



## 94TH GENERAL ASSEMBLY

### State of Illinois

2005 and 2006

HB3473

Introduced 2/23/2005, by Rep. Michael K. Smith

#### SYNOPSIS AS INTRODUCED:

220 ILCS 5/8-505.2 new  
220 ILCS 5/16-125

Amends the Public Utilities Act. Requires each electric utility to submit to the Illinois Commerce Commission a non-emergency vegetation management schedule for the utility's service areas that is no more than 4 years in duration and that ensures that trees in all parts of the utility's service areas are trimmed at least once every 4 years. Requires the Commission to post the schedule on its web site. Requires each electric utility to submit an annual report to the Commission indicating the percentage of the utility's vegetation management schedule that has been completed along with an affidavit from a representative of the utility that lists the number and nature of all complaints for the previous calendar year related to the ANSI A300 standards. Requires compensation for affected customers if more than 0.8% of the electric utility's total customers (now, more than 30,000 of the electric utility's customers) are subject to (i) a continuous interruption of power lasting 4 hours or more that results in the transmission of power at less than 50% of the standard voltage or that results in the total loss of power transmission or (ii) a power surge or other fluctuation that causes damage. Provides that the Illinois Commerce Commission shall require certain electric utilities or alternative retail electric suppliers to submit certain data concerning non-supervisory employees. Requires Commission rules to set forth (i) standards for inspecting, maintaining, and repairing certain electric generation facilities and electric transmission or distribution facilities and (ii) safety and reliability standards for certain electric generation facilities and electric transmission and distribution facilities. Deletes a provision that certain requirements apply only to an electric public utility having 1,000,000 or more customers.

LRB094 10947 MKM 41526 b

FISCAL NOTE ACT  
MAY APPLY

1 AN ACT concerning regulation.

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

4 Section 5. The Public Utilities Act is amended by adding  
5 Section 8-505.2 and by changing Section 16-125 as follows:

6 (220 ILCS 5/8-505.2 new)

7 Sec. 8-505.2. Non-emergency vegetation management;  
8 schedules; filings; annual reporting requirements.

9 (a) Each electric utility shall submit to the Commission a  
10 vegetation management schedule for the utility's service  
11 areas. The schedule shall include the utility's non-emergency  
12 trimming schedule and shall be no more than 4 years in  
13 duration. The schedule must ensure that trees in all parts of  
14 the electric utility's service areas are trimmed at least once  
15 every 4 years. Within 30 days after the utility submits the  
16 schedule to the Commission, the Commission shall post the  
17 schedule on the Commission's web site on a separate page  
18 reserved exclusively for utility vegetation management  
19 schedules.

20 (b) Each electric utility must submit an annual report to  
21 the Commission indicating what percentage of the utility's  
22 vegetation management schedule has been completed. Upon  
23 submitting the annual report, a representative of the utility  
24 shall sign and file with the Commission an affidavit that lists  
25 the number and nature of all complaints for the previous  
26 calendar year related to the ANSI A300 standards.

27 (220 ILCS 5/16-125)

28 Sec. 16-125. Transmission and distribution reliability  
29 requirements.

30 (a) To assure the reliable delivery of electricity to all  
31 customers in this State and the effective implementation of the

1 provisions of this Article, the Commission shall, within 180  
2 days of the effective date of this Article, adopt rules and  
3 regulations for assessing and assuring the reliability of the  
4 transmission and distribution systems and facilities that are  
5 under the Commission's jurisdiction.

6 (b) These rules and regulations shall require each electric  
7 utility or alternative retail electric supplier owning,  
8 controlling, or operating transmission and distribution  
9 facilities and equipment subject to the Commission's  
10 jurisdiction, referred to in this Section as "jurisdictional  
11 entities", to adopt and implement procedures for restoring  
12 transmission and distribution services to customers after  
13 transmission or distribution outages on a nondiscriminatory  
14 basis without regard to whether a customer has chosen the  
15 electric utility, an affiliate of the electric utility, or  
16 another entity as its provider of electric power and energy.  
17 These rules and regulations shall also, at a minimum,  
18 specifically require each jurisdictional entity to submit  
19 annually to the Commission.

20 (1) the number and duration of planned and unplanned  
21 outages during the prior year and their impacts on  
22 customers;

23 (2) outages that were controllable and outages that  
24 were exacerbated in scope or duration by the condition of  
25 facilities, equipment or premises or by the actions or  
26 inactions of operating personnel or agents;

27 (3) customer service interruptions that were due  
28 solely to the actions or inactions of an alternative retail  
29 electric supplier or a public utility in supplying power or  
30 energy;

31 (4) a detailed report of the age, current condition,  
32 reliability and performance of the jurisdictional entity's  
33 existing transmission and distribution facilities, which  
34 shall include, without limitation, the following data:

35 (i) a summary of the jurisdictional entity's  
36 outages and voltage variances reportable under the

1 Commission's rules;

2 (ii) the jurisdictional entity's expenditures for  
3 transmission construction and maintenance, the ratio  
4 of those expenditures to the jurisdictional entity's  
5 transmission investment, and the average remaining  
6 depreciation lives of the entity's transmission  
7 facilities, expressed as a percentage of total  
8 depreciation lives;

9 (iii) the jurisdictional entity's expenditures for  
10 distribution construction and maintenance, the ratio  
11 of those expenditures to the jurisdictional entity's  
12 distribution investment, and the average remaining  
13 depreciation lives of the entity's distribution  
14 facilities, expressed as a percentage of total  
15 depreciation lives;

16 (iv) a customer satisfaction survey covering,  
17 among other areas identified in Commission rules,  
18 reliability, customer service, and understandability  
19 of the jurisdictional entity's services and prices;  
20 and

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

23 (5) a plan for future investment and reliability  
24 improvements for the jurisdictional entity's transmission  
25 and distribution facilities that will ensure continued  
26 reliable delivery of energy to customers and provide the  
27 delivery reliability needed for fair and open competition;  
28 ~~and~~

29 (6) a report of the jurisdictional entity's  
30 implementation of its plan filed pursuant to subparagraph  
31 (5) for the previous reporting period; ~~and~~

32 (7) the number of non-supervisory employees by  
33 classification or job title working at each calendar year's  
34 end at each headquarter, service area, reporting point, or  
35 plant and if the total number of non-supervisory employees  
36 is 1% or greater less than the preceding year's report and

1 a detailed explanation showing reasons for the decrease in  
2 employees and the effect on safety and reliability.

