

1 AN ACT concerning energy.

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

4 Section 5. The Energy Assistance Act of 1989 is amended
5 by changing Sections 1, 2, 4, 5, 6, 7, 8, and 13 as follows:

6 (305 ILCS 20/1) (from Ch. 111 2/3, par. 1401)

7 Sec. 1. Short Title. This Act shall be known and may be
8 cited as the "Energy Assistance Act of 1989".

9 (Source: P.A. 86-127.)

10 (305 ILCS 20/2) (from Ch. 111 2/3, par. 1402)

11 Sec. 2. Findings and Intent.

12 (a) The General Assembly finds that:

13 (1) the health, welfare, and prosperity of the
14 people of the State of Illinois require that all citizens
15 have access to receive essential levels of heat and
16 electric service regardless of economic circumstance;

17 (2) public utilities and other entities providing
18 such services are entitled to receive proper payment for
19 services actually rendered;

20 (3) declining Federal low income energy assistance
21 funding necessitates a State response to ensure the
22 continuity and the further development of energy
23 assistance and related policies and programs within
24 Illinois; and

25 (4) energy assistance policies and programs in
26 effect in Illinois during the past 3 years have benefited
27 all Illinois citizens, and should therefore be continued
28 with the modifications provided herein.

29 (b) Consistent with its findings, the General Assembly
30 declares that it is the policy of the State that:

1 (1) a comprehensive low income energy assistance
2 policy and program should be established which
3 incorporates income assistance, home weatherization, and
4 other measures to assist ~~ensure-that~~ citizens to obtain
5 have access to affordable energy services;

6 (2) the ability of public utilities and other
7 entities to receive just compensation for providing
8 services should not be jeopardized by this policy;

9 (3) resources applied in achieving this policy
10 should be coordinated and efficiently utilized through
11 the integration of public programs and through the
12 targeting of assistance; and

13 (4) the State should utilize all appropriate and
14 available means to fund this program and, to the extent
15 possible, should identify and utilize sources of funding
16 which complement State tax revenues.

17 (Source: P.A. 86-127.)

18 (305 ILCS 20/4) (from Ch. 111 2/3, par. 1404)

19 Sec. 4. Energy Assistance Program.

20 (a) The Department of Commerce and Community Affairs is
21 hereby authorized to institute a program to promote ~~ensure~~
22 the availability and affordability of heating and electric
23 service to low income citizens. The Department shall
24 implement the program by rule promulgated pursuant to The
25 Illinois Administrative Procedure Act. The program shall be
26 consistent with the purposes and objectives of this Act and
27 with all other specific requirements provided herein. The
28 Department ~~shall-ensure-that-the-program-is-in--operation--by~~
29 ~~November-17--19897-~~and may enter into such contracts and other
30 agreements with local agencies as may be necessary for the
31 purpose of administering the energy assistance program.

32 (b) Nothing in this Act shall be construed as altering
33 or limiting the authority conferred on the Illinois Commerce

1 Commission by the Public Utilities Act to regulate all
2 aspects of the provision of public utility service, including
3 but not limited to the authority to make rules and adjudicate
4 disputes between utilities and customers related to
5 eligibility for utility service, deposits, payment practices,
6 discontinuance of service, and the treatment of arrearages
7 owing for previously rendered utility service.
8 (Source: P.A. 86-127.)

9 (305 ILCS 20/5) (from Ch. 111 2/3, par. 1405)

10 Sec. 5. Policy Advisory Council.

11 (a) Within the Department of Commerce and Community
12 Affairs is created a Low Income Energy Assistance Policy
13 Advisory Council.

14 (b) The Council shall be chaired by the Director of
15 Commerce and Community Affairs or his or her designee. There
16 shall be 15 members of the Low Income Energy Assistance
17 Policy Advisory Council, including the chairperson and the
18 following members:

19 (1) one member designated by the Illinois Commerce
20 Commission;

21 (2) one member designated by the Illinois
22 Department of Natural Resources;

23 (3) one member designated by the Illinois Energy
24 Association to represent electric public utilities
25 serving in excess of 1 million customers in this State;

26 (4) one member agreed upon by gas public utilities
27 that serve more than 500,000 customers in this State;

28 (5) one member designated by the Illinois Energy
29 Association to represent combination gas and electric
30 public utilities;

31 (6) one member agreed upon by the Illinois
32 Municipal Electric Agency and the Association of Illinois
33 Electric Cooperatives;

1 (7) one member agreed upon by the Illinois
2 Industrial Energy Consumers;

3 (8) two members designated by the Department to
4 represent low income energy consumers;

5 (9) two members designated by the Illinois
6 Community Action Association to represent local agencies
7 that assist in the administration of this Act;

8 (10) one member designated by the Citizens Utility
9 Board to represent residential energy consumers;

10 (11) one member designated by the Illinois Retail
11 Merchants Association to represent commercial energy
12 customers and;

13 (12) one member designated by the Department to
14 represent independent energy providers.

15 (c) Designated and appointed members shall serve 2 year
16 terms and until their successors are appointed and qualified.
17 The designating organization shall notify the chairperson of
18 any changes or substitutions of a designee within 10 business
19 days of a change or substitution. Members shall serve without
20 compensation, but may receive reimbursement for actual costs
21 incurred in fulfilling their duties as members of the
22 Council.

23 (d) The Council shall have the following duties:

24 (1) to monitor the administration of this Act to
25 ensure effective, efficient, and coordinated program
26 development and implementation;

27 (2) to assist the Department in developing and
28 administering rules and regulations required to be
29 promulgated pursuant to this Act in a manner consistent
30 with the purpose and objectives of this Act;

31 (3) to facilitate and coordinate the collection and
32 exchange of all program data and other information needed
33 by the Department and others in fulfilling their duties
34 pursuant to this Act;

1 (4) to advise the Department on the proper level of
2 support required for effective administration of the Act;

3 (5) to provide a written opinion concerning any
4 regulation proposed pursuant to this Act, and to review
5 and comment on any energy assistance or related plan
6 required to be prepared by the Department;

7 (6) to advise the Department on the use of funds
8 collected pursuant to Section 11 of this Act, and on any
9 changes to existing low income energy assistance programs
10 to make effective use of such funds, so long as such uses
11 and changes are consistent with the requirements of the
12 Act. Policy-Advisory-Council-to-be-comprised-of:

13 (1)--the--following--ex--officio--members--or--their
14 designees:---the--Director--of--Commerce--and--Community
15 Affairs--who--shall--serve--as--Chair--of--the--Committee,--the
16 Director--of--Natural--Resources,--the--Secretary--of--Human
17 Services,--and--the--Chairman--of--the--Illinois--Commerce
18 Commission;--and

19 (2)--9---persons--who--shall--be--appointed--by--the
20 Governor--to--serve--2--year--terms--and--until--their--successors
21 are--appointed--and--qualified,--3--of--whom--shall--be--persons
22 who--represent--low--income--households--or--organizations
23 which--represent--such--households,--3--of--whom--shall--be
24 representatives--of--public--utilities--or--other--entities
25 which--provide--winter--energy--services,--and--3--of--whom--shall
26 be--representatives--of--local--agencies--engaged--by--the
27 Department--to--assist--in--the--administration--of--this--Act.

28 (3)--6---persons--who--shall--be--appointed--by--the
29 Director--of--the--Department--of--Commerce--and--Community
30 Affairs--to--serve--2--year--terms--and--until--their--successors
31 are--appointed--and--qualified,--who--shall--be--persons--meeting
32 such--qualifications--as--may--be--required--by--the--federal
33 government--for--the--administration--of--the--Weatherization
34 Assistance--Program--funded--by--the--U.S.--Department--of

1 Energy-and-any-such-related-energy-assistance-programs-

2 (4)--Members--shall--serve-without-compensation, but
3 may-receive-reimbursement-for-actual--costs--incurred--in
4 fulfilling-their-duties-as-members-of-the-Council-

5 (b)--The-Policy-Advisory-Council-shall-have-the-following
6 duties:

7 (1)--to--monitor--the--administration-of-this-Act-to
8 ensure--effective, efficient,--and--coordinated--program
9 development-and-implementation;

10 (2)--to-assist--the--Department--in--developing--and
11 administering--rules--and--regulations--required--to--be
12 promulgated-pursuant-to-this-Act-in-a--manner--consistent
13 with-the-purpose-and-objectives-of-this-Act;

14 (3)--to-facilitate-and-coordinate-the-collection-and
15 exchange-of-all-program-data-and-other-information-needed
16 by--the--Department-and-others-in-fulfilling-their-duties
17 pursuant-to-this-Act;

18 (4)--to-advise-the-Department-on-the-proper-level-of
19 support-required-for-effective-administration-of-the-Act;

20 (5)--to-provide-a--written--opinion--concerning--any
21 regulation--proposed--pursuant-to-this-Act, and-to-review
22 and-comment-on-any--energy--assistance--or--related--plan
23 required-to-be-prepared-by-the-Department;

24 (6)--on--or-before-March-1-of-each-year-beginning-in
25 1990, to-prepare-and-submit-a-report-to-the-Governor--and
26 General--Assembly--which--describes-the-activities-of-the
27 Department--in--the--development--and--implementation--of
28 energy-assistance--and--related--policies--and--programs,
29 which--characterizes--progress--towards--meeting--the
30 objectives--and--requirements--of--this--Act,--and--which
31 recommends-any-statutory-changes-which-might-be-needed-to
32 further-such-progress.--The--report--submitted--in--1991
33 shall--include--an--analysis--of--and--recommendations
34 regarding-this-Act's-provisions-concerning-State--payment

1 of pre-program arrearages; and
 2 (7) to advise the Department on the use of funds
 3 collected pursuant to Section 13 of this Act, and on any
 4 changes to existing low-income energy assistance programs
 5 to make effective use of such funds, so long as such uses
 6 and changes are consistent with the requirements of
 7 subsection (a) of Section 13 of this Act.

