



Sen. Don Harmon

Filed: 3/1/2007

09500SB1184sam001

LRB095 10949 MJR 32468 a

1 AMENDMENT TO SENATE BILL 1184

2 AMENDMENT NO. _____. Amend Senate Bill 1184 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the
5 Affordable and Clean Energy Standards (ACES) Act.

6 Section 5. Findings. The General Assembly finds the
7 following:

8 (1) Energy efficiency is a cost-effective resource that
9 ensures affordable and reliable energy to Illinois consumers.

10 (2) It is desirable to obtain the environmental quality,
11 public health, employment, economic development, rate
12 stabilization, and fuel diversity benefits of developing new
13 renewable energy resources for use in Illinois.

14 (3) The General Assembly has previously found and declared
15 that the benefits of electricity from renewable energy
16 resources accrue to the public at large, thus consumers and

1 electric utilities and alternative retail electric suppliers
2 share an interest in developing and using a significant level
3 of these environmentally preferable resources in the State's
4 electricity supply portfolio.

5 (4) Energy efficiency and renewable energy in Illinois are
6 resources that are currently underutilized.

7 (5) Investment in energy efficiency and load management,
8 combined with energy efficiency codes and standards, present
9 important opportunities to increase Illinois' energy security,
10 protect Illinois energy consumers from price volatility,
11 preserve the State's natural resources and pursue an improved
12 environment in Illinois.

13 (6) It serves the public interest to support public utility
14 investments in cost-effective energy efficiency and load
15 management by allowing recovery of costs for reasonable and
16 prudently incurred expenses of energy efficiency, renewable
17 energy, and load management programs.

18 (7) Investments in energy efficiency and implementation of
19 utility energy efficiency programs dedicated to
20 economically-disadvantaged Illinois residents, in addition to
21 existing low-income weatherization programs managed by the
22 State of Illinois, will reduce the burden of utility costs on
23 low-income customers.

24 (8) Public utility investments in cost-effective energy
25 efficiency, renewable energy, and load management, combined
26 with the adoption of efficiency codes and standards, can

1 provide significant reductions in greenhouse gas emissions,
2 regulated air emissions, water consumption, and natural
3 resource depletion and can avoid or delay the need for more
4 expensive generation, transmission, and distribution
5 infrastructure.

6 (9) It serves the public interest, the reliability of the
7 electric transmission grid, and the natural gas
8 infrastructure, as well as the State of Illinois' economy, to
9 treat energy efficiency programs as a resource similar to any
10 other supply side resource whose costs are eligible for
11 recovery through rates.

12 (10) Investment in energy efficiency programs is a public
13 good that public utility should be required to deliver
14 cost-effectively in order to provide real and sustained relief
15 to customers whose rising energy costs continue to threaten the
16 economic well-being of residential customers, businesses, and
17 industries in the State.

18 Section 10. Definitions.

19 "Board" means the Capital Development Board.

20 "Code" means the 2006 International Energy Conservation
21 Code.

22 "Commission" means the Illinois Commerce Commission.

23 "Cost-effective" means that the program being evaluated
24 satisfies the total resource cost test as defined in this
25 Section.

1 "Department" means the Department of Commerce and Economic
2 Opportunity.

3 "Distribution cooperative utility" means a utility with
4 distribution facilities organized as a rural electric
5 cooperative.

6 "Energy conservation" is any reduction in electric power
7 consumption or natural gas consumption resulting from: (i)
8 increased energy efficiency in the production, transmission,
9 distribution, and customer end-use applications of electricity
10 and natural gas and (ii) increased customer knowledge
11 concerning the societal impacts of consumption. Such knowledge
12 may be the result of economically efficient energy prices or
13 other means of communication when prices are of the second best
14 nature.

15 "Energy efficiency" means measures, including energy
16 conservation measures, or programs that target consumer
17 behavior, equipment, or devices to result in a decrease in
18 consumption of electricity and natural gas without reducing the
19 amount or quality of energy services.

20 "External costs" or "negative externalities" are costs
21 imposed on society that are not directly borne by the producer
22 in production and delivery activities. Due to imperfections in,
23 or the absence of, markets, the producer's production, and
24 pricing decisions do not account for these costs.

25 "Large customer" means a utility customer at a single,
26 contiguous field, location, or facility, regardless of the

1 number of meters at that field, location, or facility, with
2 electricity consumption greater than 7,000 megawatt-hours per
3 year or natural gas use greater than 5,000 therms per year.

