



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB1474

Introduced 2/7/2023, by Sen. Rachel Ventura

SYNOPSIS AS INTRODUCED:

20 ILCS 3855/1-10
20 ILCS 3855/1-56
220 ILCS 5/8-512

Amends the Illinois Power Agency Act. Provides that there shall be created a low-income community hydropower pilot project program. Provides that under this program, persons shall propose pilot community hydropower projects. Provides that community hydropower projects proposed may exceed 2,000 kilowatts in nameplate capacity, and the amount paid per project under this program may not exceed \$20,000,000. Provides that pilot projects must result in economic benefits for the members of the community in which the project will be located. Provides that the proposed pilot project must include a partnership with at least one community-based organization. Provides that approved pilot projects shall be competitively bid by the Illinois Power Agency, subject to fair and equitable guidelines developed by the Agency. Provides that contracts entered into under this program may be entered into with an entity that will develop and administer the program or with developers and shall also include contracts for renewable energy credits related to the program. Provides that a project proposed by a utility shall not be included in the utility's rate base. Makes corresponding changes to the Act and the Public Utilities Act.

LRB103 29372 AMQ 55761 b

1 AN ACT concerning State government.

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

4 Section 5. The Illinois Power Agency Act is amended by
5 changing Sections 1-10 and 1-56 as follows:

6 (20 ILCS 3855/1-10)

7 Sec. 1-10. Definitions.

8 "Agency" means the Illinois Power Agency.

9 "Agency loan agreement" means any agreement pursuant to
10 which the Illinois Finance Authority agrees to loan the
11 proceeds of revenue bonds issued with respect to a project to
12 the Agency upon terms providing for loan repayment
13 installments at least sufficient to pay when due all principal
14 of, interest and premium, if any, on those revenue bonds, and
15 providing for maintenance, insurance, and other matters in
16 respect of the project.

17 "Authority" means the Illinois Finance Authority.

18 "Brownfield site photovoltaic project" means photovoltaics
19 that are either:

20 (1) interconnected to an electric utility as defined
21 in this Section, a municipal utility as defined in this
22 Section, a public utility as defined in Section 3-105 of
23 the Public Utilities Act, or an electric cooperative as

1 defined in Section 3-119 of the Public Utilities Act and
2 located at a site that is regulated by any of the following
3 entities under the following programs:

4 (A) the United States Environmental Protection
5 Agency under the federal Comprehensive Environmental
6 Response, Compensation, and Liability Act of 1980, as
7 amended;

8 (B) the United States Environmental Protection
9 Agency under the Corrective Action Program of the
10 federal Resource Conservation and Recovery Act, as
11 amended;

12 (C) the Illinois Environmental Protection Agency
13 under the Illinois Site Remediation Program; or

14 (D) the Illinois Environmental Protection Agency
15 under the Illinois Solid Waste Program; or

16 (2) located at the site of a coal mine that has
17 permanently ceased coal production, permanently halted any
18 re-mining operations, and is no longer accepting any coal
19 combustion residues; has both completed all clean-up and
20 remediation obligations under the federal Surface Mining
21 and Reclamation Act of 1977 and all applicable Illinois
22 rules and any other clean-up, remediation, or ongoing
23 monitoring to safeguard the health and well-being of the
24 people of the State of Illinois, as well as demonstrated
25 compliance with all applicable federal and State
26 environmental rules and regulations, including, but not

1 limited, to 35 Ill. Adm. Code Part 845 and any rules for
2 historic fill of coal combustion residuals, including any
3 rules finalized in Subdocket A of Illinois Pollution
4 Control Board docket R2020-019.

5 "Clean coal facility" means an electric generating
6 facility that uses primarily coal as a feedstock and that
7 captures and sequesters carbon dioxide emissions at the
8 following levels: at least 50% of the total carbon dioxide
9 emissions that the facility would otherwise emit if, at the
10 time construction commences, the facility is scheduled to
11 commence operation before 2016, at least 70% of the total
12 carbon dioxide emissions that the facility would otherwise
13 emit if, at the time construction commences, the facility is
14 scheduled to commence operation during 2016 or 2017, and at
15 least 90% of the total carbon dioxide emissions that the
16 facility would otherwise emit if, at the time construction
17 commences, the facility is scheduled to commence operation
18 after 2017. The power block of the clean coal facility shall
19 not exceed allowable emission rates for sulfur dioxide,
20 nitrogen oxides, carbon monoxide, particulates and mercury for
21 a natural gas-fired combined-cycle facility the same size as
22 and in the same location as the clean coal facility at the time
23 the clean coal facility obtains an approved air permit. All
24 coal used by a clean coal facility shall have high volatile
25 bituminous rank and greater than 1.7 pounds of sulfur per
26 million Btu ~~btu~~ content, unless the clean coal facility does

1 not use gasification technology and was operating as a
2 conventional coal-fired electric generating facility on June
3 1, 2009 (the effective date of Public Act 95-1027).

4 "Clean coal SNG brownfield facility" means a facility that
5 (1) has commenced construction by July 1, 2015 on an urban
6 brownfield site in a municipality with at least 1,000,000
7 residents; (2) uses a gasification process to produce
8 substitute natural gas; (3) uses coal as at least 50% of the
9 total feedstock over the term of any sourcing agreement with a
10 utility and the remainder of the feedstock may be either
11 petroleum coke or coal, with all such coal having a high
12 bituminous rank and greater than 1.7 pounds of sulfur per
13 million Btu content unless the facility reasonably determines
14 that it is necessary to use additional petroleum coke to
15 deliver additional consumer savings, in which case the
16 facility shall use coal for at least 35% of the total feedstock
17 over the term of any sourcing agreement; and (4) captures and
18 sequesters at least 85% of the total carbon dioxide emissions
19 that the facility would otherwise emit.

20 "Clean coal SNG facility" means a facility that uses a
21 gasification process to produce substitute natural gas, that
22 sequesters at least 90% of the total carbon dioxide emissions
23 that the facility would otherwise emit, that uses at least 90%
24 coal as a feedstock, with all such coal having a high
25 bituminous rank and greater than 1.7 pounds of sulfur per
26 million Btu ~~btu~~ content, and that has a valid and effective

1 permit to construct emission sources and air pollution control
2 equipment and approval with respect to the federal regulations
3 for Prevention of Significant Deterioration of Air Quality
4 (PSD) for the plant pursuant to the federal Clean Air Act;
5 provided, however, a clean coal SNG brownfield facility shall
6 not be a clean coal SNG facility.

7 "Clean energy" means energy generation that is 90% or
8 greater free of carbon dioxide emissions.

9 "Commission" means the Illinois Commerce Commission.

10 "Community renewable generation project" means an electric
11 generating facility that:

12 (1) is powered by wind, solar thermal energy,
13 photovoltaic cells or panels, biodiesel, crops and
14 untreated and unadulterated organic waste biomass, and
15 hydropower ~~that does not involve new construction or~~
16 ~~significant expansion of hydropower dams;~~

17 (2) is interconnected at the distribution system level
18 of an electric utility as defined in this Section, a
19 municipal utility as defined in this Section that owns or
20 operates electric distribution facilities, a public
21 utility as defined in Section 3-105 of the Public
22 Utilities Act, or an electric cooperative, as defined in
23 Section 3-119 of the Public Utilities Act;

24 (3) credits the value of electricity generated by the
25 facility to the subscribers of the facility; and

26 (4) is limited in nameplate capacity to less than or

1 equal to 5,000 kilowatts.

2 "Costs incurred in connection with the development and
3 construction of a facility" means:

4 (1) the cost of acquisition of all real property,
5 fixtures, and improvements in connection therewith and
6 equipment, personal property, and other property, rights,
7 and easements acquired that are deemed necessary for the
8 operation and maintenance of the facility;

9 (2) financing costs with respect to bonds, notes, and
10 other evidences of indebtedness of the Agency;

11 (3) all origination, commitment, utilization,
12 facility, placement, underwriting, syndication, credit
13 enhancement, and rating agency fees;

14 (4) engineering, design, procurement, consulting,
15 legal, accounting, title insurance, survey, appraisal,
16 escrow, trustee, collateral agency, interest rate hedging,
17 interest rate swap, capitalized interest, contingency, as
18 required by lenders, and other financing costs, and other
19 expenses for professional services; and

20 (5) the costs of plans, specifications, site study and
21 investigation, installation, surveys, other Agency costs
22 and estimates of costs, and other expenses necessary or
23 incidental to determining the feasibility of any project,
24 together with such other expenses as may be necessary or
25 incidental to the financing, insuring, acquisition, and
26 construction of a specific project and starting up,

1 commissioning, and placing that project in operation.