8 (Source: P.A. 89-445, eff. 2-7-96; 89-507, eff. 7-1-97;
 9 90-561, eff. 12-16-97.)

10 (305 ILCS 20/6) (from Ch. 111 2/3, par. 1406)

11 Sec. 6. Eligibility, Conditions of Participation, and
 12 Energy Assistance.

13 (a) Any person who is a resident of the State of
 14 Illinois and whose household income is not greater than an
 15 amount determined annually by the Department, in consultation
 16 with the Policy Advisory Council, may apply for assistance
 17 pursuant to this Act in accordance with regulations
 18 promulgated by the Department. In setting the annual
 19 eligibility level, the Department shall consider the amount
 20 of available funding and may not set a limit higher than 150%
 21 of the federal nonfarm poverty level as established by the
 22 federal Office of Management and Budget.

23 (b) Applicants who qualify for assistance pursuant to
 24 subsection (a) of this Section shall, subject to
 25 appropriation from the General Assembly and subject to
 26 availability of funds to the Department, receive energy
 27 assistance as provided by this Act. The Department, upon
 28 receipt of monies authorized pursuant to this Act for energy
 29 assistance, shall commit funds for each qualified applicant
 30 in an amount determined by the Department. In determining
 31 the amounts of assistance to be provided to or on behalf of a
 32 qualified applicant, the Department shall ensure that the
 33 highest amounts of assistance go to households with the

1 greatest energy costs in relation to household income. The
2 Department shall include factors such as energy costs,
3 household size, household income, and region of the State
4 when determining individual household benefits. In setting
5 assistance levels, the Department shall attempt to provide
6 assistance to approximately the same number of households who
7 participated in the 1991 Residential Energy Assistance
8 Partnership Program. Such assistance levels shall be
9 adjusted annually on the basis of funding availability and
10 energy costs. In promulgating rules for the administration
11 of this Section the Department shall assure that a minimum of
12 1/3 of funds available for benefits to eligible households
13 with the lowest incomes ~~are-made-available-to-households-who~~
14 ~~are-eligible-for--public--assistance~~ and that elderly and
15 disabled households are offered a priority one-month
16 application period.

17 (c) If the applicant is not a customer of an energy
18 provider for winter energy services or an applicant for such
19 service, such applicant shall receive a direct energy
20 assistance payment in an amount established by the Department
21 for all such applicants under this Act; provided, however,
22 that such an applicant must have rental expenses for housing
23 greater than 30% of household income.

24 (d) If the applicant is a customer of an energy
25 provider, such applicant shall receive energy assistance in
26 an amount established by the Department for all such
27 applicants under this Act, such amount to be paid by the
28 Department to the energy provider supplying winter energy
29 service to such applicant. Such applicant shall:

- 30 (i) make all reasonable efforts to apply to any
31 other appropriate source of public energy assistance; and
32 (ii) sign a waiver permitting the Department to
33 receive income information from any public or private
34 agency providing income or energy assistance and from any

1 employer, whether public or private.

2 (e) Any qualified applicant pursuant to this Section may
3 receive or have paid on such applicant's behalf an emergency
4 assistance payment to enable such applicant to obtain access
5 to winter energy services. Any such payments shall be made
6 in accordance with regulations of the Department.

7 (f) The Department may, if sufficient funds are
8 available, provide additional benefits to certain qualified
9 applicants:

10 (i) for the reduction of past due amounts owed to
11 energy providers and

12 (ii) to assist the household respond to excessively
13 high summer temperatures or energy costs. Households
14 containing elderly members, children, a person with a
15 disability, or a person with a medical need for
16 conditioned air shall receive priority for receipt of
17 such benefits.

18 (Source: P.A. 91-936, eff. 1-10-01.)

19 (305 ILCS 20/7) (from Ch. 111 2/3, par. 1407)

20 Sec. 7. State Weatherization Plan and Program.

21 (a) The Department shall, after consultation with the
22 Policy Advisory Council, prepare and promulgate an annual
23 State Weatherization Plan beginning in the year this Act
24 becomes effective. To the extent practicable, such Plan
25 shall provide for targeting use of both State and federal
26 weatherization funds to the households of eligible applicants
27 pursuant to this Act whose ratios of energy costs to income
28 are the highest. The State Weatherization Plan shall include
29 but need not be limited to the following:

30 (1) a description of the demographic
31 characteristics and energy use patterns of people
32 eligible for assistance pursuant to this Act;

33 (2) the methodology used by the Department in

1 targeting weatherization funds;

2 (3) a description of anticipated activity and
3 results for the year covered by the Plan, including an
4 estimate of energy cost savings expected to be realized
5 by the weatherization program; and

6 (4) every third year, beginning in 2002, an
7 evaluation of results from the weatherization program in
8 the year preceding the plan year, including the effect of
9 State Weatherization Program investments on energy
10 consumption and cost in the population eligible for
11 assistance pursuant to this Act, and the effect of
12 targeted weatherization investments on the costs of the
13 energy assistance program authorized by this Act.

14 (b) The Department shall implement the State
15 Weatherization Plan by rule through a program which provides
16 targeted weatherization assistance to eligible applicants for
17 energy assistance pursuant to this Act. The Department may
18 enter into such contracts and other arrangements with local
19 agencies as may be necessary for the purpose of administering
20 the weatherization program.

21 (Source: P.A. 86-127; 87-14.)

22 (305 ILCS 20/8) (from Ch. 111 2/3, par. 1408)
23 Sec. 8. Program Evaluation Reports.

24 (a) The Department of Natural Resources shall prepare
25 and submit to the Governor and the General Assembly reports
26 on September 30 biennially ~~March 15 of each year,~~ beginning
27 in 2003 ~~1991~~, evaluating the effectiveness of the energy
28 assistance and weatherization policies authorized by this
29 Act. The first report shall cover such effects during the
30 first winter during which the program authorized by this Act,
31 is in operation, and successive reports shall cover effects
32 since the issuance of the preceding report.

33 (1) ~~(b)~~ Reports issued pursuant to this Section

1 shall be limited to, information concerning the effects
2 of the policies authorized by this Act on (1) the ability
3 of eligible applicants to obtain and maintain adequate
4 and affordable winter energy services and (2) changes in
5 the costs and prices of winter energy services for people
6 who do not receive energy assistance pursuant to this
7 Act.

8 (2) (e) The Department of Natural Resources shall
9 by September 30, 2002, in consultation with the Policy
10 Advisory Council, determine the kinds of numerical and
11 other information needed to conduct the evaluations
12 required by this Section, and shall advise the Policy
13 Advisory Council of such information needs in a timely
14 manner. The Department of Commerce and Community
15 Affairs, the Department of Human Services, and the
16 Illinois Commerce Commission shall each provide such
17 information as the Department of Natural Resources may
18 require to ensure that the evaluation reporting
19 requirement established by this Section can be met.

20 (b) On or before December 31, 2002, 2004, 2006, and
21 2007, the Department shall prepare a report for the General
22 Assembly on the expenditure of funds appropriated for the
23 programs authorized under this Act.

24 (c) On or before December 31 of each year in 2004, 2006,
25 and 2007, the Department shall in consultation with the
26 Council, prepare and submit evaluation reports to the
27 Governor and the General Assembly outlining the effects of
28 the program designed under this Act on the following as it
29 relates to the propriety of continuing the program:

30 (1) the definition of an eligible low income
31 residential customer;

32 (2) access of low income residential customers to
33 essential energy services;

34 (3) past due amounts owed to utilities by low

1 income persons in Illinois;

2 (4) appropriate measures to encourage energy
3 conservation, efficiency, and responsibility among low
4 income residential customers;

5 (5) the activities of the Department in the
6 development and implementation of energy assistance and
7 related policies and programs, which characterizes
8 progress toward meeting the objectives and requirements
9 of this Act, and which recommends any statutory changes
10 which might be needed to further such progress.

11 (d) The Department shall by September 30, 2002 in
12 consultation with the Council determine the kinds of
13 numerical and other information needed to conduct the
14 evaluations required by this Section.

15 (e) (d) The Illinois Commerce Commission shall require
16 each public utility providing heating or electric service to
17 compile and submit any numerical and other information needed
18 by the Department of Natural Resources to meet its reporting
19 obligations.

20 (Source: P.A. 89-445, eff. 2-7-96; 89-507, eff. 7-1-97.)

21 (305 ILCS 20/13)

22 Sec. 13. Supplemental Low-Income Energy Assistance Fund.

23 (a) The Supplemental Low-Income Energy Assistance Fund
24 is hereby created as a special fund in the State Treasury.
25 The Supplemental Low-Income Energy Assistance Fund is
26 authorized to receive, by statutory deposit, the moneys
27 collected pursuant to this Section. Subject to
28 appropriation, the Department shall use moneys from the
29 Supplemental Low-Income Energy Assistance Fund for payments
30 to electric or gas public utilities, municipal electric or
31 gas utilities, and electric cooperatives on behalf of their
32 customers who are participants in the program authorized by
33 Section 4 of this Act, for the provision of weatherization

1 services and for administration of the Supplemental
 2 Low-Income Energy Assistance Fund. The yearly expenditures
 3 for weatherization may not exceed 10% of the amount collected
 4 during the year pursuant to this Section. In-determining
 5 which--customers--will--participate--in--the--weatherization
 6 component,--the--Department--shall--target--weatherization--for
 7 those--customers--with--the--greatest--energy--burden,--that--is--the
 8 lowest---income--and--greatest--utility--bills. The yearly
 9 administrative expenses of the Supplemental Low-Income Energy
 10 Assistance Fund may not exceed 10% of the amount collected
 11 during that year pursuant to this Section.