4 "Load management" means measures or programs that target
5 equipment or devices to result in decrease peak electricity
6 demand or shift demand from peak to off-peak periods

7 "Municipality" means any city, village, or incorporated
8 town.

9 "Planning costs" are the costs of evaluating the future
10 demand for energy services and of evaluating alternative
11 methods of satisfying that demand. Planning costs include, but
12 are not be limited to, costs associated with: (i) econometric
13 and end-use forecasting, (ii) identification and evaluation of
14 alternative demand-side and supply-side resource options, and
15 (iii) evaluation of externalities associated with alternative
16 resources.

17 "Portfolio development costs" are costs of preparing a
18 resource in a portfolio for prompt and timely acquisition.
19 Portfolio development costs include, but are not be limited to,
20 costs associated with: (i) negotiating contracts with
21 competitively acquired resources, (ii) acquiring and holding
22 resource options; and (iii) developing and maintaining the
23 capability to rapidly acquire demand-side resources.

24 "Residential building" means a detached one-family or
25 2-family dwelling or any building that is 3 stories or less in
26 height above grade that contains multiple dwelling units, in

1 which the occupants reside on a primarily permanent basis such
2 as a townhouse, a row house, an apartment house, a convent, a
3 monastery, a rectory, a fraternity or sorority house, a
4 dormitory, and a rooming house.

5 "Renewable energy resources" includes energy and renewable
6 energy credits from wind, solar thermal energy, photovoltaic
7 cells and panels, dedicated crops grown for energy production
8 and organic waste biomass, hydropower that does not involve new
9 construction or significant expansion of hydropower dams, and
10 other such alternative sources of environmentally preferable
11 energy. "Renewable energy resources" does not include energy
12 from the incineration, burning or heating of waste wood, tires,
13 garbage, general household, institutional and commercial
14 waste, industrial lunchroom or office waste, landscape waste,
15 or construction or demolition debris.

16 "Renewable energy credit" means a tradable credit that
17 represents the environmental attributes of a certain amount of
18 energy produced from a Renewable energy resource.

19 "Energy efficiency resources" means energy efficiency
20 programs designed to assist customers to use energy more
21 efficiently, reduce or control their consumption of energy, as
22 measured in kilowatts, kilowatthours or therms, or otherwise
23 control the level of their electric utility bills.

24 "Total resource cost test" means a standard that is met if,
25 for an investment in energy efficiency or load management, the
26 benefit-cost ratio is greater than one. The benefit-cost ratio

1 is the ratio of the net present value of the total benefits of
2 the program to the net present value of the total costs as
3 calculated over the lifetime of the measures. A total resource
4 cost test's:

5 (1) benefits include, but are not limited to, avoided
6 supply costs, reductions in transmission, distribution,
7 generation, and capacity costs valued at marginal costs for
8 the periods when load is reduced, avoided environmental
9 damage, increased system reliability, and others deemed
10 appropriate by the Commission;

11 (2) costs are program costs paid by both the utility
12 and participant including, but not limited to, equipment
13 costs, installation, net operation and maintenance costs
14 or benefits, and program administration; and

15 (3) provisions include an oversight and evaluation
16 process that shall periodically monitor and develop data on
17 the cost effectiveness and actual productivity of demand
18 side efficiency and conservation programs.

19 Section 15. Utility energy efficiency programs.

20 (a) It is the policy of the State that electric and natural
21 gas utilities utilize cost-effective energy efficiency and
22 load management investments in their energy resource
23 portfolios.

24 (b) Electric utilities shall use energy efficiency
25 resources to meet the following energy savings goals:

- 1 (1) 0.2% of total load to be saved in 2008;
2 (2) 0.4% of total load to be saved in 2009;
3 (3) 0.6% of total load to be saved in 2010;
4 (4) 0.8% of total load to be saved in 2011;
5 (5) 1% of total load to be saved in 2012; and
6 (6) 2% of total load to be saved in 2015 and each year
7 thereafter.

8 (c) Natural gas utilities shall use energy efficiency
9 resources to meet the following energy savings goals:

- 10 (1) 0.2% of total annual Mcf to be saved in 2008;
11 (2) 0.4% of total annual Mcf to be saved in 2009;
12 (3) 0.6% of total annual Mcf to be saved in 2010;
13 (4) 0.8% of total annual Mcf to be saved in 2011;
14 (5) 1% of total annual Mcf to be saved in 2012; and
15 (6) 2% of total annual Mcf to be saved in 2015 and each
16 year thereafter.