2 "Delivery services" has the same definition as found in
3 Section 16-102 of the Public Utilities Act.

4 "Delivery year" means the consecutive 12-month period
5 beginning June 1 of a given year and ending May 31 of the
6 following year.

7 "Department" means the Department of Commerce and Economic
8 Opportunity.

9 "Director" means the Director of the Illinois Power
10 Agency.

11 "Demand-response" means measures that decrease peak
12 electricity demand or shift demand from peak to off-peak
13 periods.

14 "Distributed renewable energy generation device" means a
15 device that is:

16 (1) powered by wind, solar thermal energy,
17 photovoltaic cells or panels, biodiesel, crops and
18 untreated and unadulterated organic waste biomass, tree
19 waste, ~~and hydropower that does not involve new~~
20 ~~construction or significant expansion of hydropower dams,~~
21 waste heat to power systems, or qualified combined heat
22 and power systems;

23 (2) interconnected at the distribution system level of
24 either an electric utility as defined in this Section, a
25 municipal utility as defined in this Section that owns or
26 operates electric distribution facilities, or a rural

1 electric cooperative as defined in Section 3-119 of the
2 Public Utilities Act;

3 (3) located on the customer side of the customer's
4 electric meter and is primarily used to offset that
5 customer's electricity load; and

6 (4) (blank).

7 "Energy efficiency" means measures that reduce the amount
8 of electricity or natural gas consumed in order to achieve a
9 given end use. "Energy efficiency" includes voltage
10 optimization measures that optimize the voltage at points on
11 the electric distribution voltage system and thereby reduce
12 electricity consumption by electric customers' end use
13 devices. "Energy efficiency" also includes measures that
14 reduce the total Btus of electricity, natural gas, and other
15 fuels needed to meet the end use or uses.

16 "Electric utility" has the same definition as found in
17 Section 16-102 of the Public Utilities Act.

18 "Equity investment eligible community" or "eligible
19 community" are synonymous and mean the geographic areas
20 throughout Illinois which would most benefit from equitable
21 investments by the State designed to combat discrimination.
22 Specifically, the eligible communities shall be defined as the
23 following areas:

24 (1) R3 Areas as established pursuant to Section 10-40
25 of the Cannabis Regulation and Tax Act, where residents
26 have historically been excluded from economic

1 opportunities, including opportunities in the energy
2 sector; and

3 (2) environmental ~~Environmental~~ justice communities,
4 as defined by the Illinois Power Agency pursuant to the
5 Illinois Power Agency Act, where residents have
6 historically been subject to disproportionate burdens of
7 pollution, including pollution from the energy sector.

8 "Equity eligible persons" or "eligible persons" means
9 persons who would most benefit from equitable investments by
10 the State designed to combat discrimination, specifically:

11 (1) persons who graduate from or are current or former
12 participants in the Clean Jobs Workforce Network Program,
13 the Clean Energy Contractor Incubator Program, the
14 Illinois Climate Works Preapprenticeship Program,
15 Returning Residents Clean Jobs Training Program, or the
16 Clean Energy Primes Contractor Accelerator Program, and
17 the solar training pipeline and multi-cultural jobs
18 program created in paragraphs (a) (1) and (a) (3) of Section
19 16-208.12 ~~16-108.21~~ of the Public Utilities Act;

20 (2) persons who are graduates of or currently enrolled
21 in the foster care system;

22 (3) persons who were formerly incarcerated;

23 (4) persons whose primary residence is in an equity
24 investment eligible community.

25 "Equity eligible contractor" means a business that is
26 majority-owned by eligible persons, or a nonprofit or

1 cooperative that is majority-governed by eligible persons, or
2 is a natural person that is an eligible person offering
3 personal services as an independent contractor.

4 "Facility" means an electric generating unit or a
5 co-generating unit that produces electricity along with
6 related equipment necessary to connect the facility to an
7 electric transmission or distribution system.

8 "General contractor ~~Contractor~~" means the entity or
9 organization with main responsibility for the building of a
10 construction project and who is the party signing the prime
11 construction contract for the project.

12 "Governmental aggregator" means one or more units of local
13 government that individually or collectively procure
14 electricity to serve residential retail electrical loads
15 located within its or their jurisdiction.

16 "High voltage direct current converter station" means the
17 collection of equipment that converts direct current energy
18 from a high voltage direct current transmission line into
19 alternating current using Voltage Source Conversion technology
20 and that is interconnected with transmission or distribution
21 assets located in Illinois.

22 "High voltage direct current renewable energy credit"
23 means a renewable energy credit associated with a renewable
24 energy resource where the renewable energy resource has
25 entered into a contract to transmit the energy associated with
26 such renewable energy credit over high voltage direct current

1 transmission facilities.

2 "High voltage direct current transmission facilities"
3 means the collection of installed equipment that converts
4 alternating current energy in one location to direct current
5 and transmits that direct current energy to a high voltage
6 direct current converter station using Voltage Source
7 Conversion technology. "High voltage direct current
8 transmission facilities" includes the high voltage direct
9 current converter station itself and associated high voltage
10 direct current transmission lines. Notwithstanding the
11 preceding, after September 15, 2021 (the effective date of
12 Public Act 102-662) ~~this amendatory Act of the 102nd General~~
13 ~~Assembly~~, an otherwise qualifying collection of equipment does
14 not qualify as high voltage direct current transmission
15 facilities unless its developer entered into a project labor
16 agreement, is capable of transmitting electricity at 525kv
17 with an Illinois converter station located and interconnected
18 in the region of the PJM Interconnection, LLC, and the system
19 does not operate as a public utility, as that term is defined
20 in Section 3-105 of the Public Utilities Act.

21 "Index price" means the real-time energy settlement price
22 at the applicable Illinois trading hub, such as PJM-NIHUB or
23 MISO-IL, for a given settlement period.

24 "Indexed renewable energy credit" means a tradable credit
25 that represents the environmental attributes of one megawatt
26 hour of energy produced from a renewable energy resource, the

1 price of which shall be calculated by subtracting the strike
2 price offered by a new utility-scale wind project or a new
3 utility-scale photovoltaic project from the index price in a
4 given settlement period.

5 "Indexed renewable energy credit counterparty" has the
6 same meaning as "public utility" as defined in Section 3-105
7 of the Public Utilities Act.

8 "Local government" means a unit of local government as
9 defined in Section 1 of Article VII of the Illinois
10 Constitution.

11 "Municipality" means a city, village, or incorporated
12 town.

13 "Municipal utility" means a public utility owned and
14 operated by any subdivision or municipal corporation of this
15 State.

16 "Nameplate capacity" means the aggregate inverter
17 nameplate capacity in kilowatts AC.

18 "Person" means any natural person, firm, partnership,
19 corporation, either domestic or foreign, company, association,
20 limited liability company, joint stock company, or association
21 and includes any trustee, receiver, assignee, or personal
22 representative thereof.

23 "Project" means the planning, bidding, and construction of
24 a facility.

25 "Project labor agreement" means a pre-hire collective
26 bargaining agreement that covers all terms and conditions of

1 employment on a specific construction project and must include
2 the following:

3 (1) provisions establishing the minimum hourly wage
4 for each class of labor organization employee;

5 (2) provisions establishing the benefits and other
6 compensation for each class of labor organization
7 employee;

8 (3) provisions establishing that no strike or disputes
9 will be engaged in by the labor organization employees;

10 (4) provisions establishing that no lockout or
11 disputes will be engaged in by the general contractor
12 building the project; and

13 (5) provisions for minorities and women, as defined
14 under the Business Enterprise for Minorities, Women, and
15 Persons with Disabilities Act, setting forth goals for
16 apprenticeship hours to be performed by minorities and
17 women and setting forth goals for total hours to be
18 performed by underrepresented minorities and women.

19 A labor organization and the general contractor building
20 the project shall have the authority to include other terms
21 and conditions as they deem necessary.

22 "Public utility" has the same definition as found in
23 Section 3-105 of the Public Utilities Act.

24 "Qualified combined heat and power systems" means systems
25 that, either simultaneously or sequentially, produce
26 electricity and useful thermal energy from a single fuel

1 source. Such systems are eligible for "renewable energy
2 credits" in an amount equal to its total energy output where a
3 renewable fuel is consumed or in an amount equal to the net
4 reduction in nonrenewable fuel consumed on a total energy
5 output basis.

6 "Real property" means any interest in land together with
7 all structures, fixtures, and improvements thereon, including
8 lands under water and riparian rights, any easements,
9 covenants, licenses, leases, rights-of-way, uses, and other
10 interests, together with any liens, judgments, mortgages, or
11 other claims or security interests related to real property.

