

1 AN ACT concerning municipalities.

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

4 Section 5. The Illinois Municipal Code is amended by  
5 changing Section 11-21.5-5 as follows:

6 (65 ILCS 5/11-21.5-5)

7 Sec. 11-21.5-5. Local emergency energy plans.

8 (a) Any municipality, including a home rule  
9 municipality, may, by ordinance, require any electric utility  
10 (i) that serves more than 1,000,000 customers in Illinois and  
11 (ii) that is operating within the corporate limits of the  
12 municipality to adopt and to provide the municipality with a  
13 local emergency energy plan. For the purposes of this  
14 Section, (i) "local emergency energy plan" or "plan" means a  
15 planned course of action developed by the electric utility  
16 that is implemented when the demand for electricity exceeds,  
17 or is at significant risk of exceeding, the supply of  
18 electricity available to the electric utility and (ii) "local  
19 emergency energy plan ordinance" means an ordinance adopted  
20 by the corporate authorities of the municipality under this  
21 Section that requires local emergency energy plans.

22 (b) A local emergency energy plan must include the  
23 following information:

24 (1) the circumstances that would require the  
25 implementation of the plan;

26 (2) the levels or stages of the plan;

27 (3) the approximate geographic limits of each  
28 outage area provided for in the plan;

29 (4) the approximate number of customers within each  
30 outage area provided for in the plan;

31 (5) any police facilities, fire stations,

1 hospitals, nursing homes, schools, day care centers,  
2 senior citizens centers, community health centers, blood  
3 banks, dialysis centers, community mental health centers,  
4 correctional facilities, stormwater and wastewater  
5 treatment or pumping facilities, water-pumping stations,  
6 buildings in excess of 80 feet in height that have been  
7 identified by the municipality, and persons on life  
8 support systems that are known to the electric utility  
9 that could be affected by controlled rotating  
10 interruptions of electric service under the plan; and

11 (6) the anticipated sequence and duration of  
12 intentional interruptions of electric service to each  
13 outage area under the plan.

14 (c) A local emergency energy plan ordinance may require  
15 that, when an electric utility determines it is necessary to  
16 implement a controlled rotating interruption of electric  
17 service because the demand for electricity exceeds, or is at  
18 significant risk of exceeding, the supply of electricity  
19 available to the electric utility, the electric utility  
20 notify a designated municipal officer that the electric  
21 utility will be implementing its local emergency energy plan.  
22 The notification shall be made pursuant to a procedure  
23 approved by the municipality after consultation with the  
24 electric utility.

25 (d) After providing the notice required in subsection  
26 (c), an electric utility shall reasonably and separately  
27 advise designated municipal officials before it implements  
28 each level or stage of the plan, which shall include (i) a  
29 request for emergency help from neighboring utilities, (ii) a  
30 declaration of a control area emergency, and (iii) a public  
31 appeal for voluntary curtailment of electricity use.

32 (e) The electric utility must give a separate notice to  
33 a designated municipal official immediately after it  
34 determines that there will be a controlled rotating

1 interruption of electric service under the local emergency  
2 energy plan. The notification must include (i) the areas in  
3 which service will be interrupted, (ii) the sequence and  
4 estimated duration of the service outage for each area, (iii)  
5 the affected feeders, and (iv) the number of affected  
6 customers in each area. Whenever practical, the notification  
7 shall be made at least 2 hours before the time of the  
8 outages. If the electric utility is aware that controlled  
9 rotating interruptions may be required, the notification may  
10 not be made less than 30 minutes before the outages.

11 (f) A local emergency energy plan ordinance may provide  
12 civil penalties for violations of its provisions. The  
13 penalties must be permitted under the Illinois Municipal  
14 Code.

15 (g) The notifications required by this Section are in  
16 addition to the notification requirements of any applicable  
17 franchise agreement or ordinance and to the notification  
18 requirements of any applicable federal or State law, rule,  
19 and regulation.

20 (h) Except for any penalties or remedies that may be  
21 provided in a local emergency energy plan ordinance, in this  
22 Act, or in rules adopted by the Illinois Commerce Commission,  
23 nothing in this Section shall be construed to impose  
24 liability for or prevent a utility from taking any actions  
25 that are necessary at any time, in any order, and with or  
26 without notice that are required to preserve the integrity of  
27 the electric utility's electrical system and interconnected  
28 network.

29 (i) Nothing in this Section, a local emergency energy  
30 plan ordinance, or a local emergency energy plan creates any  
31 duty of a municipality to any person or entity. No  
32 municipality may be subject to any claim or cause of action  
33 arising, directly or indirectly, from its decision to adopt  
34 or to refrain from adopting a local emergency energy plan

1 ordinance. No municipality may be subject to any claim or  
2 cause of action arising, directly or indirectly, from any act  
3 or omission under the terms of or information provided in a  
4 local emergency energy plan filed under a local emergency  
5 energy plan ordinance.

6 (Source: P.A. 91-137, eff. 7-16-99; 92-651, eff. 7-11-02.)

7 Section 99. Effective date. This Act takes effect upon  
8 becoming law.