extreme weather conditions exist that may
- 16 jeopardize the public health, safety, and welfare;
- 17 (2) a price spike occurs that affects consumer
- 18 affordability of the gas or electric utility service; or
- 19 (3) any other emergency situation that the
- 20 Commission deems appropriate.

21 (220 ILCS 5/10-106) (from Ch. 111 2/3, par. 10-106)

22 Sec. 10-106. Subpoenas; witnesses; depositions.

23 Illinois Supreme Court Rules 201 through 213 shall apply
24 to proceedings before the Illinois Commerce Commission.

25 All subpoenas issued under the terms of this Act may be
 26 served by any person of full age. The fees of witnesses for
 27 attendance and travel shall be the same as fees of witnesses
 28 before the circuit courts of this State, such fees to be paid
 29 when the witness is excused from further attendance, when the
 30 witness is subpoenaed at the instance of the Commission, or
 31 any commissioner, any or hearing examiner, or any interested
 32 party to any proceeding before the Commission; and when the

1 witness is subpoenaed at the instance of the Commission, any
 2 commissioner, or any hearing examiner, the disbursements made
 3 in the payment of such fees shall be audited and paid in the
 4 same manner as are other expenses of the Commission.
 5 Whenever a subpoena is issued at the instance of a
 6 complainant, respondent, or other party to any proceeding
 7 before the Commission, the Commission may require that the
 8 cost of service thereof and the fee of the witness shall be
 9 borne by the party at whose instance the witness is summoned,
 10 and the Commission shall have power, in its discretion, to
 11 require a deposit to cover the cost of such service and
 12 witness fees and the payment of the legal witness fee and
 13 mileage to the witness when served with subpoena. A subpoena
 14 issued as aforesaid shall be served in the same manner as a
 15 subpoena issued out of a court.

16 Any person, party, corporation, or organization who shall
 17 be served with a subpoena to appear and testify, or to
 18 produce books, papers, accounts or documents, issued by the
 19 Commission or by any interested party, commissioner, or
 20 hearing examiner, in the course of any proceeding an inquiry,
 21 ~~investigation--or--hearing~~ conducted under any of the
 22 provisions of this Act, and who refuses or neglects ~~refuse or~~
 23 ~~neglect~~ to appear, or to testify, or to produce books,
 24 papers, accounts and documents relevant to said inquiry,
 25 investigation or hearing as commanded in such subpoena, shall
 26 be guilty of a Class A misdemeanor.

27 Any circuit court of this State, upon application of the
 28 Commission, ~~or~~ a commissioner, a or hearing examiner, or any
 29 interested party may, ~~---in--its--discretion,~~ compel the
 30 attendance of witnesses, the production of books, papers,
 31 accounts and documents, and the giving of testimony before
 32 the Commission, or before any such commissioner or hearing
 33 examiner, by an attachment for contempt or otherwise, in the
 34 same manner as production of evidence may be compelled before

1 the court.

2 The clerk of the Illinois Commerce Commission shall from
3 time to time issue subpoenas for witnesses as may be required
4 by any interested party to a proceeding pending before the
5 Commission. An order of the Commission, a commissioner, or a
6 hearing officer is not required to obtain issuance by the
7 clerk of a subpoena or subpoena duces tecum. For good cause
8 shown, the Commission, or a hearing officer presiding over a
9 proceeding, on motion, may quash or modify any subpoena or,
10 in the case of a subpoena duces tecum, condition the denial
11 of the motion upon payment in advance by the person in whose
12 behalf the subpoena is issued of the reasonable expense of
13 producing any item therein specified.

14 In any proceeding before the Commission, any party
15 thereto or any person for whose immediate benefit the action
16 is prosecuted or defended, or the officers, directors,
17 managing agents, foreman, or knowledgeable employee of any
18 party to the proceeding, may be called and examined as if
19 under cross examination at the instance of any adverse party.
20 The party calling for the examination may rebut the testimony
21 thus given by counter-testimony and may impeach the witness
22 by proof of prior inconsistent statements.

23 The Commission, or a commissioner, a or hearing examiner,
24 or any party may, in any proceeding investigation-or-hearing
25 before the Commission, cause the deposition of witnesses
26 residing within or without the State to be taken in the
27 manner prescribed by law for like depositions in civil
28 actions in the courts of this State and, to that end, may
29 compel the attendance of witnesses and the production of
30 papers, books, accounts, and documents. The Commission's
31 policy on discovery may not discourage the use of formal
32 discovery tools such as depositions or subpoenas in favor of
33 other discovery tools.

34 The Commission may require, by order served on any public

1 utility in the manner provided herein for the service of
2 orders, the production within this State at such time and
3 place as it may designate, of any books, accounts, papers or
4 documents kept by any public utility operating within this
5 State in any office or place without this State, or, at its
6 option, verified copies in lieu thereof, so that an
7 examination thereof may be made by the Commission or under
8 its direction.

9 (Source: P.A. 84-617.)

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