12 "Renewable energy credit" means a tradable credit that
13 represents the environmental attributes of one megawatt hour
14 of energy produced from a renewable energy resource.

15 "Renewable energy resources" includes energy and its
16 associated renewable energy credit or renewable energy credits
17 from wind, solar thermal energy, photovoltaic cells and
18 panels, biodiesel, anaerobic digestion, crops and untreated
19 and unadulterated organic waste biomass, ~~and hydropower that~~
20 ~~does not involve new construction or significant expansion of~~
21 ~~hydropower dams~~, waste heat to power systems, or qualified
22 combined heat and power systems. For purposes of this Act,
23 landfill gas produced in the State is considered a renewable
24 energy resource. "Renewable energy resources" does not include
25 the incineration or burning of tires, garbage, general
26 household, institutional, and commercial waste, industrial

1 lunchroom or office waste, landscape waste, railroad
2 crossties, utility poles, or construction or demolition
3 debris, other than untreated and unadulterated waste wood.
4 "Renewable energy resources" also includes high voltage direct
5 current renewable energy credits and the associated energy
6 converted to alternating current by a high voltage direct
7 current converter station to the extent that: (1) the
8 generator of such renewable energy resource contracted with a
9 third party to transmit the energy over the high voltage
10 direct current transmission facilities, and (2) the
11 third-party contracting for delivery of renewable energy
12 resources over the high voltage direct current transmission
13 facilities have ownership rights over the unretired associated
14 high voltage direct current renewable energy credit.

15 "Retail customer" has the same definition as found in
16 Section 16-102 of the Public Utilities Act.

17 "Revenue bond" means any bond, note, or other evidence of
18 indebtedness issued by the Authority, the principal and
19 interest of which is payable solely from revenues or income
20 derived from any project or activity of the Agency.

21 "Sequester" means permanent storage of carbon dioxide by
22 injecting it into a saline aquifer, a depleted gas reservoir,
23 or an oil reservoir, directly or through an enhanced oil
24 recovery process that may involve intermediate storage,
25 regardless of whether these activities are conducted by a
26 clean coal facility, a clean coal SNG facility, a clean coal

1 SNG brownfield facility, or a party with which a clean coal
2 facility, clean coal SNG facility, or clean coal SNG
3 brownfield facility has contracted for such purposes.

4 "Service area" has the same definition as found in Section
5 16-102 of the Public Utilities Act.

6 "Settlement period" means the period of time utilized by
7 MISO and PJM and their successor organizations as the basis
8 for settlement calculations in the real-time energy market.

9 "Sourcing agreement" means (i) in the case of an electric
10 utility, an agreement between the owner of a clean coal
11 facility and such electric utility, which agreement shall have
12 terms and conditions meeting the requirements of paragraph (3)
13 of subsection (d) of Section 1-75, (ii) in the case of an
14 alternative retail electric supplier, an agreement between the
15 owner of a clean coal facility and such alternative retail
16 electric supplier, which agreement shall have terms and
17 conditions meeting the requirements of Section 16-115(d) (5) of
18 the Public Utilities Act, and (iii) in case of a gas utility,
19 an agreement between the owner of a clean coal SNG brownfield
20 facility and the gas utility, which agreement shall have the
21 terms and conditions meeting the requirements of subsection
22 (h-1) of Section 9-220 of the Public Utilities Act.

23 "Strike price" means a contract price for energy and
24 renewable energy credits from a new utility-scale wind project
25 or a new utility-scale photovoltaic project.

26 "Subscriber" means a person who (i) takes delivery service

1 from an electric utility, and (ii) has a subscription of no
2 less than 200 watts to a community renewable generation
3 project that is located in the electric utility's service
4 area. No subscriber's subscriptions may total more than 40% of
5 the nameplate capacity of an individual community renewable
6 generation project. Entities that are affiliated by virtue of
7 a common parent shall not represent multiple subscriptions
8 that total more than 40% of the nameplate capacity of an
9 individual community renewable generation project.

10 "Subscription" means an interest in a community renewable
11 generation project expressed in kilowatts, which is sized
12 primarily to offset part or all of the subscriber's
13 electricity usage.

14 "Substitute natural gas" or "SNG" means a gas manufactured
15 by gasification of hydrocarbon feedstock, which is
16 substantially interchangeable in use and distribution with
17 conventional natural gas.

18 "Total resource cost test" or "TRC test" means a standard
19 that is met if, for an investment in energy efficiency or
20 demand-response measures, the benefit-cost ratio is greater
21 than one. The benefit-cost ratio is the ratio of the net
22 present value of the total benefits of the program to the net
23 present value of the total costs as calculated over the
24 lifetime of the measures. A total resource cost test compares
25 the sum of avoided electric utility costs, representing the
26 benefits that accrue to the system and the participant in the

1 delivery of those efficiency measures and including avoided
2 costs associated with reduced use of natural gas or other
3 fuels, avoided costs associated with reduced water
4 consumption, and avoided costs associated with reduced
5 operation and maintenance costs, as well as other quantifiable
6 societal benefits, to the sum of all incremental costs of
7 end-use measures that are implemented due to the program
8 (including both utility and participant contributions), plus
9 costs to administer, deliver, and evaluate each demand-side
10 program, to quantify the net savings obtained by substituting
11 the demand-side program for supply resources. In calculating
12 avoided costs of power and energy that an electric utility
13 would otherwise have had to acquire, reasonable estimates
14 shall be included of financial costs likely to be imposed by
15 future regulations and legislation on emissions of greenhouse
16 gases. In discounting future societal costs and benefits for
17 the purpose of calculating net present values, a societal
18 discount rate based on actual, long-term Treasury bond yields
19 should be used. Notwithstanding anything to the contrary, the
20 TRC test shall not include or take into account a calculation
21 of market price suppression effects or demand reduction
22 induced price effects.

23 "Utility-scale solar project" means an electric generating
24 facility that:

25 (1) generates electricity using photovoltaic cells;

26 and

1 (2) has a nameplate capacity that is greater than
2 5,000 kilowatts.

3 "Utility-scale wind project" means an electric generating
4 facility that:

5 (1) generates electricity using wind; and

6 (2) has a nameplate capacity that is greater than
7 5,000 kilowatts.

8 "Waste Heat to Power Systems" means systems that capture
9 and generate electricity from energy that would otherwise be
10 lost to the atmosphere without the use of additional fuel.

11 "Zero emission credit" means a tradable credit that
12 represents the environmental attributes of one megawatt hour
13 of energy produced from a zero emission facility.

14 "Zero emission facility" means a facility that: (1) is
15 fueled by nuclear power; and (2) is interconnected with PJM
16 Interconnection, LLC or the Midcontinent Independent System
17 Operator, Inc., or their successors.

18 (Source: P.A. 102-662, eff. 9-15-21; revised 6-2-22.)

19 (20 ILCS 3855/1-56)

20 Sec. 1-56. Illinois Power Agency Renewable Energy
21 Resources Fund; Illinois Solar for All Program.

22 (a) The Illinois Power Agency Renewable Energy Resources
23 Fund is created as a special fund in the State treasury.

24 (b) The Illinois Power Agency Renewable Energy Resources
25 Fund shall be administered by the Agency as described in this

1 subsection (b), provided that the changes to this subsection
2 (b) made by this amendatory Act of the 99th General Assembly
3 shall not interfere with existing contracts under this
4 Section.

5 (1) The Illinois Power Agency Renewable Energy
6 Resources Fund shall be used to purchase renewable energy
7 credits according to any approved procurement plan
8 developed by the Agency prior to June 1, 2017.

9 (2) The Illinois Power Agency Renewable Energy
10 Resources Fund shall also be used to create the Illinois
11 Solar for All Program, which provides incentives for
12 low-income distributed generation and community solar
13 projects, and other associated approved expenditures. The
14 objectives of the Illinois Solar for All Program are to
15 bring photovoltaics to low-income communities in this
16 State in a manner that maximizes the development of new
17 photovoltaic generating facilities, to create a long-term,
18 low-income solar marketplace throughout this State, to
19 integrate, through interaction with stakeholders, with
20 existing energy efficiency initiatives, and to minimize
21 administrative costs. The Illinois Solar for All Program
22 shall be implemented in a manner that seeks to minimize
23 administrative costs, and maximize efficiencies and
24 synergies available through coordination with similar
25 initiatives, including the Adjustable Block program
26 described in subparagraphs (K) through (M) of paragraph

1 (1) of subsection (c) of Section 1-75, energy efficiency
2 programs, job training programs, and community action
3 agencies. The Agency shall strive to ensure that renewable
4 energy credits procured through the Illinois Solar for All
5 Program and each of its subprograms are purchased from
6 projects across the breadth of low-income and
7 environmental justice communities in Illinois, including
8 both urban and rural communities, are not concentrated in
9 a few communities, and do not exclude particular
10 low-income or environmental justice communities. The
11 Agency shall include a description of its proposed
12 approach to the design, administration, implementation and
13 evaluation of the Illinois Solar for All Program, as part
14 of the long-term renewable resources procurement plan
15 authorized by subsection (c) of Section 1-75 of this Act,
16 and the program shall be designed to grow the low-income
17 solar market. The Agency or utility, as applicable, shall
18 purchase renewable energy credits from the (i)
19 photovoltaic distributed renewable energy generation
20 projects and (ii) community solar projects that are
21 procured under procurement processes authorized by the
22 long-term renewable resources procurement plans approved
23 by the Commission.