17 (d) Implementation of the energy efficiency programs under
18 this Act shall be split between the utilities and the
19 Department of Commerce and Economic Opportunity. Electric and
20 natural gas utilities must implement programs accounting for
21 75% of the total energy efficiency program identified in each
22 utility's energy efficiency plan. Electric and natural gas
23 utilities shall administer aggressive energy savings incentive
24 programs in a market-neutral, nondiscriminatory manner.

25 Each electric and natural gas utility shall provide,
26 through market-based standard offer and other related

1 programs, incentives sufficient for retail electric and
2 natural gas customers and competitive energy service customers
3 to acquire additional, direct cost-effective energy efficiency
4 according to the goals set forth in this Plan.

5 The guidelines provide the utilities with policy and
6 planning guidance. Each utility's plan shall be the result of
7 that utility's unique planning process and judgment on how to
8 meet the energy efficiency savings goals identified in this Act
9 based on the best interests of consumers, the
10 cost-effectiveness of program offerings, and the circumstances
11 of the utility's service territory. The Department shall
12 implement energy efficiency programs accounting for 25% of the
13 total energy efficiency program budget identified in the
14 utilities' energy efficiency plans. The Department shall focus
15 on targeted market-transformation and educational programs
16 that provide additional energy savings beyond the utility
17 implemented programs.

18 (e) Within 3 months after the effective date of this Act,
19 the Commission shall adopt rules specifying the procedure for
20 electric and natural gas utilities to develop and submit an
21 energy efficiency plan. Rules shall specify the process for
22 coordination of energy efficiency program planning between the
23 Department and the utilities. Within 3 months after adoption by
24 the Commission of rules, and biennially thereafter, Illinois
25 electric and natural gas utilities shall file an energy
26 efficiency plan with the Commission. In submitting proposed

1 energy efficiency program plans and funding levels to meet the
2 savings goals adopted by this Act, the utility shall:

3 (1) Demonstrate that their proposed level of electric
4 and natural gas energy efficiency program activities and
5 funding is consistent with the adopted electric and natural
6 gas savings goals.

7 (2) Present specific proposals for programs that
8 support new building and appliance standards.

9 (3) Present estimates of the net short-term and
10 long-term rate impacts and bill impacts associated with the
11 proposed portfolio of programs designed to meet the adopted
12 energy savings goals. The utilities shall work with
13 Commission to develop a consistent format for presenting
14 these estimates in their filings.

15 (4) Present a suite of energy efficiency programs
16 targeted to households at or below 150% of the poverty
17 level at a level proportionate to those households' share
18 of total annual utility expenditures in Illinois.

19 (5) Demonstrate that their investments in energy
20 efficiency are cost effective using the total resource cost
21 test.

22 (6) Include a proposed cost recovery tariff mechanism
23 to fund the proposed energy efficiency programs.

24 (f) The Commission shall require electric and natural gas
25 utilities to aggressively implement cost-effective energy
26 efficiency programs and utilities shall be eligible to recover

1 the costs of investments in energy efficiency under the
2 following conditions:

3 (1) A public utility that undertakes energy efficiency
4 programs shall recover the costs of energy efficiency
5 programs implemented after the effective date of this Act,
6 if the utility complies with the energy efficiency plan
7 process described in subsection (d) of this Section and in
8 good faith implements the approved programs.

9 (2) A public utility that undertakes energy efficiency
10 programs under the requirements of this Act shall be
11 eligible to recover the costs of approved programs
12 implemented after the effective date through an approved
13 tariff rider.

14 (3) The tariff rider shall provide for the recovery, on
15 a monthly basis or otherwise, of all reasonable costs of
16 approved energy efficiency programs.

17 (4) The Commission may not arbitrarily limit cost
18 recovery for cost-effective programs based on previous
19 rate impact limits.

20 Section 20. Renewable portfolio standard.

21 (a) An electric utility shall procure or obtain renewable
22 energy resources in amounts equal to at least the following
23 percentages of the total electricity that it supplies to its
24 Illinois customers: 3% by December 31, 2008; 4% by December 31,
25 2009; 5% by December 31, 2010; 6% by December 31, 2011; 7% by

1 December 31, 2012; 8% by December 31, 2013; 9% by December 31,
2 2014; 10% by December 31, 2015, and 25% by 2025. To the extent
3 that it is available, at least 75% of the renewable energy
4 resources used to meet these standards shall come from wind
5 generation.