3 (c) The Commission rules shall set forth:

4 (1) The ~~the~~ criteria that will be used to assess each  
5 jurisdictional entity's annual report and evaluate its  
6 reliability performance. Such criteria must take into  
7 account, at a minimum: the items required to be reported in  
8 subsection (b); the relevant characteristics of the area  
9 served; the age and condition of the system's equipment and  
10 facilities; good engineering practices; the costs of  
11 potential actions; and the benefits of avoiding the risks  
12 of service disruption.

13 (2) Standards for inspecting, maintaining, and  
14 repairing each of the following:

15 (i) Electric generation facilities in Illinois  
16 that are owned by public utilities or provide service  
17 to public utilities under contracts with terms of 2  
18 years or more.

19 (ii) Electric transmission or distribution  
20 facilities in this State that are owned by public  
21 utilities.

22 (3) Standards that the Commission determines are  
23 necessary for the safe and reliable operation of each of  
24 the following:

25 (i) Electric generation facilities in the State  
26 that are owned by public utilities or provide service  
27 to public utilities under contracts with terms of 2  
28 years or more.

29 (ii) Electric transmission or distribution  
30 facilities in this State that are owned by public  
31 utilities.

32 (d) At least every 3 years, beginning in the year the  
33 Commission issues the rules required by subsection (a) or the  
34 following year if the rules are issued after June 1, the  
35 Commission shall assess the annual report of each  
36 jurisdictional entity and evaluate its reliability

1 performance. The Commission's evaluation shall include  
2 specific identification of, and recommendations concerning,  
3 any potential reliability problems that it has identified as a  
4 result of its evaluation.

5 (e) In the event that more than 0.8% of the total ~~30,000~~  
6 customers of an electric utility are subjected to a continuous  
7 power interruption of 4 hours or more that results in the  
8 transmission of power at less than 50% of the standard voltage,  
9 or that results in the total loss of power transmission, the  
10 utility shall be responsible for compensating customers  
11 affected by that interruption for 4 hours or more for all  
12 actual damages, which shall not include consequential damages,  
13 suffered as a result of the power interruption. The utility  
14 shall also reimburse the affected municipality, county, or  
15 other unit of local government in which the power interruption  
16 has taken place for all emergency and contingency expenses  
17 incurred by the unit of local government as a result of the  
18 interruption. A waiver of the requirements of this subsection  
19 may be granted by the Commission in instances in which the  
20 utility can show that the power interruption was a result of  
21 any one or more of the following causes:

22 (1) Unpreventable damage due to weather events or  
23 conditions.

24 (2) Customer tampering.

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

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

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

32 (f) In the event of a power surge or other fluctuation that  
33 causes damage and affects more than 0.8% of the total ~~30,000~~  
34 customers of an electric utility, the electric utility shall  
35 pay to affected customers the replacement value of all goods  
36 damaged as a result of the power surge or other fluctuation

1 unless the utility can show that the power surge or other  
2 fluctuation was due to one or more of the following causes:

3 (1) Unpreventable damage due to weather events or  
4 conditions.

5 (2) Customer tampering.

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

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

11 Loss of revenue and expenses incurred in complying with this  
12 subsection may not be recovered from ratepayers. Customers with  
13 respect to whom a waiver has been granted by the Commission  
14 pursuant to subparagraphs (1)-(4) of subsections (e) and (f)  
15 shall not count toward the 0.8% of the total ~~30,000~~ customers  
16 required therein.

17 (g) Whenever an electric utility must perform planned or  
18 routine maintenance or repairs on its equipment that will  
19 result in transmission of power at less than 50% of the  
20 standard voltage, loss of power, or power fluctuation (as  
21 defined in subsection (f)), the utility shall make reasonable  
22 efforts to notify potentially affected customers no less than  
23 24 hours in advance of performance of the repairs or  
24 maintenance.

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

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

35 (j) The Commission shall by rule require an electric  
36 utility to maintain service records detailing information on

1 each instance of transmission of power at less than 50% of the  
2 standard voltage, loss of power, or power fluctuation (as  
3 defined in subsection (f)), that affects 10 or more customers.  
4 Occurrences that are momentary shall not be required to be  
5 recorded or reported. The service record shall include, for  
6 each occurrence, the following information:

7 (1) The date.

8 (2) The time of occurrence.

9 (3) The duration of the incident.

10 (4) The number of customers affected.

11 (5) A description of the cause.

12 (6) The geographic area affected.

13 (7) The specific equipment involved in the fluctuation  
14 or interruption.

15 (8) A description of measures taken to restore service.

16 (9) A description of measures taken to remedy the cause  
17 of the power interruption or fluctuation.

18 (10) A description of measures taken to prevent future  
19 occurrence.

20 (11) The amount of remuneration, if any, paid to  
21 affected customers.

22 (12) A statement of whether the fixed charge was waived  
23 for affected customers.

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

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

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