24 The Illinois Solar for All Program shall include the
25 program offerings described in subparagraphs (A) through
26 (E) of this paragraph (2), which the Agency shall

1 implement through contracts with third-party providers
2 and, subject to appropriation, pay the approximate amounts
3 identified using monies available in the Illinois Power
4 Agency Renewable Energy Resources Fund. Each contract that
5 provides for the installation of solar facilities shall
6 provide that the solar facilities will produce energy and
7 economic benefits, at a level determined by the Agency to
8 be reasonable, for the participating low income customers.
9 The monies available in the Illinois Power Agency
10 Renewable Energy Resources Fund and not otherwise
11 committed to contracts executed under subsection (i) of
12 this Section, as well as, in the case of the programs
13 described under subparagraphs (A) through (E) of this
14 paragraph (2), funding authorized pursuant to subparagraph
15 (O) of paragraph (1) of subsection (c) of Section 1-75 of
16 this Act, shall initially be allocated among the programs
17 described in this paragraph (2), as follows: 35% of these
18 funds shall be allocated to programs described in
19 subparagraphs (A) and (E) of this paragraph (2), 40% of
20 these funds shall be allocated to programs described in
21 subparagraph (B) of this paragraph (2), and 25% of these
22 funds shall be allocated to programs described in
23 subparagraph (C) of this paragraph (2). The allocation of
24 funds among subparagraphs (A), (B), (C), and (E) of this
25 paragraph (2) may be changed if the Agency, after
26 receiving input through a stakeholder process, determines

1 incentives in subparagraphs (A), (B), (C), or (E) of this
2 paragraph (2) have not been adequately subscribed to fully
3 utilize available Illinois Solar for All Program funds.

4 Contracts that will be paid with funds in the Illinois
5 Power Agency Renewable Energy Resources Fund shall be
6 executed by the Agency. Contracts that will be paid with
7 funds collected by an electric utility shall be executed
8 by the electric utility.

9 Contracts under the Illinois Solar for All Program
10 shall include an approach, as set forth in the long-term
11 renewable resources procurement plans, to ensure the
12 wholesale market value of the energy is credited to
13 participating low-income customers or organizations and to
14 ensure tangible economic benefits flow directly to program
15 participants, except in the case of low-income
16 multi-family housing where the low-income customer does
17 not directly pay for energy. Priority shall be given to
18 projects that demonstrate meaningful involvement of
19 low-income community members in designing the initial
20 proposals. Acceptable proposals to implement projects must
21 demonstrate the applicant's ability to conduct initial
22 community outreach, education, and recruitment of
23 low-income participants in the community. Projects must
24 include job training opportunities if available, with the
25 specific level of trainee usage to be determined through
26 the Agency's long-term renewable resources procurement

1 plan, and the Illinois Solar for All Program Administrator
2 shall coordinate with the job training programs described
3 in paragraph (1) of subsection (a) of Section 16-108.12 of
4 the Public Utilities Act and in the Energy Transition Act.

5 The Agency shall make every effort to ensure that
6 small and emerging businesses, particularly those located
7 in low-income and environmental justice communities, are
8 able to participate in the Illinois Solar for All Program.
9 These efforts may include, but shall not be limited to,
10 proactive support from the program administrator,
11 different or preferred access to subprograms and
12 administrator-identified customers or grassroots
13 education provider-identified customers, and different
14 incentive levels. The Agency shall report on progress and
15 barriers to participation of small and emerging businesses
16 in the Illinois Solar for All Program at least once a year.
17 The report shall be made available on the Agency's website
18 and, in years when the Agency is updating its long-term
19 renewable resources procurement plan, included in that
20 Plan.

21 (A) Low-income single-family and small multifamily
22 solar incentive. This program will provide incentives
23 to low-income customers, either directly or through
24 solar providers, to increase the participation of
25 low-income households in photovoltaic on-site
26 distributed generation at residential buildings

1 containing one to 4 units. Companies participating in
2 this program that install solar panels shall commit to
3 hiring job trainees for a portion of their low-income
4 installations, and an administrator shall facilitate
5 partnering the companies that install solar panels
6 with entities that provide solar panel installation
7 job training. It is a goal of this program that a
8 minimum of 25% of the incentives for this program be
9 allocated to projects located within environmental
10 justice communities. Contracts entered into under this
11 paragraph may be entered into with an entity that will
12 develop and administer the program and shall also
13 include contracts for renewable energy credits from
14 the photovoltaic distributed generation that is the
15 subject of the program, as set forth in the long-term
16 renewable resources procurement plan. Additionally:

17 (i) The Agency shall reserve a portion of this
18 program for projects that promote energy
19 sovereignty through ownership of projects by
20 low-income households, not-for-profit
21 organizations providing services to low-income
22 households, affordable housing owners, community
23 cooperatives, or community-based limited liability
24 companies providing services to low-income
25 households. Projects that feature energy ownership
26 should ensure that local people have control of

1 the project and reap benefits from the project
2 over and above energy bill savings. The Agency may
3 consider the inclusion of projects that promote
4 ownership over time or that involve partial
5 project ownership by communities, as promoting
6 energy sovereignty. Incentives for projects that
7 promote energy sovereignty may be higher than
8 incentives for equivalent projects that do not
9 promote energy sovereignty under this same
10 program.

11 (ii) Through its long-term renewable resources
12 procurement plan, the Agency shall consider
13 additional program and contract requirements to
14 ensure faithful compliance by applicants
15 benefiting from preferences for projects
16 designated to promote energy sovereignty. The
17 Agency shall make every effort to enable solar
18 providers already participating in the Adjustable
19 Block-Program under subparagraph (K) of paragraph
20 (1) of subsection (c) of Section 1-75 of this Act,
21 and particularly solar providers developing
22 projects under item (i) of subparagraph (K) of
23 paragraph (1) of subsection (c) of Section 1-75 of
24 this Act to easily participate in the Low-Income
25 Distributed Generation Incentive program described
26 under this subparagraph (A), and vice versa. This

1 effort may include, but shall not be limited to,
2 utilizing similar or the same application systems
3 and processes, similar or the same forms and
4 formats of communication, and providing active
5 outreach to companies participating in one program
6 but not the other. The Agency shall report on
7 efforts made to encourage this cross-participation
8 in its long-term renewable resources procurement
9 plan.

10 (B) Low-Income Community Solar Project Initiative.
11 Incentives shall be offered to low-income customers,
12 either directly or through developers, to increase the
13 participation of low-income subscribers of community
14 solar projects. The developer of each project shall
15 identify its partnership with community stakeholders
16 regarding the location, development, and participation
17 in the project, provided that nothing shall preclude a
18 project from including an anchor tenant that does not
19 qualify as low-income. Companies participating in this
20 program that develop or install solar projects shall
21 commit to hiring job trainees for a portion of their
22 low-income installations, and an administrator shall
23 facilitate partnering the companies that install solar
24 projects with entities that provide solar installation
25 and related job training. It is a goal of this program
26 that a minimum of 25% of the incentives for this

1 program be allocated to community photovoltaic
2 projects in environmental justice communities. The
3 Agency shall reserve a portion of this program for
4 projects that promote energy sovereignty through
5 ownership of projects by low-income households,
6 not-for-profit organizations providing services to
7 low-income households, affordable housing owners, or
8 community-based limited liability companies providing
9 services to low-income households. Projects that
10 feature energy ownership should ensure that local
11 people have control of the project and reap benefits
12 from the project over and above energy bill savings.
13 The Agency may consider the inclusion of projects that
14 promote ownership over time or that involve partial
15 project ownership by communities, as promoting energy
16 sovereignty. Incentives for projects that promote
17 energy sovereignty may be higher than incentives for
18 equivalent projects that do not promote energy
19 sovereignty under this same program. Contracts entered
20 into under this paragraph may be entered into with
21 developers and shall also include contracts for
22 renewable energy credits related to the program.