6 (b) For the purpose of this Section, the required
7 procurement of renewable energy resources for a particular year
8 shall be measured as a percentage of the actual amount of
9 electricity (megawatthours) supplied by the electric utility
10 in the calendar year ending immediately prior to the
11 procurement.

12 (c) Notwithstanding the requirements of subsection (a), an
13 electric utility may reduce the amount of electric energy
14 procured under new contracts from renewable energy resources in
15 any single year by an amount necessary to limit the estimated
16 average net increase to customers, due to these contracts, to
17 be no more than 1.5% of customers' total electricity bills for
18 the calendar year ending immediately prior to the procurement,
19 subject to adjustments for any known subsequent rate increases.
20 Any reductions in one year shall be offset by additional
21 procurement in the following years subject to the annual
22 limitation set forth above.

23 (d) In order to achieve improved air and water quality,
24 additional environmental benefits, better public health, and
25 economic development for Illinois, renewable energy resources
26 shall be counted for the purpose of meeting the renewable

1 energy standards set forth in subsection (a) of this Section
2 only if they are generated from facilities located in the State
3 or in a serious or severe ozone non-attainment area, as
4 designated by the United States Environmental Protection
5 Agency, in another directly adjacent state. Renewable energy
6 resources may be counted for purposes of the renewable energy
7 standards set forth in subsection (a) of this Section after
8 December 31, 2010 if they are generated from a facility
9 anywhere in a directly adjacent state or in any state that is
10 currently in the United States Environmental Protection Agency
11 Region V, and if that state has entered into an agreement with
12 the State as provided in subsection (e), and if the renewable
13 energy resources procured meet the formula set forth in
14 subsection (b) of this Section.

15 (e) The Department of Commerce and Economic Opportunity and
16 other state officials shall attempt to work with public
17 officials in directly adjacent states and other states
18 currently in United States Environmental Protection Agency
19 Region V to develop an agreement in which electric utilities in
20 the State shall be allowed, after December 31, 2010, to count
21 for the purpose of meeting the designated renewable energy
22 standards set forth in subsection (a) of this Section some
23 renewable energy resources generated in a directly adjacent
24 state or in any state that is currently in United States
25 Environmental Protection Agency Region V if that state has
26 enacted renewable energy portfolio standards and that other

1 state also allows renewable energy resources generated in the
2 State to be counted towards meeting its statutory renewable
3 energy standards on substantially the same basis. For the
4 purposes of such an agreement, all renewable energy resources
5 procured must meet the method of calculation set forth in this
6 Act.

7 (f) Each electric utility shall report to the Commission on
8 compliance with these standards by April 1 of each year,
9 beginning in 2008.

10 (g) If an electric utility does not procure or obtain the
11 full amount of renewable energy resources specified by the
12 standards in subsection (a) of this Section, as modified by the
13 limitations of subsection (c) of this Section, then the
14 electric utility shall pay a penalty of \$40 per megawatthour
15 each year for any shortfall unless and until the utility makes
16 sufficient purchases to meet the requirement. Provided,
17 however, that, if the electric utility proves to the Commission
18 that renewable energy resources are not available in sufficient
19 quantities to meet the renewable energy standards set forth in
20 subsection (a) of this Section, as modified by the limitations
21 of subsection (c) of this Section, and, if the Commission finds
22 that the electric utility has, in fact, proved that the
23 renewable energy resources are not available in sufficient
24 quantities, after notice and a hearing conducted in accordance
25 with the Commission's rules of practice, then the Commission
26 shall waive the penalty. Any penalty payment shall be deposited

1 into the Renewable Energy Resources Trust Fund to be used by
2 the Department of Commerce and Economic Opportunity for the
3 sole purposes of supporting the actual development,
4 construction, and utilization of renewable energy projects in
5 the State.

6 (h) The Commission shall promulgate rules as necessary
7 within 12 months after the effective date of this Act to assist
8 in implementing this Section including, but not limited to,
9 methods of procurement, accounting, tracking, and reporting in
10 order to achieve the full objectives of this Section. The rules
11 shall also provide for recovery of costs incurred and the pass
12 through to customers of any savings achieved by electric
13 utilities as a result of procuring or obtaining the renewable
14 energy resources specified under subsection (a) of this
15 Section. The rate elements and rates used for such cost
16 recovery may be established by the electric utility, subject to
17 the Commission's review and approval, outside the context of a
18 general rate case.