12 (b) Notwithstanding the provisions of Section 16-111 of
 13 the Public Utilities Act but subject to subsection (k) of
 14 this Section, each public utility, electric cooperative, as
 15 defined in Section 3.4 of the Electric Supplier Act, and
 16 municipal utility, as referenced in Section 3-105 of the
 17 Public Utilities Act, that is engaged in the delivery of
 18 electricity or the distribution of natural gas within the
 19 State of Illinois shall, effective January 1, 1998, assess
 20 each of its customer accounts a monthly Energy Assistance
 21 Charge for the Supplemental Low-Income Energy Assistance
 22 Fund. The delivering public utility, municipal electric or
 23 gas utility, or electric or gas cooperative for a
 24 self-assessing purchaser remains subject to the collection of
 25 the fee imposed by this Section. The monthly charge shall be
 26 as follows:

- 27 (1) \$0.40 per month on each account for residential
 28 electric service;
- 29 (2) \$0.40 per month on each account for residential
 30 gas service;
- 31 (3) \$4 per month on each account for
 32 non-residential electric service which had less than 10
 33 megawatts of peak demand during the previous calendar
 34 year;

1 (4) \$4 per month on each account for
2 non-residential gas service which had distributed to it
3 less than 4,000,000 therms of gas during the previous
4 calendar year;

5 (5) \$300 per month on each account for
6 non-residential electric service which had 10 megawatts
7 or greater of peak demand during the previous calendar
8 year; and

9 (6) \$300 per month on each account for
10 non-residential gas service which had 4,000,000 or more
11 therms of gas distributed to it during the previous
12 calendar year.

13 (c) For purposes of this Section:

14 (1) "residential electric service" means electric
15 utility service for household purposes delivered to a
16 dwelling of 2 or fewer units which is billed under a
17 residential rate, or electric utility service for
18 household purposes delivered to a dwelling unit or units
19 which is billed under a residential rate and is
20 registered by a separate meter for each dwelling unit;

21 (2) "residential gas service" means gas utility
22 service for household purposes distributed to a dwelling
23 of 2 or fewer units which is billed under a residential
24 rate, or gas utility service for household purposes
25 distributed to a dwelling unit or units which is billed
26 under a residential rate and is registered by a separate
27 meter for each dwelling unit;

28 (3) "non-residential electric service" means
29 electric utility service which is not residential
30 electric service; and

31 (4) "non-residential gas service" means gas utility
32 service which is not residential gas service.

33 (d) At least 45 days prior to the date on which it must
34 begin assessing Energy Assistance Charges, each public

1 utility engaged in the delivery of electricity or the
2 distribution of natural gas shall file with the Illinois
3 Commerce Commission tariffs incorporating the Energy
4 Assistance Charge in other charges stated in such tariffs.

5 (e) The Energy Assistance Charge assessed by electric
6 and gas public utilities shall be considered a charge for
7 public utility service.

8 (f) By the 20th day of the month following the month in
9 which the charges imposed by the Section were collected, each
10 public utility, municipal utility, and electric cooperative
11 shall remit to the Department of Revenue all moneys received
12 as payment of the Energy Assistance Charge on a return
13 prescribed and furnished by the Department of Revenue showing
14 such information as the Department of Revenue may reasonably
15 require. If a customer makes a partial payment, a public
16 utility, municipal utility, or electric cooperative may elect
17 either: (i) to apply such partial payments first to amounts
18 owed to the utility or cooperative for its services and then
19 to payment for the Energy Assistance Charge or (ii) to apply
20 such partial payments on a pro-rata basis between amounts
21 owed to the utility or cooperative for its services and to
22 payment for the Energy Assistance Charge.

23 (g) The Department of Revenue shall deposit into the
24 Supplemental Low-Income Energy Assistance Fund all moneys
25 remitted to it in accordance with subsection (f) of this
26 Section.

27 (h) (Blank). If--as--of--June--30,--2002--the--program
28 authorized-by-Section-4-of-this-Act-has-not-been-replaced--by
29 a--new--energy-assistance-program-which-is-in-operation,--then
30 the-General--Assembly--shall--review--the--program;--provided
31 however,--that-after-that-date,--any-public-utility,--municipal
32 utility,--or-electric-cooperative-shall-continue-to-assess--an
33 Energy--Assistance-Charge-which-was-originally-assessed-on-or
34 before-June-30,--2002-and-which-remains-unpaid.

1 On or before December 31, 2002, the Department shall
2 prepare a report for the General Assembly on the expenditure
3 of funds appropriated from the Low-Income Energy Assistance
4 Block Grant Fund for the program authorized under Section 4
5 of this Act.

6 (i) The Department of Revenue may establish such rules
7 as it deems necessary to implement this Section.

8 (j) The Department of Commerce and Community Affairs may
9 establish such rules as it deems necessary to implement this
10 Section.

11 (k) The charges imposed by this Section shall only apply
12 to customers of municipal electric or gas utilities and
13 electric or gas cooperatives if the municipal electric or gas
14 utility or electric or gas cooperative makes an affirmative
15 decision to impose the charge. If a municipal electric or
16 gas utility or an electric cooperative makes an affirmative
17 decision to impose the charge provided by this Section, the
18 municipal electric or gas utility or electric cooperative
19 shall inform the Department of Revenue in writing of such
20 decision when it begins to impose the charge. If a municipal
21 electric or gas utility or electric or gas cooperative does
22 not assess this charge, the Department may not use funds from
23 the Supplemental Low-Income Energy Assistance Fund to provide
24 benefits to its customers under the program authorized by
25 Section 4 of this Act.

26 In its use of federal funds under this Act, the
27 Department may not cause a disproportionate share of those
28 federal funds to benefit customers of systems which do not
29 assess the charge provided by this Section.

30 This Section is repealed effective December 31, 2007
31 unless renewed by action of the General Assembly. The
32 General Assembly shall consider the results of the
33 evaluations described in Section 8 in its deliberations.

34 (Source: P.A. 90-561, eff. 12-16-97; 90-624, eff. 7-10-98.)

1 (305 ILCS 20/7.1 rep.)

2 (305 ILCS 20/9 rep.)

3 (305 ILCS 20/12 rep.)

4 (305 ILCS 20/14 rep.)

5 Section 10. The Energy Assistance Act of 1989 is amended
6 by repealing Sections 7.1, 9, 12, and 14.

7 Section 15. The Renewable Energy, Energy Efficiency, and
8 Coal Resources Development Law of 1997 is amended by changing
9 Section 6-5 as follows:

10 (20 ILCS 687/6-5)

11 (Section scheduled to be repealed on December 16, 2007)

12 Sec. 6-5. Renewable Energy Resources and Coal Technology
13 Development Assistance Charge.

14 (a) Notwithstanding the provisions of Section 16-111 of
15 the Public Utilities Act but subject to subsection (e) of
16 this Section, each public utility, electric cooperative, as
17 defined in Section 3.4 of the Electric Supplier Act, and
18 municipal utility, as referenced in Section 3-105 of the
19 Public Utilities Act, that is engaged in the delivery of
20 electricity or the distribution of natural gas within the
21 State of Illinois shall, effective January 1, 1998, assess
22 each of its customer accounts a monthly Renewable Energy
23 Resources and Coal Technology Development Assistance Charge.
24 The delivering public utility, municipal electric or gas
25 utility, or electric or gas cooperative for a self-assessing
26 purchaser remains subject to the collection of the fee
27 imposed by this Section. The monthly charge shall be as
28 follows:

29 (1) \$0.05 per month on each account for residential
30 electric service as defined in Section 13 of the Energy
31 Assistance Act of 1989;

32 (2) \$0.05 per month on each account for residential

1 gas service as defined in Section 13 of the Energy
2 Assistance Act of 1989;

3 (3) \$0.50 per month on each account for
4 nonresidential electric service, as defined in Section 13
5 of the Energy Assistance Act of 1989, which had less than
6 10 megawatts of peak demand during the previous calendar
7 year;

8 (4) \$0.50 per month on each account for
9 nonresidential gas service, as defined in Section 13 of
10 the Energy Assistance Act of 1989, which had distributed
11 to it less than 4,000,000 therms of gas during the
12 previous calendar year;

13 (5) \$37.50 per month on each account for
14 nonresidential electric service, as defined in Section 13
15 of the Energy Assistance Act of 1989, which had 10
16 megawatts or greater of peak demand during the previous
17 calendar year; and

18 (6) \$37.50 per month on each account for
19 nonresidential gas service, as defined in Section 13 of
20 the Energy Assistance Act of 1989, which had 4,000,000 or
21 more therms of gas distributed to it during the previous
22 calendar year.

23 (b) The Renewable Energy Resources and Coal Technology
24 Development Assistance Charge assessed by electric and gas
25 public utilities shall be considered a charge for public
26 utility service.

27 (c) Fifty percent of the moneys collected pursuant to
28 this Section shall be deposited in the Renewable Energy
29 Resources Trust Fund by the Department of Revenue. The
30 remaining 50 percent of the moneys collected pursuant to this
31 Section shall be deposited in the Coal Technology Development
32 Assistance Fund by the Department of Revenue for use under
33 the Illinois Coal Technology Development Assistance Act.

34 (d) By the 20th day of the month following the month in

1 which the charges imposed by this Section were collected,
2 each utility and alternative retail electric supplier
3 collecting charges pursuant to this Section shall remit to
4 the Department of Revenue for deposit in the Renewable Energy
5 Resources Trust Fund and the Coal Technology Development
6 Assistance Fund all moneys received as payment of the charge
7 provided for in this Section on a return prescribed and
8 furnished by the Department of Revenue showing such
9 information as the Department of Revenue may reasonably
10 require.