23 (C) Incentives for non-profits and public
24 facilities. Under this program funds shall be used to
25 support on-site photovoltaic distributed renewable
26 energy generation devices to serve the load associated

1 with not-for-profit customers and to support
2 photovoltaic distributed renewable energy generation
3 that uses photovoltaic technology to serve the load
4 associated with public sector customers taking service
5 at public buildings. Companies participating in this
6 program that develop or install solar projects shall
7 commit to hiring job trainees for a portion of their
8 low-income installations, and an administrator shall
9 facilitate partnering the companies that install solar
10 projects with entities that provide solar installation
11 and related job training. Through its long-term
12 renewable resources procurement plan, the Agency shall
13 consider additional program and contract requirements
14 to ensure faithful compliance by applicants benefiting
15 from preferences for projects designated to promote
16 energy sovereignty. It is a goal of this program that
17 at least 25% of the incentives for this program be
18 allocated to projects located in environmental justice
19 communities. Contracts entered into under this
20 paragraph may be entered into with an entity that will
21 develop and administer the program or with developers
22 and shall also include contracts for renewable energy
23 credits related to the program.

24 (D) (Blank).

25 (E) Low-income large multifamily solar incentive.

26 This program shall provide incentives to low-income

1 customers, either directly or through solar providers,
2 to increase the participation of low-income households
3 in photovoltaic on-site distributed generation at
4 residential buildings with 5 or more units. Companies
5 participating in this program that develop or install
6 solar projects shall commit to hiring job trainees for
7 a portion of their low-income installations, and an
8 administrator shall facilitate partnering the
9 companies that install solar projects with entities
10 that provide solar installation and related job
11 training. It is a goal of this program that a minimum
12 of 25% of the incentives for this program be allocated
13 to projects located within environmental justice
14 communities. The Agency shall reserve a portion of
15 this program for projects that promote energy
16 sovereignty through ownership of projects by
17 low-income households, not-for-profit organizations
18 providing services to low-income households,
19 affordable housing owners, or community-based limited
20 liability companies providing services to low-income
21 households. Projects that feature energy ownership
22 should ensure that local people have control of the
23 project and reap benefits from the project over and
24 above energy bill savings. The Agency may consider the
25 inclusion of projects that promote ownership over time
26 or that involve partial project ownership by

1 communities, as promoting energy sovereignty.
2 Incentives for projects that promote energy
3 sovereignty may be higher than incentives for
4 equivalent projects that do not promote energy
5 sovereignty under this same program.

6 The requirement that a qualified person, as defined in
7 paragraph (1) of subsection (i) of this Section, install
8 photovoltaic devices does not apply to the Illinois Solar
9 for All Program described in this subsection (b).

10 In addition to the programs outlined in paragraphs (A)
11 through (E), the Agency and other parties may propose
12 additional programs through the Long-Term Renewable
13 Resources Procurement Plan developed and approved under
14 paragraph (5) of subsection (b) of Section 16-111.5 of the
15 Public Utilities Act. Additional programs may target
16 market segments not specified above and may also include
17 incentives targeted to increase the uptake of
18 nonphotovoltaic technologies by low-income customers,
19 including energy storage paired with photovoltaics, if the
20 Commission determines that the Illinois Solar for All
21 Program would provide greater benefits to the public
22 health and well-being of low-income residents through also
23 supporting that additional program versus supporting
24 programs already authorized.

25 (3) Costs associated with the Illinois Solar for All
26 Program and its components described in paragraph (2) of

1 this subsection (b), including, but not limited to, costs
2 associated with procuring experts, consultants, and the
3 program administrator referenced in this subsection (b)
4 and related incremental costs, costs related to income
5 verification and facilitating customer participation in
6 the program, and costs related to the evaluation of the
7 Illinois Solar for All Program, may be paid for using
8 monies in the Illinois Power Agency Renewable Energy
9 Resources Fund, and funds allocated pursuant to
10 subparagraph (O) of paragraph (1) of subsection (c) of
11 Section 1-75, but the Agency or program administrator
12 shall strive to minimize costs in the implementation of
13 the program. The Agency or contracting electric utility
14 shall purchase renewable energy credits from generation
15 that is the subject of a contract under subparagraphs (A)
16 through (E) of paragraph (2) of this subsection (b), and
17 may pay for such renewable energy credits through an
18 upfront payment per installed kilowatt of nameplate
19 capacity paid once the device is interconnected at the
20 distribution system level of the interconnecting utility
21 and verified as energized. Payments for renewable energy
22 credits shall be in exchange for all renewable energy
23 credits generated by the system during the first 15 years
24 of operation and shall be structured to overcome barriers
25 to participation in the solar market by the low-income
26 community. The incentives provided for in this Section may

1 be implemented through the pricing of renewable energy
2 credits where the prices paid for the credits are higher
3 than the prices from programs offered under subsection (c)
4 of Section 1-75 of this Act to account for the additional
5 capital necessary to successfully access targeted market
6 segments. The Agency or contracting electric utility shall
7 retire any renewable energy credits purchased under this
8 program and the credits shall count towards the obligation
9 under subsection (c) of Section 1-75 of this Act for the
10 electric utility to which the project is interconnected,
11 if applicable.

12 The Agency shall direct that up to 5% of the funds
13 available under the Illinois Solar for All Program to
14 community-based groups and other qualifying organizations
15 to assist in community-driven education efforts related to
16 the Illinois Solar for All Program, including general
17 energy education, job training program outreach efforts,
18 and other activities deemed to be qualified by the Agency.
19 Grassroots education funding shall not be used to support
20 the marketing by solar project development firms and
21 organizations, unless such education provides equal
22 opportunities for all applicable firms and organizations.

23 (4) The Agency shall, consistent with the requirements
24 of this subsection (b), propose the Illinois Solar for All
25 Program terms, conditions, and requirements, including the
26 prices to be paid for renewable energy credits, and which

1 prices may be determined through a formula, through the
2 development, review, and approval of the Agency's
3 long-term renewable resources procurement plan described
4 in subsection (c) of Section 1-75 of this Act and Section
5 16-111.5 of the Public Utilities Act. In the course of the
6 Commission proceeding initiated to review and approve the
7 plan, including the Illinois Solar for All Program
8 proposed by the Agency, a party may propose an additional
9 low-income solar or solar incentive program, or
10 modifications to the programs proposed by the Agency, and
11 the Commission may approve an additional program, or
12 modifications to the Agency's proposed program, if the
13 additional or modified program more effectively maximizes
14 the benefits to low-income customers after taking into
15 account all relevant factors, including, but not limited
16 to, the extent to which a competitive market for
17 low-income solar has developed. Following the Commission's
18 approval of the Illinois Solar for All Program, the Agency
19 or a party may propose adjustments to the program terms,
20 conditions, and requirements, including the price offered
21 to new systems, to ensure the long-term viability and
22 success of the program. The Commission shall review and
23 approve any modifications to the program through the plan
24 revision process described in Section 16-111.5 of the
25 Public Utilities Act.

26 (5) The Agency shall issue a request for

1 qualifications for a third-party program administrator or
2 administrators to administer all or a portion of the
3 Illinois Solar for All Program. The third-party program
4 administrator shall be chosen through a competitive bid
5 process based on selection criteria and requirements
6 developed by the Agency, including, but not limited to,
7 experience in administering low-income energy programs and
8 overseeing statewide clean energy or energy efficiency
9 services. If the Agency retains a program administrator or
10 administrators to implement all or a portion of the
11 Illinois Solar for All Program, each administrator shall
12 periodically submit reports to the Agency and Commission
13 for each program that it administers, at appropriate
14 intervals to be identified by the Agency in its long-term
15 renewable resources procurement plan, provided that the
16 reporting interval is at least quarterly. The third-party
17 program administrator may be, but need not be, the same
18 administrator as for the Adjustable Block program
19 described in subparagraphs (K) through (M) of paragraph
20 (1) of subsection (c) of Section 1-75. The Agency, through
21 its long-term renewable resources procurement plan
22 approval process, shall also determine if individual
23 subprograms of the Illinois Solar for All Program are
24 better served by a different or separate Program
25 Administrator.

26 The third-party administrator's responsibilities

1 shall also include facilitating placement for graduates of
2 Illinois-based renewable energy-specific job training
3 programs, including the Clean Jobs Workforce Network
4 Program and the Illinois Climate Works Preapprenticeship
5 Program administered by the Department of Commerce and
6 Economic Opportunity and programs administered under
7 Section 16-108.12 of the Public Utilities Act. To increase
8 the uptake of trainees by participating firms, the
9 administrator shall also develop a web-based clearinghouse
10 for information available to both job training program
11 graduates and firms participating, directly or indirectly,
12 in Illinois solar incentive programs. The program
13 administrator shall also coordinate its activities with
14 entities implementing electric and natural gas
15 income-qualified energy efficiency programs, including
16 customer referrals to and from such programs, and connect
17 prospective low-income solar customers with any existing
18 deferred maintenance programs where applicable.