19 (i) In connection with their compliance with the
20 requirements of subsection (a) of this Section, electric
21 utilities may enter into long-term contracts of up to 20 years
22 in length with providers of renewable energy resources, and the
23 costs or savings associated with those contracts shall be
24 reflected in tariffed rates for the duration of those
25 contracts.

26 (j) Nothing shall prohibit an electric utility from issuing

1 a competitive solicitation for renewable energy resources in
2 order to meet the standards of subsection (a) of this Section
3 and from beginning to recover the associated costs in advance
4 of the conclusion of the rulemaking referenced in subsection
5 (h) of this Section, provided that such electric utility shall
6 have first requested and received Commission approval for the
7 design and conduct of such solicitation and the associated cost
8 recovery methodology and tariff, which the Commission shall
9 review and consider.

10 Section 25. Residential building energy code; home rule.

11 (a) The Board shall adopt the 2006 International Energy
12 Conservation Code (IECC), without amendment, as the statewide
13 residential building code for new home construction and
14 significant additions or remodels of existing homes.

15 (b) Except as otherwise provided by this Act, the Code
16 shall apply to any residential building or structure in this
17 State for which a building permit application is received by a
18 municipality or county on or after the effective date of this
19 Act.

20 The following buildings shall be exempt from the Energy
21 Efficient Building Code:

22 (1) Buildings otherwise exempt from the provisions of a
23 locally adopted building code and buildings that do not
24 contain a conditioned space.

25 (2) Buildings that do not use either electricity or

1 fossil fuel for comfort conditioning. For purposes of
2 determining whether this exemption applies, a building
3 will be presumed to be heated by electricity, even in the
4 absence of equipment used for electric comfort heating,
5 whenever the building is provided with electrical service
6 in excess of 100 amps, unless the code enforcement official
7 determines that this electrical service is necessary for
8 purposes other than providing electric comfort heating.

9 (3) Buildings that are listed on the National Register
10 of Historic Places or the Illinois Register of Historic
11 Places and buildings that have been designated as
12 historically significant by a local governing body that is
13 authorized to make such designations.

14 (c) The Board, or the Illinois Building Commission as
15 directed by the Board, shall make available implementation
16 materials that explain the requirements of the Code and
17 describe methods of compliance acceptable to Code enforcement
18 officials. The materials shall include software tools,
19 simplified prescriptive options, and other materials as
20 appropriate. The simplified materials shall be designed for
21 projects in which a design professional may not be involved.
22 The Board shall provide local jurisdictions with technical
23 assistance concerning implementation and enforcement of the
24 Code.

25 (d) The Board shall determine procedures for compliance
26 with the Code. These procedures may include but need not be

1 limited to certification by a national, State, or local
2 accredited energy conservation program or inspections from
3 private Code-certified inspectors using the Code.

4 (e) The Board may adopt any rules that are necessary for
5 the enforcement of this Act.

6 (f) In the development of Code adaptations, rules, and
7 procedures for compliance with the Code, the Capital
8 Development Board, or the Illinois Building Commission as
9 directed by the Board, shall seek input from representatives
10 from the building trades, design professionals, construction
11 professionals, code administrators, and other interested
12 entities affected.

13 (g) No unit of local government, including any home rule
14 unit, shall have the authority to regulate energy efficient
15 building standards in a manner that is less stringent than the
16 provisions contained in this Act. This subsection (g) is a
17 limitation under subsection (i) of Section 6 of Article VII of
18 the Illinois Constitution on the concurrent exercise by home
19 rule units of powers and functions exercised by the State.

20 Section 900. The Renewable Energy, Energy Efficiency, and
21 Coal Resources Development Law of 1997 is amended by changing
22 Sections 6-5 and 6-7 as follows:

23 (20 ILCS 687/6-5)