11 (e) The charges imposed by this Section shall only apply
12 to customers of municipal electric or gas utilities and
13 electric or gas cooperatives if the municipal electric or gas
14 utility or electric or gas cooperative makes an affirmative
15 decision to impose the charge. If a municipal electric or gas
16 utility or an electric or gas cooperative makes an
17 affirmative decision to impose the charge provided by this
18 Section, the municipal electric or gas utility or electric or
19 gas cooperative shall inform the Department of Revenue in
20 writing of such decision when it begins to impose the charge.
21 If a municipal electric or gas utility or electric or gas
22 cooperative does not assess this charge, its customers shall
23 not be eligible for the Renewable Energy Resources Program.

24 (f) The Department of Revenue may establish such rules
25 as it deems necessary to implement this Section.

26 (Source: P.A. 90-561, eff. 12-16-97; 90-624, eff. 7-10-98.)

27 Section 20. The Public Utilities Act is amended by
28 changing Sections 8-207, 16-108, and 16-111 as follows:

29 (220 ILCS 5/8-207) (from Ch. 111 2/3, par. 8-207)

30 Sec. 8-207. Any former residential customer whose gas or
31 electric service was used to provide or control the primary
32 source of space heating in the dwelling and whose service is

1 disconnected for nonpayment of a bill or a deposit from
2 December 1 of the prior winter's heating season through April
3 1 of the current heating season shall be eligible for
4 reconnection and a deferred payment arrangement under the
5 provisions of this Section, subject to the following
6 limitations:

7 A utility shall not be required to reconnect service to,
8 and enter into a deferred payment arrangement with, a former
9 customer under the provisions of this Section (1) except
10 between November 1 and April 1 of the current heating season
11 for former customers who do not have applications pending for
12 the program described in Section 6 of the Energy Assistance
13 Act of 1989, and except between October 1 and April 1 of the
14 current heating season for all former customers who do have
15 applications pending for the program described in Section 6
16 of the Energy Assistance Act of 1989 and who provide proof of
17 application to the utility, (2) in 2 consecutive years, (3)
18 unless that former customer has paid at least 33 1/3% of the
19 amount billed for utility service rendered by that utility
20 subsequent to December 1 of the prior year, or (4) in any
21 instance where the utility can show there has been tampering
22 with the utility's wires, pipes, meters (including locking
23 devices), or other service equipment and further shows that
24 the former customer enjoyed the benefit of utility service
25 obtained in the aforesaid manner.

26 The terms and conditions of any deferred payment
27 arrangements established by the utility and a former customer
28 shall take into consideration the following factors, based
29 upon information available from current utility records or
30 provided by the former customer:

- 31 (1) the amount past due;
- 32 (2) the former customer's ability to pay;
- 33 (3) the former customer's payment history;
- 34 (4) the reasons for the accumulation of the past

1 due amounts; and

2 (5) any other relevant factors relating to the
3 former customer's circumstances.

4 After the former customer's eligibility has been
5 established in accordance with the first paragraph of this
6 Section and, upon the establishment of a deferred payment
7 agreement, the former customer shall pay 1/3 of the amount
8 past due (including reconnecting charge, if any) and 1/3 of
9 any deposit required by the utility.

10 Upon the payment of 1/3 of the amount past due and 1/3 of
11 any deposit required by the utility, the former customer's
12 service shall be reconnected as soon as possible. The
13 company and the former customer shall agree to a payment
14 schedule for the remaining balances which will reasonably
15 allow the former customer to make the payments on the
16 remainder of the deposit and the past due balance while
17 paying current bills during the winter heating season.
18 However, the utility is not obliged to make payment
19 arrangements extending beyond the following November. The
20 utility shall allow the former customer a minimum of 4 months
21 in which to retire the past due balance and 3 months in which
22 to pay the remainder of the deposit. The former customer
23 shall also be informed that payment on the amounts past due
24 and the deposit, if any, plus the current bills must be paid
25 by the due date or the customer may face termination of
26 service pursuant to this Section and Section 8-206.

27 The Commission shall develop rules to govern the
28 reconnection of a former customer who demonstrates a
29 financial inability to meet the requirement of 1/3 of the
30 amount past due and 1/3 of any deposit requested by the
31 utility. The Commission's rules shall establish a means by
32 which the former customer's utility service may be
33 reconnected through the payment of a reasonable amount and
34 upon entering into a deferred payment agreement.

1 Any payment agreement made shall be in writing, with a
2 copy provided to the former customer. The renegotiation and
3 reinstatement of a customer and the establishment of a budget
4 payment plan shall be pursuant to rules established by the
5 Commission.

6 Not later than September 15 of each year, every gas and
7 electric utility shall conduct a survey of all former
8 residential customers whose gas or electric service was used
9 to provide or control the primary source of space heating in
10 the dwelling and whose gas or electric service was terminated
11 for nonpayment of a bill or deposit from December 1 of the
12 previous year to September 15 of that year and where service
13 at that premises has not been restored. Not later than
14 October 1 of each year the utility shall notify each of these
15 former customers that the gas or electric service will be
16 restored by the company for the coming heating season if the
17 former customer contacts the utility and makes arrangements
18 with the utility for reconnection of service under the
19 conditions set forth in this Section. A utility shall notify
20 the former customer or an adult member of the household by
21 personal visit, telephone contact or mailing of a letter by
22 first class mail to the last known address of that former
23 customer. The utility shall keep records which would
24 indicate the date, form and the results of such contact.

25 Each gas and electric utility which has former customers
26 affected by this Section shall file reports with the
27 Commission providing such information as the Commission may
28 deem appropriate. The Commission shall notify each gas and
29 electric utility prior to August 1 of each year concerning
30 the information which is to be included in the report for
31 that year.

32 In no event shall any actions taken by a utility in
33 compliance with this Section be deemed to abrogate or in any
34 way interfere with the utility's rights to pursue the normal

1 collection processes otherwise available to it.

2 The Commission shall promulgate rules to implement this
3 Section.

4 (Source: P.A. 86-782; 87-469.)

5 (220 ILCS 5/16-108)

6 Sec. 16-108. Recovery of costs associated with the
7 provision of delivery services.

8 (a) An electric utility shall file a delivery services
9 tariff with the Commission at least 210 days prior to the
10 date that it is required to begin offering such services
11 pursuant to this Act. An electric utility shall provide the
12 components of delivery services that are subject to the
13 jurisdiction of the Federal Energy Regulatory Commission at
14 the same prices, terms and conditions set forth in its
15 applicable tariff as approved or allowed into effect by that
16 Commission. The Commission shall otherwise have the authority
17 pursuant to Article IX to review, approve, and modify the
18 prices, terms and conditions of those components of delivery
19 services not subject to the jurisdiction of the Federal
20 Energy Regulatory Commission, including the authority to
21 determine the extent to which such delivery services should
22 be offered on an unbundled basis. In making any such
23 determination the Commission shall consider, at a minimum,
24 the effect of additional unbundling on (i) the objective of
25 just and reasonable rates, (ii) electric utility employees,
26 and (iii) the development of competitive markets for electric
27 energy services in Illinois.

28 (b) The Commission shall enter an order approving, or
29 approving as modified, the delivery services tariff no later
30 than 30 days prior to the date on which the electric utility
31 must commence offering such services. The Commission may
32 subsequently modify such tariff pursuant to this Act.

33 (c) The electric utility's tariffs shall define the

1 classes of its customers for purposes of delivery services
2 charges. Delivery services shall be priced and made
3 available to all retail customers electing delivery services
4 in each such class on a nondiscriminatory basis regardless of
5 whether the retail customer chooses the electric utility, an
6 affiliate of the electric utility, or another entity as its
7 supplier of electric power and energy. Charges for delivery
8 services shall be cost based, and shall allow the electric
9 utility to recover the costs of providing delivery services
10 through its charges to its delivery service customers that
11 use the facilities and services associated with such costs.
12 Such costs shall include the costs of owning, operating and
13 maintaining transmission and distribution facilities. The
14 Commission shall also be authorized to consider whether, and
15 if so to what extent, the following costs are appropriately
16 included in the electric utility's delivery services rates:
17 (i) the costs of that portion of generation facilities used
18 for the production and absorption of reactive power in order
19 that retail customers located in the electric utility's
20 service area can receive electric power and energy from
21 suppliers other than the electric utility, and (ii) the costs
22 associated with the use and redispach of generation
23 facilities to mitigate constraints on the transmission or
24 distribution system in order that retail customers located in
25 the electric utility's service area can receive electric
26 power and energy from suppliers other than the electric
27 utility. Nothing in this subsection shall be construed as
28 directing the Commission to allocate any of the costs
29 described in (i) or (ii) that are found to be appropriately
30 included in the electric utility's delivery services rates to
31 any particular customer group or geographic area in setting
32 delivery services rates.

33 (d) The Commission shall establish charges, terms and
34 conditions for delivery services that are just and reasonable

1 and shall take into account customer impacts when
2 establishing such charges. In establishing charges, terms and
3 conditions for delivery services, the Commission shall take
4 into account voltage level differences. A retail customer
5 shall have the option to request to purchase electric service
6 at any delivery service voltage reasonably and technically
7 feasible from the electric facilities serving that customer's
8 premises provided that there are no significant adverse
9 impacts upon system reliability or system efficiency. A
10 retail customer shall also have the option to request to
11 purchase electric service at any point of delivery that is
12 reasonably and technically feasible provided that there are
13 no significant adverse impacts on system reliability or
14 efficiency. Such requests shall not be unreasonably denied.