19 (6) The long-term renewable resources procurement plan
20 shall also provide for an independent evaluation of the
21 Illinois Solar for All Program. At least every 2 years,
22 the Agency shall select an independent evaluator to review
23 and report on the Illinois Solar for All Program and the
24 performance of the third-party program administrator of
25 the Illinois Solar for All Program. The evaluation shall
26 be based on objective criteria developed through a public

1 stakeholder process. The process shall include feedback
2 and participation from Illinois Solar for All Program
3 stakeholders, including participants and organizations in
4 environmental justice and historically underserved
5 communities. The report shall include a summary of the
6 evaluation of the Illinois Solar for All Program based on
7 the stakeholder developed objective criteria. The report
8 shall include the number of projects installed; the total
9 installed capacity in kilowatts; the average cost per
10 kilowatt of installed capacity to the extent reasonably
11 obtainable by the Agency; the number of jobs or job
12 opportunities created; economic, social, and environmental
13 benefits created; and the total administrative costs
14 expended by the Agency and program administrator to
15 implement and evaluate the program. The report shall be
16 delivered to the Commission and posted on the Agency's
17 website, and shall be used, as needed, to revise the
18 Illinois Solar for All Program. The Commission shall also
19 consider the results of the evaluation as part of its
20 review of the long-term renewable resources procurement
21 plan under subsection (c) of Section 1-75 of this Act.

22 (7) If additional funding for the programs described
23 in this subsection (b) is available under subsection (k)
24 of Section 16-108 of the Public Utilities Act, then the
25 Agency shall submit a procurement plan to the Commission
26 no later than September 1, 2018, that proposes how the

1 Agency will procure programs on behalf of the applicable
2 utility. After notice and hearing, the Commission shall
3 approve, or approve with modification, the plan no later
4 than November 1, 2018.

5 (8) As part of the development and update of the
6 long-term renewable resources procurement plan authorized
7 by subsection (c) of Section 1-75 of this Act, the Agency
8 shall plan for: (A) actions to refer customers from the
9 Illinois Solar for All Program to electric and natural gas
10 income-qualified energy efficiency programs, and vice
11 versa, with the goal of increasing participation in both
12 of these programs; (B) effective procedures for data
13 sharing, as needed, to effectuate referrals between the
14 Illinois Solar for All Program and both electric and
15 natural gas income-qualified energy efficiency programs,
16 including sharing customer information directly with the
17 utilities, as needed and appropriate; and (C) efforts to
18 identify any existing deferred maintenance programs for
19 which prospective Solar for All Program customers may be
20 eligible and connect prospective customers for whom
21 deferred maintenance is or may be a barrier to solar
22 installation to those programs.

23 As used in this subsection (b), "low-income households"
24 means persons and families whose income does not exceed 80% of
25 area median income, adjusted for family size and revised every
26 5 years.

1 For the purposes of this subsection (b), the Agency shall
2 define "environmental justice community" based on the
3 methodologies and findings established by the Agency and the
4 Administrator for the Illinois Solar for All Program in its
5 initial long-term renewable resources procurement plan and as
6 updated by the Agency and the Administrator for the Illinois
7 Solar for All Program as part of the long-term renewable
8 resources procurement plan update.

9 (b-5) After the receipt of all payments required by
10 Section 16-115D of the Public Utilities Act, no additional
11 funds shall be deposited into the Illinois Power Agency
12 Renewable Energy Resources Fund unless directed by order of
13 the Commission.

14 (b-10) After the receipt of all payments required by
15 Section 16-115D of the Public Utilities Act and payment in
16 full of all contracts executed by the Agency under subsections
17 (b) and (i) of this Section, if the balance of the Illinois
18 Power Agency Renewable Energy Resources Fund is under \$5,000,
19 then the Fund shall be inoperative and any remaining funds and
20 any funds submitted to the Fund after that date, shall be
21 transferred to the Supplemental Low-Income Energy Assistance
22 Fund for use in the Low-Income Home Energy Assistance Program,
23 as authorized by the Energy Assistance Act.

24 (c) (Blank).

25 (d) (Blank).

26 (e) All renewable energy credits procured using monies

1 from the Illinois Power Agency Renewable Energy Resources Fund
2 shall be permanently retired.

3 (f) The selection of one or more third-party program
4 managers or administrators, the selection of the independent
5 evaluator, and the procurement processes described in this
6 Section are exempt from the requirements of the Illinois
7 Procurement Code, under Section 20-10 of that Code.

8 (g) All disbursements from the Illinois Power Agency
9 Renewable Energy Resources Fund shall be made only upon
10 warrants of the Comptroller drawn upon the Treasurer as
11 custodian of the Fund upon vouchers signed by the Director or
12 by the person or persons designated by the Director for that
13 purpose. The Comptroller is authorized to draw the warrant
14 upon vouchers so signed. The Treasurer shall accept all
15 warrants so signed and shall be released from liability for
16 all payments made on those warrants.

17 (h) The Illinois Power Agency Renewable Energy Resources
18 Fund shall not be subject to sweeps, administrative charges,
19 or chargebacks, including, but not limited to, those
20 authorized under Section 8h of the State Finance Act, that
21 would in any way result in the transfer of any funds from this
22 Fund to any other fund of this State or in having any such
23 funds utilized for any purpose other than the express purposes
24 set forth in this Section.

25 (h-5) The Agency may assess fees to each bidder to recover
26 the costs incurred in connection with a procurement process

1 held under this Section. Fees collected from bidders shall be
2 deposited into the Renewable Energy Resources Fund.

3 (i) Supplemental procurement process.

4 (1) Within 90 days after the effective date of this
5 amendatory Act of the 98th General Assembly, the Agency
6 shall develop a one-time supplemental procurement plan
7 limited to the procurement of renewable energy credits, if
8 available, from new or existing photovoltaics, including,
9 but not limited to, distributed photovoltaic generation.
10 Nothing in this subsection (i) requires procurement of
11 wind generation through the supplemental procurement.

12 Renewable energy credits procured from new
13 photovoltaics, including, but not limited to, distributed
14 photovoltaic generation, under this subsection (i) must be
15 procured from devices installed by a qualified person. In
16 its supplemental procurement plan, the Agency shall
17 establish contractually enforceable mechanisms for
18 ensuring that the installation of new photovoltaics is
19 performed by a qualified person.

20 For the purposes of this paragraph (1), "qualified
21 person" means a person who performs installations of
22 photovoltaics, including, but not limited to, distributed
23 photovoltaic generation, and who: (A) has completed an
24 apprenticeship as a journeyman electrician from a United
25 States Department of Labor registered electrical
26 apprenticeship and training program and received a

1 certification of satisfactory completion; or (B) does not
2 currently meet the criteria under clause (A) of this
3 paragraph (1), but is enrolled in a United States
4 Department of Labor registered electrical apprenticeship
5 program, provided that the person is directly supervised
6 by a person who meets the criteria under clause (A) of this
7 paragraph (1); or (C) has obtained one of the following
8 credentials in addition to attesting to satisfactory
9 completion of at least 5 years or 8,000 hours of
10 documented hands-on electrical experience: (i) a North
11 American Board of Certified Energy Practitioners (NABCEP)
12 Installer Certificate for Solar PV; (ii) an Underwriters
13 Laboratories (UL) PV Systems Installer Certificate; (iii)
14 an Electronics Technicians Association, International
15 (ETAI) Level 3 PV Installer Certificate; or (iv) an
16 Associate in Applied Science degree from an Illinois
17 Community College Board approved community college program
18 in renewable energy or a distributed generation
19 technology.

20 For the purposes of this paragraph (1), "directly
21 supervised" means that there is a qualified person who
22 meets the qualifications under clause (A) of this
23 paragraph (1) and who is available for supervision and
24 consultation regarding the work performed by persons under
25 clause (B) of this paragraph (1), including a final
26 inspection of the installation work that has been directly

1 supervised to ensure safety and conformity with applicable
2 codes.

3 For the purposes of this paragraph (1), "install"
4 means the major activities and actions required to
5 connect, in accordance with applicable building and
6 electrical codes, the conductors, connectors, and all
7 associated fittings, devices, power outlets, or
8 apparatuses mounted at the premises that are directly
9 involved in delivering energy to the premises' electrical
10 wiring from the photovoltaics, including, but not limited
11 to, to distributed photovoltaic generation.