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

1 Sec. 6-5. Renewable Energy Resources and Coal Technology
2 Development Assistance Charge.

3 (a) Notwithstanding the provisions of Section 16-111 of the
4 Public Utilities Act but subject to subsection (e) of this
5 Section, each public utility, electric cooperative, as defined
6 in Section 3.4 of the Electric Supplier Act, and municipal
7 utility, as referenced in Section 3-105 of the Public Utilities
8 Act, that is engaged in the delivery of electricity or the
9 distribution of natural gas within the State of Illinois shall,
10 effective January 1, 1998, assess each of its customer accounts
11 a monthly Renewable Energy Resources and Coal Technology
12 Development Assistance Charge. The delivering public utility,
13 municipal electric or gas utility, or electric or gas
14 cooperative for a self-assessing purchaser remains subject to
15 the collection of the fee imposed by this Section. The monthly
16 charge shall be as follows:

17 (1) \$0.05 per month on each account for residential
18 electric service as defined in Section 13 of the Energy
19 Assistance Act;

20 (2) \$0.05 per month on each account for residential gas
21 service as defined in Section 13 of the Energy Assistance
22 Act;

23 (3) \$0.50 per month on each account for nonresidential
24 electric service, as defined in Section 13 of the Energy
25 Assistance Act, which had less than 10 megawatts of peak
26 demand during the previous calendar year;

1 (4) \$0.50 per month on each account for nonresidential
2 gas service, as defined in Section 13 of the Energy
3 Assistance Act, which had distributed to it less than
4 4,000,000 therms of gas during the previous calendar year;

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

9 (6) \$37.50 per month on each account for nonresidential
10 gas service, as defined in Section 13 of the Energy
11 Assistance Act, which had 4,000,000 or more therms of gas
12 distributed to it during the previous calendar year.

13 (b) The Renewable Energy Resources and Coal Technology
14 Development Assistance Charge assessed by electric and gas
15 public utilities shall be considered a charge for public
16 utility service.

17 (c) Until January 1, 2008, 50% ~~Fifty percent~~ of the moneys
18 collected pursuant to this Section shall be deposited in the
19 Renewable Energy Resources Trust Fund by the Department of
20 Revenue and the ~~The~~ remaining 50 percent of the moneys
21 collected pursuant to this Section shall be deposited in the
22 Coal Technology Development Assistance Fund by the Department
23 of Revenue for use under the Illinois Coal Technology
24 Development Assistance Act. Beginning on January 1, 2008, 100%
25 of the moneys deposited pursuant to this Section shall be
26 deposited in the Renewable Energy Resources Trust Fund.

1 (d) By the 20th day of the month following the month in
2 which the charges imposed by this Section were collected, each
3 utility and alternative retail electric supplier collecting
4 charges pursuant to this Section shall remit to the Department
5 of Revenue for deposit in the Renewable Energy Resources Trust
6 Fund and the Coal Technology Development Assistance Fund all
7 moneys received as payment of the charge provided for in this
8 Section on a return prescribed and furnished by the Department
9 of Revenue showing such information as the Department of
10 Revenue may reasonably require.

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

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

26 (Source: P.A. 92-690, eff. 7-18-02.)

1 (20 ILCS 687/6-7)

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

3 Sec. 6-7. Repeal. The provisions of this Law are repealed
4 on December 12, 2015 ~~10 years after the effective date of this~~
5 ~~amendatory Act of 1997~~ unless renewed by act of the General
6 Assembly.

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

8 Section 905. The Energy Assistance Act is amended by
9 changing Section 13 as follows:

10 (305 ILCS 20/13)

11 (Section scheduled to be repealed on December 31, 2007)

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

13 (a) The Supplemental Low-Income Energy Assistance Fund is
14 hereby created as a special fund in the State Treasury. The
15 Supplemental Low-Income Energy Assistance Fund is authorized
16 to receive moneys from voluntary donations from individuals,
17 foundations, corporations, and other sources, moneys received
18 pursuant to Section 17, and, by statutory deposit, the moneys
19 collected pursuant to this Section. The Fund is also authorized
20 to receive voluntary donations from individuals, foundations,
21 corporations, and other sources, as well as contributions made
22 in accordance with Section 507MM of the Illinois Income Tax
23 Act. Subject to appropriation, the Department shall use moneys

1 from the Supplemental Low-Income Energy Assistance Fund for
2 payments to electric or gas public utilities, municipal
3 electric or gas utilities, and electric cooperatives on behalf
4 of their customers who are participants in the program
5 authorized by Section 4 of this Act, for the provision of
6 weatherization services and for administration of the
7 Supplemental Low-Income Energy Assistance Fund. The yearly
8 expenditures for weatherization may not exceed 10% of the
9 amount collected during the year pursuant to this Section. The
10 yearly administrative expenses of the Supplemental Low-Income
11 Energy Assistance Fund may not exceed 10% of the amount
12 collected during that year pursuant to this Section.