15 (e) Electric utilities shall recover the costs of
16 installing, operating or maintaining facilities for the
17 particular benefit of one or more delivery services
18 customers, including without limitation any costs incurred in
19 complying with a customer's request to be served at a
20 different voltage level, directly from the retail customer or
21 customers for whose benefit the costs were incurred, to the
22 extent such costs are not recovered through the charges
23 referred to in subsections (c) and (d) of this Section.

24 (f) An electric utility shall be entitled but not
25 required to implement transition charges in conjunction with
26 the offering of delivery services pursuant to Section 16-104.
27 If an electric utility implements transition charges, it
28 shall implement such charges for all delivery services
29 customers and for all customers described in subsection (h),
30 but shall not implement transition charges for power and
31 energy that a retail customer takes from cogeneration or
32 self-generation facilities located on that retail customer's
33 premises, if such facilities meet the following criteria:

34 (i) the cogeneration or self-generation facilities

1 serve a single retail customer and are located on that
2 retail customer's premises (for purposes of this
3 subparagraph and subparagraph (ii), an industrial or
4 manufacturing retail customer and a third party
5 contractor that is served by such industrial or
6 manufacturing customer through such retail customer's own
7 electrical distribution facilities under the
8 circumstances described in subsection (vi) of the
9 definition of "alternative retail electric supplier" set
10 forth in Section 16-102, shall be considered a single
11 retail customer);

12 (ii) the cogeneration or self-generation facilities
13 either (A) are sized pursuant to generally accepted
14 engineering standards for the retail customer's
15 electrical load at that premises (taking into account
16 standby or other reliability considerations related to
17 that retail customer's operations at that site) or (B) if
18 the facility is a cogeneration facility located on the
19 retail customer's premises, the retail customer is the
20 thermal host for that facility and the facility has been
21 designed to meet that retail customer's thermal energy
22 requirements resulting in electrical output beyond that
23 retail customer's electrical demand at that premises,
24 comply with the operating and efficiency standards
25 applicable to "qualifying facilities" specified in title
26 18 Code of Federal Regulations Section 292.205 as in
27 effect on the effective date of this amendatory Act of
28 1999;

29 (iii) the retail customer on whose premises the
30 facilities are located either has an exclusive right to
31 receive, and corresponding obligation to pay for, all of
32 the electrical capacity of the facility, or in the case
33 of a cogeneration facility that has been designed to meet
34 the retail customer's thermal energy requirements at that

1 premises, an identified amount of the electrical capacity
2 of the facility, over a minimum 5-year period; and

3 (iv) if the cogeneration facility is sized for the
4 retail customer's thermal load at that premises but
5 exceeds the electrical load, any sales of excess power or
6 energy are made only at wholesale, are subject to the
7 jurisdiction of the Federal Energy Regulatory Commission,
8 and are not for the purpose of circumventing the
9 provisions of this subsection (f).

10 If a generation facility located at a retail customer's
11 premises does not meet the above criteria, an electric
12 utility implementing transition charges shall implement a
13 transition charge until December 31, 2006 for any power and
14 energy taken by such retail customer from such facility as if
15 such power and energy had been delivered by the electric
16 utility. Provided, however, that an industrial retail
17 customer that is taking power from a generation facility that
18 does not meet the above criteria but that is located on such
19 customer's premises will not be subject to a transition
20 charge for the power and energy taken by such retail customer
21 from such generation facility if the facility does not serve
22 any other retail customer and either was installed on behalf
23 of the customer and for its own use prior to January 1, 1997,
24 or is both predominantly fueled by byproducts of such
25 customer's manufacturing process at such premises and sells
26 or offers an average of 300 megawatts or more of electricity
27 produced from such generation facility into the wholesale
28 market. Such charges shall be calculated as provided in
29 Section 16-102, and shall be collected on each kilowatt-hour
30 delivered under a delivery services tariff to a retail
31 customer from the date the customer first takes delivery
32 services until December 31, 2006 except as provided in
33 subsection (h) of this Section. Provided, however, that an
34 electric utility, other than an electric utility providing

1 service to at least 1,000,000 customers in this State on
2 January 1, 1999, shall be entitled to petition for entry of
3 an order by the Commission authorizing the electric utility
4 to implement transition charges for an additional period
5 ending no later than December 31, 2008. The electric utility
6 shall file its petition with supporting evidence no earlier
7 than 16 months, and no later than 12 months, prior to
8 December 31, 2006. The Commission shall hold a hearing on
9 the electric utility's petition and shall enter its order no
10 later than 8 months after the petition is filed. The
11 Commission shall determine whether and to what extent the
12 electric utility shall be authorized to implement transition
13 charges for an additional period. The Commission may
14 authorize the electric utility to implement transition
15 charges for some or all of the additional period, and shall
16 determine the mitigation factors to be used in implementing
17 such transition charges; provided, that the Commission shall
18 not authorize mitigation factors less than 110% of those in
19 effect during the 12 months ended December 31, 2006. In
20 making its determination, the Commission shall consider the
21 following factors: the necessity to implement transition
22 charges for an additional period in order to maintain the
23 financial integrity of the electric utility; the prudence of
24 the electric utility's actions in reducing its costs since
25 the effective date of this amendatory Act of 1997; the
26 ability of the electric utility to provide safe, adequate and
27 reliable service to retail customers in its service area; and
28 the impact on competition of allowing the electric utility to
29 implement transition charges for the additional period.

30 (g) The electric utility shall file tariffs that
31 establish the transition charges to be paid by each class of
32 customers to the electric utility in conjunction with the
33 provision of delivery services. The electric utility's
34 tariffs shall define the classes of its customers for

1 purposes of calculating transition charges. The electric
2 utility's tariffs shall provide for the calculation of
3 transition charges on a customer-specific basis for any
4 retail customer whose average monthly maximum electrical
5 demand on the electric utility's system during the 6 months
6 with the customer's highest monthly maximum electrical
7 demands equals or exceeds 3.0 megawatts for electric
8 utilities having more than 1,000,000 customers, and for other
9 electric utilities for any customer that has an average
10 monthly maximum electrical demand on the electric utility's
11 system of one megawatt or more, and (A) for which there
12 exists data on the customer's usage during the 3 years
13 preceding the date that the customer became eligible to take
14 delivery services, or (B) for which there does not exist data
15 on the customer's usage during the 3 years preceding the date
16 that the customer became eligible to take delivery services,
17 if in the electric utility's reasonable judgment there exists
18 comparable usage information or a sufficient basis to develop
19 such information, and further provided that the electric
20 utility can require customers for which an individual
21 calculation is made to sign contracts that set forth the
22 transition charges to be paid by the customer to the electric
23 utility pursuant to the tariff.

24 (h) An electric utility shall also be entitled to file
25 tariffs that allow it to collect transition charges from
26 retail customers in the electric utility's service area that
27 do not take delivery services but that take electric power or
28 energy from an alternative retail electric supplier or from
29 an electric utility other than the electric utility in whose
30 service area the customer is located. Such charges shall be
31 calculated, in accordance with the definition of transition
32 charges in Section 16-102, for the period of time that the
33 customer would be obligated to pay transition charges if it
34 were taking delivery services, except that no deduction for

1 delivery services revenues shall be made in such calculation,
2 and usage data from the customer's class shall be used where
3 historical usage data is not available for the individual
4 customer. The customer shall be obligated to pay such
5 charges on a lump sum basis on or before the date on which
6 the customer commences to take service from the alternative
7 retail electric supplier or other electric utility, provided,
8 that the electric utility in whose service area the customer
9 is located shall offer the customer the option of signing a
10 contract pursuant to which the customer pays such charges
11 ratably over the period in which the charges would otherwise
12 have applied.

13 (i) An electric utility shall be entitled to add to the
14 bills of delivery services customers charges pursuant to
15 Sections 9-221, 9-222 (except as provided in Section
16 9-222.1), and Section 16-114 of this Act, Section 5-5 of the
17 Electricity Infrastructure Maintenance Fee Law, Section 6-5
18 of the Renewable Energy, Energy Efficiency, and Coal
19 Resources Development Law of 1997, and Section 13 of the
20 Energy Assistance Act of 1989.

21 (j) If a retail customer that obtains electric power and
22 energy from cogeneration or self-generation facilities
23 installed for its own use on or before January 1, 1997,
24 subsequently takes service from an alternative retail
25 electric supplier or an electric utility other than the
26 electric utility in whose service area the customer is
27 located for any portion of the customer's electric power and
28 energy requirements formerly obtained from those facilities
29 (including that amount purchased from the utility in lieu of
30 such generation and not as standby power purchases, under a
31 cogeneration displacement tariff in effect as of the
32 effective date of this amendatory Act of 1997), the
33 transition charges otherwise applicable pursuant to
34 subsections (f), (g), or (h) of this Section shall not be

1 applicable in any year to that portion of the customer's
2 electric power and energy requirements formerly obtained from
3 those facilities, provided, that for purposes of this
4 subsection (j), such portion shall not exceed the average
5 number of kilowatt-hours per year obtained from the
6 cogeneration or self-generation facilities during the 3 years
7 prior to the date on which the customer became eligible for
8 delivery services, except as provided in subsection (f) of
9 Section 16-110.

10 (Source: P.A. 90-561, eff. 12-16-97; 91-50, eff. 6-30-99.)