12 The renewable energy credits procured pursuant to the
13 supplemental procurement plan shall be procured using up
14 to \$30,000,000 from the Illinois Power Agency Renewable
15 Energy Resources Fund. The Agency shall not plan to use
16 funds from the Illinois Power Agency Renewable Energy
17 Resources Fund in excess of the monies on deposit in such
18 fund or projected to be deposited into such fund. The
19 supplemental procurement plan shall ensure adequate,
20 reliable, affordable, efficient, and environmentally
21 sustainable renewable energy resources (including credits)
22 at the lowest total cost over time, taking into account
23 any benefits of price stability.

24 To the extent available, 50% of the renewable energy
25 credits procured from distributed renewable energy
26 generation shall come from devices of less than 25

1 kilowatts in nameplate capacity. Procurement of renewable
2 energy credits from distributed renewable energy
3 generation devices shall be done through multi-year
4 contracts of no less than 5 years. The Agency shall create
5 credit requirements for counterparties. In order to
6 minimize the administrative burden on contracting
7 entities, the Agency shall solicit the use of third
8 parties to aggregate distributed renewable energy. These
9 third parties shall enter into and administer contracts
10 with individual distributed renewable energy generation
11 device owners. An individual distributed renewable energy
12 generation device owner shall have the ability to measure
13 the output of his or her distributed renewable energy
14 generation device.

15 In developing the supplemental procurement plan, the
16 Agency shall hold at least one workshop open to the public
17 within 90 days after the effective date of this amendatory
18 Act of the 98th General Assembly and shall consider any
19 comments made by stakeholders or the public. Upon
20 development of the supplemental procurement plan within
21 this 90-day period, copies of the supplemental procurement
22 plan shall be posted and made publicly available on the
23 Agency's and Commission's websites. All interested parties
24 shall have 14 days following the date of posting to
25 provide comment to the Agency on the supplemental
26 procurement plan. All comments submitted to the Agency

1 shall be specific, supported by data or other detailed
2 analyses, and, if objecting to all or a portion of the
3 supplemental procurement plan, accompanied by specific
4 alternative wording or proposals. All comments shall be
5 posted on the Agency's and Commission's websites. Within
6 14 days following the end of the 14-day review period, the
7 Agency shall revise the supplemental procurement plan as
8 necessary based on the comments received and file its
9 revised supplemental procurement plan with the Commission
10 for approval.

11 (2) Within 5 days after the filing of the supplemental
12 procurement plan at the Commission, any person objecting
13 to the supplemental procurement plan shall file an
14 objection with the Commission. Within 10 days after the
15 filing, the Commission shall determine whether a hearing
16 is necessary. The Commission shall enter its order
17 confirming or modifying the supplemental procurement plan
18 within 90 days after the filing of the supplemental
19 procurement plan by the Agency.

20 (3) The Commission shall approve the supplemental
21 procurement plan of renewable energy credits to be
22 procured from new or existing photovoltaics, including,
23 but not limited to, distributed photovoltaic generation,
24 if the Commission determines that it will ensure adequate,
25 reliable, affordable, efficient, and environmentally
26 sustainable electric service in the form of renewable

1 energy credits at the lowest total cost over time, taking
2 into account any benefits of price stability.

3 (4) The supplemental procurement process under this
4 subsection (i) shall include each of the following
5 components:

6 (A) Procurement administrator. The Agency may
7 retain a procurement administrator in the manner set
8 forth in item (2) of subsection (a) of Section 1-75 of
9 this Act to conduct the supplemental procurement or
10 may elect to use the same procurement administrator
11 administering the Agency's annual procurement under
12 Section 1-75.

13 (B) Procurement monitor. The procurement monitor
14 retained by the Commission pursuant to Section
15 16-111.5 of the Public Utilities Act shall:

16 (i) monitor interactions among the procurement
17 administrator and bidders and suppliers;

18 (ii) monitor and report to the Commission on
19 the progress of the supplemental procurement
20 process;

21 (iii) provide an independent confidential
22 report to the Commission regarding the results of
23 the procurement events;

24 (iv) assess compliance with the procurement
25 plan approved by the Commission for the
26 supplemental procurement process;

1 (v) preserve the confidentiality of supplier
2 and bidding information in a manner consistent
3 with all applicable laws, rules, regulations, and
4 tariffs;

5 (vi) provide expert advice to the Commission
6 and consult with the procurement administrator
7 regarding issues related to procurement process
8 design, rules, protocols, and policy-related
9 matters;

10 (vii) consult with the procurement
11 administrator regarding the development and use of
12 benchmark criteria, standard form contracts,
13 credit policies, and bid documents; and

14 (viii) perform, with respect to the
15 supplemental procurement process, any other
16 procurement monitor duties specifically delineated
17 within subsection (i) of this Section.

18 (C) Solicitation, pre-qualification, and
19 registration of bidders. The procurement administrator
20 shall disseminate information to potential bidders to
21 promote a procurement event, notify potential bidders
22 that the procurement administrator may enter into a
23 post-bid price negotiation with bidders that meet the
24 applicable benchmarks, provide supply requirements,
25 and otherwise explain the competitive procurement
26 process. In addition to such other publication as the

1 procurement administrator determines is appropriate,
2 this information shall be posted on the Agency's and
3 the Commission's websites. The procurement
4 administrator shall also administer the
5 prequalification process, including evaluation of
6 credit worthiness, compliance with procurement rules,
7 and agreement to the standard form contract developed
8 pursuant to item (D) of this paragraph (4). The
9 procurement administrator shall then identify and
10 register bidders to participate in the procurement
11 event.

12 (D) Standard contract forms and credit terms and
13 instruments. The procurement administrator, in
14 consultation with the Agency, the Commission, and
15 other interested parties and subject to Commission
16 oversight, shall develop and provide standard contract
17 forms for the supplier contracts that meet generally
18 accepted industry practices as well as include any
19 applicable State of Illinois terms and conditions that
20 are required for contracts entered into by an agency
21 of the State of Illinois. Standard credit terms and
22 instruments that meet generally accepted industry
23 practices shall be similarly developed. Contracts for
24 new photovoltaics shall include a provision attesting
25 that the supplier will use a qualified person for the
26 installation of the device pursuant to paragraph (1)

1 of subsection (i) of this Section. The procurement
2 administrator shall make available to the Commission
3 all written comments it receives on the contract
4 forms, credit terms, or instruments. If the
5 procurement administrator cannot reach agreement with
6 the parties as to the contract terms and conditions,
7 the procurement administrator must notify the
8 Commission of any disputed terms and the Commission
9 shall resolve the dispute. The terms of the contracts
10 shall not be subject to negotiation by winning
11 bidders, and the bidders must agree to the terms of the
12 contract in advance so that winning bids are selected
13 solely on the basis of price.

14 (E) Requests for proposals; competitive
15 procurement process. The procurement administrator
16 shall design and issue requests for proposals to
17 supply renewable energy credits in accordance with the
18 supplemental procurement plan, as approved by the
19 Commission. The requests for proposals shall set forth
20 a procedure for sealed, binding commitment bidding
21 with pay-as-bid settlement, and provision for
22 selection of bids on the basis of price, provided,
23 however, that no bid shall be accepted if it exceeds
24 the benchmark developed pursuant to item (F) of this
25 paragraph (4).

26 (F) Benchmarks. Benchmarks for each product to be

1 procured shall be developed by the procurement
2 administrator in consultation with Commission staff,
3 the Agency, and the procurement monitor for use in
4 this supplemental procurement.

5 (G) A plan for implementing contingencies in the
6 event of supplier default, Commission rejection of
7 results, or any other cause.

8 (5) Within 2 business days after opening the sealed
9 bids, the procurement administrator shall submit a
10 confidential report to the Commission. The report shall
11 contain the results of the bidding for each of the
12 products along with the procurement administrator's
13 recommendation for the acceptance and rejection of bids
14 based on the price benchmark criteria and other factors
15 observed in the process. The procurement monitor also
16 shall submit a confidential report to the Commission
17 within 2 business days after opening the sealed bids. The
18 report shall contain the procurement monitor's assessment
19 of bidder behavior in the process as well as an assessment
20 of the procurement administrator's compliance with the
21 procurement process and rules. The Commission shall review
22 the confidential reports submitted by the procurement
23 administrator and procurement monitor and shall accept or
24 reject the recommendations of the procurement
25 administrator within 2 business days after receipt of the
26 reports.

1 (6) Within 3 business days after the Commission
2 decision approving the results of a procurement event, the
3 Agency shall enter into binding contractual arrangements
4 with the winning suppliers using the standard form
5 contracts.