11 (220 ILCS 5/16-111)

12 Sec. 16-111. Rates and restructuring transactions during
13 mandatory transition period.

14 (a) During the mandatory transition period,
15 notwithstanding any provision of Article IX of this Act, and
16 except as provided in subsections (b), (d), (e), and (f) of
17 this Section, the Commission shall not (i) initiate,
18 authorize or order any change by way of increase (other than
19 in connection with a request for rate increase which was
20 filed after September 1, 1997 but prior to October 15, 1997,
21 by an electric utility serving less than 12,500 customers in
22 this State), (ii) initiate or, unless requested by the
23 electric utility, authorize or order any change by way of
24 decrease, restructuring or unbundling (except as provided in
25 Section 16-109A), in the rates of any electric utility that
26 were in effect on October 1, 1996, or (iii) in any order
27 approving any application for a merger pursuant to Section
28 7-204 that was pending as of May 16, 1997, impose any
29 condition requiring any filing for an increase, decrease, or
30 change in, or other review of, an electric utility's rates or
31 enforce any such condition of any such order; provided,
32 however, that this subsection shall not prohibit the
33 Commission from:

1 (1) approving the application of an electric
2 utility to implement an alternative to rate of return
3 regulation or a regulatory mechanism that rewards or
4 penalizes the electric utility through adjustment of
5 rates based on utility performance, pursuant to Section
6 9-244;

7 (2) authorizing an electric utility to eliminate
8 its fuel adjustment clause and adjust its base rate
9 tariffs in accordance with subsection (b), (d), or (f) of
10 Section 9-220 of this Act, to fix its fuel adjustment
11 factor in accordance with subsection (c) of Section 9-220
12 of this Act, or to eliminate its fuel adjustment clause
13 in accordance with subsection (e) of Section 9-220 of
14 this Act;

15 (3) ordering into effect tariffs for delivery
16 services and transition charges in accordance with
17 Sections 16-104 and 16-108, for real-time pricing in
18 accordance with Section 16-107, or the options required
19 by Section 16-110 and subsection (n) of 16-112, allowing
20 a billing experiment in accordance with Section 16-106,
21 or modifying delivery services tariffs in accordance with
22 Section 16-109; or

23 (4) ordering or allowing into effect any tariff to
24 recover charges pursuant to Sections 9-201.5, 9-220.1,
25 9-221, 9-222 (except as provided in Section 9-222.1),
26 16-108, and 16-114 of this Act, Section 5-5 of the
27 Electricity Infrastructure Maintenance Fee Law, Section
28 6-5 of the Renewable Energy, Energy Efficiency, and Coal
29 Resources Development Law of 1997, and Section 13 of the
30 Energy Assistance Act of 1989.

31 (b) Notwithstanding the provisions of subsection (a),
32 each Illinois electric utility serving more than 12,500
33 customers in Illinois shall file tariffs (i) reducing,
34 effective August 1, 1998, each component of its base rates to

1 residential retail customers by 15% from the base rates in
2 effect immediately prior to January 1, 1998 and (ii) if the
3 public utility provides electric service to (A) more than
4 500,000 customers but less than 1,000,000 customers in this
5 State on January 1, 1999, reducing, effective May 1, 2002,
6 each component of its base rates to residential retail
7 customers by an additional 5% from the base rates in effect
8 immediately prior to January 1, 1998, or (B) at least
9 1,000,000 customers in this State on January 1, 1999,
10 reducing, effective October 1, 2001, each component of its
11 base rates to residential retail customers by an additional
12 5% from the base rates in effect immediately prior to January
13 1, 1998. Provided, however, that (A) if an electric utility's
14 average residential retail rate is less than or equal to the
15 average residential retail rate for a group of Midwest
16 Utilities (consisting of all investor-owned electric
17 utilities with annual system peaks in excess of 1000
18 megawatts in the States of Illinois, Indiana, Iowa, Kentucky,
19 Michigan, Missouri, Ohio, and Wisconsin), based on data
20 reported on Form 1 to the Federal Energy Regulatory
21 Commission for calendar year 1995, then it shall only be
22 required to file tariffs (i) reducing, effective August 1,
23 1998, each component of its base rates to residential retail
24 customers by 5% from the base rates in effect immediately
25 prior to January 1, 1998, (ii) reducing, effective October 1,
26 2000, each component of its base rates to residential retail
27 customers by the lesser of 5% of the base rates in effect
28 immediately prior to January 1, 1998 or the percentage by
29 which the electric utility's average residential retail rate
30 exceeds the average residential retail rate of the Midwest
31 Utilities, based on data reported on Form 1 to the Federal
32 Energy Regulatory Commission for calendar year 1999, and
33 (iii) reducing, effective October 1, 2002, each component of
34 its base rates to residential retail customers by an

1 additional amount equal to the lesser of 5% of the base rates
2 in effect immediately prior to January 1, 1998 or the
3 percentage by which the electric utility's average
4 residential retail rate exceeds the average residential
5 retail rate of the Midwest Utilities, based on data reported
6 on Form 1 to the Federal Energy Regulatory Commission for
7 calendar year 2001; and (B) if the average residential retail
8 rate of an electric utility serving between 150,000 and
9 250,000 retail customers in this State on January 1, 1995 is
10 less than or equal to 90% of the average residential retail
11 rate for the Midwest Utilities, based on data reported on
12 Form 1 to the Federal Energy Regulatory Commission for
13 calendar year 1995, then it shall only be required to file
14 tariffs (i) reducing, effective August 1, 1998, each
15 component of its base rates to residential retail customers
16 by 2% from the base rates in effect immediately prior to
17 January 1, 1998; (ii) reducing, effective October 1, 2000,
18 each component of its base rates to residential retail
19 customers by 2% from the base rate in effect immediately
20 prior to January 1, 1998; and (iii) reducing, effective
21 October 1, 2002, each component of its base rates to
22 residential retail customers by 1% from the base rates in
23 effect immediately prior to January 1, 1998. Provided,
24 further, that any electric utility for which a decrease in
25 base rates has been or is placed into effect between October
26 1, 1996 and the dates specified in the preceding sentences of
27 this subsection, other than pursuant to the requirements of
28 this subsection, shall be entitled to reduce the amount of
29 any reduction or reductions in its base rates required by
30 this subsection by the amount of such other decrease. The
31 tariffs required under this subsection shall be filed 45 days
32 in advance of the effective date. Notwithstanding anything to
33 the contrary in Section 9-220 of this Act, no restatement of
34 base rates in conjunction with the elimination of a fuel

1 adjustment clause under that Section shall result in a lesser
2 decrease in base rates than customers would otherwise receive
3 under this subsection had the electric utility's fuel
4 adjustment clause not been eliminated.

5 (c) Any utility reducing its base rates by 15% on August
6 1, 1998 pursuant to subsection (b) shall include the
7 following statement on its bills for residential customers
8 from August 1 through December 31, 1998: "Effective August 1,
9 1998, your rates have been reduced by 15% by the Electric
10 Service Customer Choice and Rate Relief Law of 1997 passed by
11 the Illinois General Assembly.". Any utility reducing its
12 base rates by 5% on August 1, 1998, pursuant to subsection
13 (b) shall include the following statement on its bills for
14 residential customers from August 1 through December 31,
15 1998: "Effective August 1, 1998, your rates have been
16 reduced by 5% by the Electric Service Customer Choice and
17 Rate Relief Law of 1997 passed by the Illinois General
18 Assembly.".

19 Any utility reducing its base rates by 2% on August 1,
20 1998 pursuant to subsection (b) shall include the following
21 statement on its bills for residential customers from August
22 1 through December 31, 1998: "Effective August 1, 1998, your
23 rates have been reduced by 2% by the Electric Service
24 Customer Choice and Rate Relief Law of 1997 passed by the
25 Illinois General Assembly.".

26 (d) During the mandatory transition period, but not
27 before January 1, 2000, and notwithstanding the provisions
28 of subsection (a), an electric utility may request an
29 increase in its base rates if the electric utility
30 demonstrates that the 2-year average of its earned rate of
31 return on common equity, calculated as its net income
32 applicable to common stock divided by the average of its
33 beginning and ending balances of common equity using data
34 reported in the electric utility's Form 1 report to the

1 Federal Energy Regulatory Commission but adjusted to remove
2 the effects of accelerated depreciation or amortization or
3 other transition or mitigation measures implemented by the
4 electric utility pursuant to subsection (g) of this Section
5 and the effect of any refund paid pursuant to subsection (e)
6 of this Section, is below the 2-year average for the same 2
7 years of the monthly average yields of 30-year U.S. Treasury
8 bonds published by the Board of Governors of the Federal
9 Reserve System in its weekly H.15 Statistical Release or
10 successor publication. The Commission shall review the
11 electric utility's request, and may review the justness and
12 reasonableness of all rates for tariffed services, in
13 accordance with the provisions of Article IX of this Act,
14 provided that the Commission shall consider any special or
15 negotiated adjustments to the revenue requirement agreed to
16 between the electric utility and the other parties to the
17 proceeding. In setting rates under this Section, the
18 Commission shall exclude the costs and revenues that are
19 associated with competitive services and any billing or
20 pricing experiments conducted under Section 16-106.

21 (e) For the purposes of this subsection (e) all
22 calculations and comparisons shall be performed for the
23 Illinois operations of multijurisdictional utilities. During
24 the mandatory transition period, notwithstanding the
25 provisions of subsection (a), if the 2-year average of an
26 electric utility's earned rate of return on common equity,
27 calculated as its net income applicable to common stock
28 divided by the average of its beginning and ending balances
29 of common equity using data reported in the electric
30 utility's Form 1 report to the Federal Energy Regulatory
31 Commission but adjusted to remove the effect of any refund
32 paid under this subsection (e), and further adjusted to
33 include the annual amortization of any difference between the
34 consideration received by an affiliated interest of the

1 electric utility in the sale of an asset which had been sold
2 or transferred by the electric utility to the affiliated
3 interest subsequent to the effective date of this amendatory
4 Act of 1997 and the consideration for which such asset had
5 been sold or transferred to the affiliated interest, with
6 such difference to be amortized ratably from the date of the
7 sale by the affiliated interest to December 31, 2006, exceeds
8 the 2-year average of the Index for the same 2 years by 1.5
9 or more percentage points, the electric utility shall make
10 refunds to customers beginning the first billing day of April
11 in the following year in the manner described in paragraph
12 (3) of this subsection. For purposes of this subsection (e),
13 the "Index" shall be the sum of (A) the average for the 12
14 months ended September 30 of the monthly average yields of
15 30-year U.S. Treasury bonds published by the Board of
16 Governors of the Federal Reserve System in its weekly H.15
17 Statistical Release or successor publication for each year
18 1998 through 2004, and (B) (i) 4.00 percentage points for
19 each of the 12-month periods ending September 30, 1998
20 through September 30, 1999 or 8.00 percentage points if the
21 electric utility's average residential retail rate is less
22 than or equal to 90% of the average residential retail rate
23 for the "Midwest Utilities", as that term is defined in
24 subsection (b) of this Section, based on data reported on
25 Form 1 to the Federal Energy Regulatory Commission for
26 calendar year 1995, and the electric utility served between
27 150,000 and 250,000 retail customers on January 1, 1995, (ii)
28 7.00 percentage points for each of the 12-month periods
29 ending September 30, 2000 through September 30, 2004 if the
30 electric utility was providing service to at least 1,000,000
31 customers in this State on January 1, 1999, or 9.00
32 percentage points if the electric utility's average
33 residential retail rate is less than or equal to 90% of the
34 average residential retail rate for the "Midwest Utilities",

1 as that term is defined in subsection (b) of this Section,
2 based on data reported on Form 1 to the Federal Energy
3 Regulatory Commission for calendar year 1995 and the electric
4 utility served between 150,000 and 250,000 retail customers
5 in this State on January 1, 1995, (iii) 11.00 percentage
6 points for each of the 12-month periods ending September 30,
7 2000 through September 30, 2004, but only if the electric
8 utility's average residential retail rate is less than or
9 equal to 90% of the average residential retail rate for the
10 "Midwest Utilities", as that term is defined in subsection
11 (b) of this Section, based on data reported on Form 1 to the
12 Federal Energy Regulatory Commission for calendar year 1995,
13 the electric utility served between 150,000 and 250,000
14 retail customers in this State on January 1, 1995, and the
15 electric utility offers delivery services on or before June
16 1, 2000 to retail customers whose annual electric energy use
17 comprises 33% of the kilowatt hour sales to that group of
18 retail customers that are classified under Division D, Groups
19 20 through 39 of the Standard Industrial Classifications set
20 forth in the Standard Industrial Classification Manual
21 published by the United States Office of Management and
22 Budget, excluding the kilowatt hour sales to those customers
23 that are eligible for delivery services pursuant to Section
24 16-104(a)(1)(i), and offers delivery services to its
25 remaining retail customers classified under Division D,
26 Groups 20 through 39 on or before October 1, 2000, and,
27 provided further, that the electric utility commits not to
28 petition pursuant to Section 16-108(f) for entry of an order
29 by the Commission authorizing the electric utility to
30 implement transition charges for an additional period after
31 December 31, 2006, or (iv) 5.00 percentage points for each of
32 the 12-month periods ending September 30, 2000 through
33 September 30, 2004 for all other electric utilities or 7.00
34 percentage points for such utilities for each of the 12-month

1 periods ending September 30, 2000 through September 30, 2004
2 for any such utility that commits not to petition pursuant to
3 Section 16-108(f) for entry of an order by the Commission
4 authorizing the electric utility to implement transition
5 charges for an additional period after December 31, 2006.

6 (1) For purposes of this subsection (e), "excess
7 earnings" means the difference between (A) the 2-year
8 average of the electric utility's earned rate of return
9 on common equity, less (B) the 2-year average of the sum
10 of (i) the Index applicable to each of the 2 years and
11 (ii) 1.5 percentage points; provided, that "excess
12 earnings" shall never be less than zero.

13 (2) On or before March 31 of each year 2000 through
14 2005 each electric utility shall file a report with the
15 Commission showing its earned rate of return on common
16 equity, calculated in accordance with this subsection,
17 for the preceding calendar year and the average for the
18 preceding 2 calendar years.

19 (3) If an electric utility has excess earnings,
20 determined in accordance with paragraphs (1) and (2) of
21 this subsection, the refunds which the electric utility
22 shall pay to its customers beginning the first billing
23 day of April in the following year shall be calculated
24 and applied as follows:

25 (i) The electric utility's excess earnings
26 shall be multiplied by the average of the beginning
27 and ending balances of the electric utility's common
28 equity for the 2-year period in which excess
29 earnings occurred.

30 (ii) The result of the calculation in (i)
31 shall be multiplied by 0.50 and then divided by a
32 number equal to 1 minus the electric utility's
33 composite federal and State income tax rate.

34 (iii) The result of the calculation in (ii)

1 shall be divided by the sum of the electric
2 utility's projected total kilowatt-hour sales to
3 retail customers plus projected kilowatt-hours to be
4 delivered to delivery services customers over a one
5 year period beginning with the first billing date in
6 April in the succeeding year to determine a cents
7 per kilowatt-hour refund factor.

8 (iv) The cents per kilowatt-hour refund factor
9 calculated in (iii) shall be credited to the
10 electric utility's customers by applying the factor
11 on the customer's monthly bills to each
12 kilowatt-hour sold or delivered until the total
13 amount calculated in (ii) has been paid to
14 customers.

15 (f) During the mandatory transition period, an electric
16 utility may file revised tariffs reducing the price of any
17 tariffed service offered by the electric utility for all
18 customers taking that tariffed service, which shall be
19 effective 7 days after filing.

20 (g) During the mandatory transition period, an electric
21 utility may, without obtaining any approval of the Commission
22 other than that provided for in this subsection and
23 notwithstanding any other provision of this Act or any rule
24 or regulation of the Commission that would require such
25 approval:

26 (1) implement a reorganization, other than a merger
27 of 2 or more public utilities as defined in Section 3-105
28 or their holding companies;

29 (2) retire generating plants from service;

30 (3) sell, assign, lease or otherwise transfer
31 assets to an affiliated or unaffiliated entity and as
32 part of such transaction enter into service agreements,
33 power purchase agreements, or other agreements with the
34 transferee; provided, however, that the prices, terms and

1 conditions of any power purchase agreement must be
2 approved or allowed into effect by the Federal Energy
3 Regulatory Commission; or

4 (4) use any accelerated cost recovery method
5 including accelerated depreciation, accelerated
6 amortization or other capital recovery methods, or record
7 reductions to the original cost of its assets.

8 In order to implement a reorganization, retire generating
9 plants from service, or sell, assign, lease or otherwise
10 transfer assets pursuant to this Section, the electric
11 utility shall comply with subsections (c) and (d) of Section
12 16-128, if applicable, and subsection (k) of this Section, if
13 applicable, and provide the Commission with at least 30 days
14 notice of the proposed reorganization or transaction, which
15 notice shall include the following information:

16 (i) a complete statement of the entries that
17 the electric utility will make on its books and
18 records of account to implement the proposed
19 reorganization or transaction together with a
20 certification from an independent certified public
21 accountant that such entries are in accord with
22 generally accepted accounting principles and, if the
23 Commission has previously approved guidelines for
24 cost allocations between the utility and its
25 affiliates, a certification from the chief
26 accounting officer of the utility that such entries
27 are in accord with those cost allocation guidelines;

28 (ii) a description of how the electric utility
29 will use proceeds of any sale, assignment, lease or
30 transfer to retire debt or otherwise reduce or
31 recover the costs of services provided by such
32 electric utility;

33 (iii) a list of all federal approvals or
34 approvals required from departments and agencies of

1 this State, other than the Commission, that the
2 electric utility has or will obtain before
3 implementing the reorganization or transaction;

4 (iv) an irrevocable commitment by the electric
5 utility that it will not, as a result of the
6 transaction, impose any stranded cost charges that
7 it might otherwise be allowed to charge retail
8 customers under federal law or increase the
9 transition charges that it is otherwise entitled to
10 collect under this Article XVI; and

11 (v) if the electric utility proposes to sell,
12 assign, lease or otherwise transfer a generating
13 plant that brings the amount of net dependable
14 generating capacity transferred pursuant to this
15 subsection to an amount equal to or greater than 15%
16 of the electric utility's net dependable capacity as
17 of the effective date of this amendatory Act of
18 1997, and enters into a power purchase agreement
19 with the entity to which such generating plant is
20 sold, assigned, leased, or otherwise transferred,
21 the electric utility also agrees, if its fuel
22 adjustment clause has not already been eliminated,
23 to eliminate its fuel adjustment clause in
24 accordance with subsection (b) of Section 9-220 for
25 a period of time equal to the length of any such
26 power purchase agreement or successor agreement, or
27 until January 1, 2005, whichever is longer; if the
28 capacity of the generating plant so transferred and
29 related power purchase agreement does not result in
30 the elimination of the fuel adjustment clause under
31 this subsection, and the fuel adjustment clause has
32 not already been eliminated, the electric utility
33 shall agree that the costs associated with the
34 transferred plant that are included in the

1 calculation of the rate per kilowatt-hour to be
2 applied pursuant to the electric utility's fuel
3 adjustment clause during such period shall not
4 exceed the per kilowatt-hour cost associated with
5 such generating plant included in the electric
6 utility's fuel adjustment clause during the full
7 calendar year preceding the transfer, with such
8 limit to be adjusted each year thereafter by the
9 Gross Domestic Product Implicit Price Deflator.