6 (7) The names of the successful bidders and the
7 average of the winning bid prices for each contract type
8 and for each contract term shall be made available to the
9 public within 2 days after the supplemental procurement
10 event. The Commission, the procurement monitor, the
11 procurement administrator, the Agency, and all
12 participants in the procurement process shall maintain the
13 confidentiality of all other supplier and bidding
14 information in a manner consistent with all applicable
15 laws, rules, regulations, and tariffs. Confidential
16 information, including the confidential reports submitted
17 by the procurement administrator and procurement monitor
18 pursuant to this Section, shall not be made publicly
19 available and shall not be discoverable by any party in
20 any proceeding, absent a compelling demonstration of need,
21 nor shall those reports be admissible in any proceeding
22 other than one for law enforcement purposes.

23 (8) The supplemental procurement provided in this
24 subsection (i) shall not be subject to the requirements
25 and limitations of subsections (c) and (d) of this
26 Section.

1 (9) Expenses incurred in connection with the
2 procurement process held pursuant to this Section,
3 including, but not limited to, the cost of developing the
4 supplemental procurement plan, the procurement
5 administrator, procurement monitor, and the cost of the
6 retirement of renewable energy credits purchased pursuant
7 to the supplemental procurement shall be paid for from the
8 Illinois Power Agency Renewable Energy Resources Fund. The
9 Agency shall enter into an interagency agreement with the
10 Commission to reimburse the Commission for its costs
11 associated with the procurement monitor for the
12 supplemental procurement process.

13 (j) There shall be created a low-income community
14 hydropower pilot project program. Under this program, persons,
15 and entities including, but not limited to, electric
16 utilities, shall propose pilot community hydropower projects.
17 Community hydropower projects proposed under this subsection
18 may exceed 2,000 kilowatts in nameplate capacity, and the
19 amount paid per project under this program may not exceed
20 \$20,000,000. Pilot projects must result in economic benefits
21 for the members of the community in which the project will be
22 located. The proposed pilot project must include a partnership
23 with at least one community-based organization. Approved pilot
24 projects shall be competitively bid by the Agency, subject to
25 fair and equitable guidelines developed by the Agency. Funding
26 available under this subsection must include a project

1 partnership that includes community ownership for the project
2 subscribers. Contracts entered into under this subsection may
3 be entered into with an entity that will develop and
4 administer the program or with developers and shall also
5 include contracts for renewable energy credits related to the
6 program. A project proposed by a utility that is implemented
7 under this subsection shall not be included in the utility's
8 rate base.

9 (Source: P.A. 102-662, eff. 9-15-21.)

10 Section 10. The Public Utilities Act is amended by
11 changing Section 8-512 as follows:

12 (220 ILCS 5/8-512)

13 Sec. 8-512. Renewable energy access plan.

14 (a) It is the policy of this State to promote
15 cost-effective transmission system development that ensures
16 reliability of the electric transmission system, lowers carbon
17 emissions, minimizes long-term costs for consumers, and
18 supports the electric policy goals of this State. The General
19 Assembly finds that:

20 (1) Transmission planning, primarily for reliability
21 purposes, but also for economic and public policy reasons
22 is conducted by regional transmission organizations in
23 which transmission-owning Illinois utilities and other
24 stakeholders are members.

1 (2) Order No. 1000 of the Federal Energy Regulatory
2 Commission requires regional transmission organizations to
3 plan for transmission system needs in light of State
4 public policies and to accept input from states during the
5 transmission system planning processes.

6 (3) The State of Illinois does not currently have a
7 comprehensive power and environmental policy planning
8 process to identify transmission infrastructure needs that
9 can serve as a vital input into the regional and
10 interregional transmission organization planning
11 processes conducted under Order No. 1000 and other laws
12 and regulations.

13 (4) This State is an electricity generation and power
14 transmission hub, and can leverage that position to invest
15 in infrastructure that enables new and existing Illinois
16 generators to meet the public policy goals of the State of
17 Illinois and of interconnected states while
18 cost-effectively supporting tens of thousands of jobs in
19 the renewable energy sector in this State.

20 (5) The nation has a need to readily access this
21 State's low-cost, clean electric power, and this State
22 also desires access to clean energy resources in other
23 states to develop and support its low-carbon economy and
24 keep electricity prices low in Illinois and interconnected
25 States.

26 (6) Existing transmission infrastructure may constrain

1 the State's achievement of 100% renewable energy by 2050,
2 the accelerated adoption of electric vehicles in a just
3 and equitable way, and electrification of additional
4 sectors of the Illinois economy.

5 (7) Transmission system congestion within this State
6 and the regional transmission organizations serving this
7 State limits the ability of this State's existing and new
8 electric generation facilities that do not emit carbon
9 dioxide, including renewable energy resources and zero
10 emission facilities, to serve the public policy goals of
11 this State and other states, which constrains investment
12 in this State.

13 (8) Investment in infrastructure to support existing
14 and new electric generation facilities that do not emit
15 carbon dioxide, including renewable energy resources and
16 zero emission facilities, stimulates significant economic
17 development and job growth in this State, as well as
18 creates environmental and public health benefits in this
19 State.

20 (9) Creating a forward-looking plan for this State's
21 electric transmission infrastructure, as opposed to
22 relying on case-by-case development and repeated marginal
23 upgrades, will achieve a lower-cost system for Illinois'
24 electricity customers. A forward-looking plan can also
25 help integrate and achieve a comprehensive set of
26 objectives and multiple state, regional, and national

1 policy goals.

2 (10) Alternatives to overhead electric transmission
3 lines can achieve cost-effective resolution of system
4 impacts and warrant investigation of the circumstances
5 under which those alternatives should be considered and
6 approved. The alternatives are likely to be beneficial as
7 investment in electric transmission infrastructure moves
8 forward.

9 (11) Because transmission planning is conducted
10 primarily by the regional transmission organizations, the
11 Commission should be advocating for the State's interests
12 at the regional transmission organizations to ensure that
13 such planning facilitates the State's policies and goals,
14 including overall consumer savings, power system
15 reliability, economic development, environmental
16 improvement, and carbon reduction.

17 (b) Consistent with the findings identified in subsection
18 (a), the Commission shall open an investigation to develop and
19 adopt a renewable energy access plan no later than December
20 31, 2022. To assist and support the Commission in the
21 development of the plan, the Commission shall retain the
22 services of technical and policy experts with relevant fields
23 of expertise, solicit technical and policy analysis from the
24 public, and provide for a 120-day open public comment period
25 after publication of a draft report, which shall be published
26 no later than 90 days after the comment period ends. The plan

1 shall, at a minimum, do the following:

2 (1) designate renewable energy access plan zones
3 throughout this State in areas in which renewable energy
4 resources and suitable land areas are sufficient for
5 developing generating capacity from renewable energy
6 technologies;

7 (2) develop a plan to achieve transmission capacity
8 necessary to deliver the electric output from renewable
9 energy technologies in the renewable energy access plan
10 zones to customers in Illinois and other states in a
11 manner that is most beneficial and cost-effective to
12 customers;

13 (3) use this State's position as an electricity
14 generation and power transmission hub to create new
15 investment in this State's renewable energy resources;

16 (4) consider programs, policies, and electric
17 transmission projects that can be adopted within this
18 State that promote the cost-effective delivery of power
19 from renewable energy resources interconnected to the bulk
20 electric system to meet the renewable portfolio standard
21 targets under subsection (c) of Section 1-75 of the
22 Illinois Power Agency Act;

23 (5) consider proposals to improve regional
24 transmission organizations' regional and interregional
25 system planning processes, especially proposals that
26 reduce costs and emissions, create jobs, and increase

1 State and regional power system reliability to prevent
2 high-cost outages that can endanger lives, and analyze of
3 how those proposals would improve reliability and
4 cost-effective delivery of electricity in Illinois and the
5 region;

6 (6) make findings and policy recommendations based on
7 technical and policy analysis regarding locations of
8 renewable energy access plan zones and the transmission
9 system developments needed to cost-effectively achieve the
10 public policy goals identified herein; ~~and~~

11 (6.5) make findings and policy recommendations based
12 on technical and policy analysis regarding the impact of
13 converting nonpowered dams to hydropower dams relative to
14 alternative renewal energy resources; and

15 (7) present the Commission's conclusions and proposed
16 recommendations based on its analysis and use the findings
17 and policy recommendations to determine actions that the
18 Commission should take.

19 (c) No later than December 31, 2025, and every other year
20 thereafter, the Commission shall open an investigation to
21 develop and adopt an updated renewable energy access plan
22 that, at a minimum, evaluates the implementation and
23 effectiveness of the renewable energy access plan, recommends
24 improvements to the renewable energy access plan, and provides
25 changes to transmission capacity necessary to deliver electric
26 output from the renewable energy access plan zones.

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1 (Source: P.A. 102-662, eff. 9-15-21.)