10 (vi) In addition, if the electric utility
11 proposes to sell, assign, or lease, (A) either (1)
12 an amount of generating plant that brings the amount
13 of net dependable generating capacity transferred
14 pursuant to this subsection to an amount equal to or
15 greater than 15% of its net dependable capacity on
16 the effective date of this amendatory Act of 1997,
17 or (2) one or more generating plants with a total
18 net dependable capacity of 1100 megawatts, or (B)
19 transmission and distribution facilities that either
20 (1) bring the amount of transmission and
21 distribution facilities transferred pursuant to this
22 subsection to an amount equal to or greater than 15%
23 of the electric utility's total depreciated original
24 cost investment in such facilities, or (2) represent
25 an investment of \$25,000,000 in terms of total
26 depreciated original cost, the electric utility
27 shall provide, in addition to the information listed
28 in subparagraphs (i) through (v), the following
29 information: (A) a description of how the electric
30 utility will meet its service obligations under this
31 Act in a safe and reliable manner and (B) the
32 electric utility's projected earned rate of return
33 on common equity, calculated in accordance with
34 subsection (d) of this Section, for each year from

1 the date of the notice through December 31, 2004
2 both with and without the proposed transaction. If
3 the Commission has not issued an order initiating a
4 hearing on the proposed transaction within 30 days
5 after the date the electric utility's notice is
6 filed, the transaction shall be deemed approved.
7 The Commission may, after notice and hearing,
8 prohibit the proposed transaction if it makes either
9 or both of the following findings: (1) that the
10 proposed transaction will render the electric
11 utility unable to provide its tariffed services in a
12 safe and reliable manner, or (2) that there is a
13 strong likelihood that consummation of the proposed
14 transaction will result in the electric utility
15 being entitled to request an increase in its base
16 rates during the mandatory transition period
17 pursuant to subsection (d) of this Section. Any
18 hearing initiated by the Commission into the
19 proposed transaction shall be completed, and the
20 Commission's final order approving or prohibiting
21 the proposed transaction shall be entered, within 90
22 days after the date the electric utility's notice
23 was filed. Provided, however, that a sale,
24 assignment, or lease of transmission facilities to
25 an independent system operator that meets the
26 requirements of Section 16-126 shall not be subject
27 to Commission approval under this Section.

28 In any proceeding conducted by the Commission
29 pursuant to this subparagraph (vi), intervention
30 shall be limited to parties with a direct interest
31 in the transaction which is the subject of the
32 hearing and any statutory consumer protection agency
33 as defined in subsection (d) of Section 9-102.1.
34 Notwithstanding the provisions of Section 10-113 of

1 this Act, any application seeking rehearing of an
2 order issued under this subparagraph (vi), whether
3 filed by the electric utility or by an intervening
4 party, shall be filed within 10 days after service
5 of the order.

6 The Commission shall not in any subsequent proceeding or
7 otherwise, review such a reorganization or other transaction
8 authorized by this Section, but shall retain the authority to
9 allocate costs as stated in Section 16-111(i). An entity to
10 which an electric utility sells, assigns, leases or transfers
11 assets pursuant to this subsection (g) shall not, as a result
12 of the transactions specified in this subsection (g), be
13 deemed a public utility as defined in Section 3-105. Nothing
14 in this subsection (g) shall change any requirement under the
15 jurisdiction of the Illinois Department of Nuclear Safety
16 including, but not limited to, the payment of fees. Nothing
17 in this subsection (g) shall exempt a utility from obtaining
18 a certificate pursuant to Section 8-406 of this Act for the
19 construction of a new electric generating facility. Nothing
20 in this subsection (g) is intended to exempt the transactions
21 hereunder from the operation of the federal or State
22 antitrust laws. Nothing in this subsection (g) shall require
23 an electric utility to use the procedures specified in this
24 subsection for any of the transactions specified herein. Any
25 other procedure available under this Act may, at the electric
26 utility's election, be used for any such transaction.

27 (h) During the mandatory transition period, the
28 Commission shall not establish or use any rates of
29 depreciation, which for purposes of this subsection shall
30 include amortization, for any electric utility other than
31 those established pursuant to subsection (c) of Section 5-104
32 of this Act or utilized pursuant to subsection (g) of this
33 Section. Provided, however, that in any proceeding to review
34 an electric utility's rates for tariffed services pursuant to

1 Section 9-201, 9-202, 9-250 or 16-111(d) of this Act, the
2 Commission may establish new rates of depreciation for the
3 electric utility in the same manner provided in subsection
4 (d) of Section 5-104 of this Act. An electric utility
5 implementing an accelerated cost recovery method including
6 accelerated depreciation, accelerated amortization or other
7 capital recovery methods, or recording reductions to the
8 original cost of its assets, pursuant to subsection (g) of
9 this Section, shall file a statement with the Commission
10 describing the accelerated cost recovery method to be
11 implemented or the reduction in the original cost of its
12 assets to be recorded. Upon the filing of such statement,
13 the accelerated cost recovery method or the reduction in the
14 original cost of assets shall be deemed to be approved by the
15 Commission as though an order had been entered by the
16 Commission.

17 (i) Subsequent to the mandatory transition period, the
18 Commission, in any proceeding to establish rates and charges
19 for tariffed services offered by an electric utility, shall
20 consider only (1) the then current or projected revenues,
21 costs, investments and cost of capital directly or indirectly
22 associated with the provision of such tariffed services; (2)
23 collection of transition charges in accordance with Sections
24 16-102 and 16-108 of this Act; (3) recovery of any employee
25 transition costs as described in Section 16-128 which the
26 electric utility is continuing to incur, including recovery
27 of any unamortized portion of such costs previously incurred
28 or committed, with such costs to be equitably allocated among
29 bundled services, delivery services, and contracts with
30 alternative retail electric suppliers; and (4) recovery of
31 the costs associated with the electric utility's compliance
32 with decommissioning funding requirements; and shall not
33 consider any other revenues, costs, investments or cost of
34 capital of either the electric utility or of any affiliate of

1 the electric utility that are not associated with the
2 provision of tariffed services. In setting rates for
3 tariffed services, the Commission shall equitably allocate
4 joint and common costs and investments between the electric
5 utility's competitive and tariffed services. In determining
6 the justness and reasonableness of the electric power and
7 energy component of an electric utility's rates for tariffed
8 services subsequent to the mandatory transition period and
9 prior to the time that the provision of such electric power
10 and energy is declared competitive, the Commission shall
11 consider the extent to which the electric utility's tariffed
12 rates for such component for each customer class exceed the
13 market value determined pursuant to Section 16-112, and, if
14 the electric power and energy component of such tariffed rate
15 exceeds the market value by more than 10% for any customer
16 class, may establish such electric power and energy component
17 at a rate equal to the market value plus 10%. In any such
18 case, the Commission may also elect to extend the provisions
19 of Section 16-111(e) for any period in which the electric
20 utility is collecting transition charges, using information
21 applicable to such period.

22 (j) During the mandatory transition period, an electric
23 utility may elect to transfer to a non-operating income
24 account under the Commission's Uniform System of Accounts
25 either or both of (i) an amount of unamortized investment tax
26 credit that is in addition to the ratable amount which is
27 credited to the electric utility's operating income account
28 for the year in accordance with Section 46(f)(2) of the
29 federal Internal Revenue Code of 1986, as in effect prior to
30 P.L. 101-508, or (ii) "excess tax reserves", as that term is
31 defined in Section 203(e)(2)(A) of the federal Tax Reform Act
32 of 1986, provided that (A) the amount transferred may not
33 exceed the amount of the electric utility's assets that were
34 created pursuant to Statement of Financial Accounting

1 Standards No. 71 which the electric utility has written off
2 during the mandatory transition period, and (B) the transfer
3 shall not be effective until approved by the Internal Revenue
4 Service. An electric utility electing to make such a
5 transfer shall file a statement with the Commission stating
6 the amount and timing of the transfer for which it intends to
7 request approval of the Internal Revenue Service, along with
8 a copy of its proposed request to the Internal Revenue
9 Service for a ruling. The Commission shall issue an order
10 within 14 days after the electric utility's filing approving,
11 subject to receipt of approval from the Internal Revenue
12 Service, the proposed transfer.

13 (k) If an electric utility is selling or transferring to
14 a single buyer 5 or more generating plants located in this
15 State with a total net dependable capacity of 5000 megawatts
16 or more pursuant to subsection (g) of this Section and has
17 obtained a sale price or consideration that exceeds 200% of
18 the book value of such plants, the electric utility must
19 provide to the Governor, the President of the Illinois
20 Senate, the Minority Leader of the Illinois Senate, the
21 Speaker of the Illinois House of Representatives, and the
22 Minority Leader of the Illinois House of Representatives no
23 later than 15 days after filing its notice under subsection
24 (g) of this Section or 5 days after the date on which this
25 subsection (k) becomes law, whichever is later, a written
26 commitment in which such electric utility agrees to expend \$2
27 billion outside the corporate limits of any municipality with
28 1,000,000 or more inhabitants within such electric utility's
29 service area, over a 6-year period beginning with the
30 calendar year in which the notice is filed, on projects,
31 programs, and improvements within its service area relating
32 to transmission and distribution including, without
33 limitation, infrastructure expansion, repair and replacement,
34 capital investments, operations and maintenance, and

1 vegetation management.

2 (Source: P.A. 90-561, eff. 12-16-97; 90-563, eff. 12-16-97;
3 91-50, eff. 6-30-99.)

4 Section 99. Effective date. This Act takes effect upon
5 becoming law.

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305 ILCS 20/5	from Ch. 111 2/3, par. 1405
305 ILCS 20/6	from Ch. 111 2/3, par. 1406
305 ILCS 20/7	from Ch. 111 2/3, par. 1407
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20 ILCS 687/6-5	
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