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

1 (1) \$0.40 per month on each account for residential
2 electric service;

3 (2) \$0.40 per month on each account for residential gas
4 service;

5 (3) \$4 per month on each account for non-residential
6 electric service which had less than 10 megawatts of peak
7 demand during the previous calendar year;

8 (4) \$4 per month on each account for non-residential
9 gas service which had distributed to it less than 4,000,000
10 therms of gas during the previous calendar year;

11 (5) \$300 per month on each account for non-residential
12 electric service which had 10 megawatts or greater of peak
13 demand during the previous calendar year; and

14 (6) \$300 per month on each account for non-residential
15 gas service which had 4,000,000 or more therms of gas
16 distributed to it during the previous calendar year.

17 (c) For purposes of this Section:

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

25 (2) "residential gas service" means gas utility
26 service for household purposes distributed to a dwelling of

1 2 or fewer units which is billed under a residential rate,
2 or gas utility service for household purposes distributed
3 to a dwelling unit or units which is billed under a
4 residential rate and is registered by a separate meter for
5 each dwelling unit;

6 (3) "non-residential electric service" means electric
7 utility service which is not residential electric service;
8 and

9 (4) "non-residential gas service" means gas utility
10 service which is not residential gas service.

11 (d) At least 45 days prior to the date on which it must
12 begin assessing Energy Assistance Charges, each public utility
13 engaged in the delivery of electricity or the distribution of
14 natural gas shall file with the Illinois Commerce Commission
15 tariffs incorporating the Energy Assistance Charge in other
16 charges stated in such tariffs.

17 (e) The Energy Assistance Charge assessed by electric and
18 gas public utilities shall be considered a charge for public
19 utility service.

20 (f) By the 20th day of the month following the month in
21 which the charges imposed by the Section were collected, each
22 public utility, municipal utility, and electric cooperative
23 shall remit to the Department of Revenue all moneys received as
24 payment of the Energy Assistance Charge on a return prescribed
25 and furnished by the Department of Revenue showing such
26 information as the Department of Revenue may reasonably

1 require. If a customer makes a partial payment, a public
2 utility, municipal utility, or electric cooperative may elect
3 either: (i) to apply such partial payments first to amounts
4 owed to the utility or cooperative for its services and then to
5 payment for the Energy Assistance Charge or (ii) to apply such
6 partial payments on a pro-rata basis between amounts owed to
7 the utility or cooperative for its services and to payment for
8 the Energy Assistance Charge.

9 (g) The Department of Revenue shall deposit into the
10 Supplemental Low-Income Energy Assistance Fund all moneys
11 remitted to it in accordance with subsection (f) of this
12 Section.

13 (h) (Blank).

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

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

21 (j) The Department of Healthcare and Family Services
22 ~~Economic Opportunity~~ may establish such rules as it deems
23 necessary to implement this Section.

24 (k) The charges imposed by this Section shall only apply to
25 customers of municipal electric or gas utilities and electric
26 or gas cooperatives if the municipal electric or gas utility or

1 electric or gas cooperative makes an affirmative decision to
2 impose the charge. If a municipal electric or gas utility or an
3 electric cooperative makes an affirmative decision to impose
4 the charge provided by this Section, the municipal electric or
5 gas utility or electric cooperative shall inform the Department
6 of Revenue in writing of such decision when it begins to impose
7 the charge. If a municipal electric or gas utility or electric
8 or gas cooperative does not assess this charge, the Department
9 may not use funds from the Supplemental Low-Income Energy
10 Assistance Fund to provide benefits to its customers under the
11 program authorized by Section 4 of this Act.

12 In its use of federal funds under this Act, the Department
13 may not cause a disproportionate share of those federal funds
14 to benefit customers of systems which do not assess the charge
15 provided by this Section.

16 This Section is repealed effective December 31, 2015 ~~2007~~
17 unless renewed by action of the General Assembly. The General
18 Assembly shall consider the results of the evaluations
19 described in Section 8 in its deliberations.

20 (Source: P.A. 94-773, eff. 5-18-06; 94-793, eff. 5-19-06;
21 94-817, eff. 5-30-06; revised 8-3-06.)

22 Section 997. Severability. The provisions of this Act are
23 severable under Section 1.31 of the Statute on Statutes.

24 Section 999. Effective date. This Act takes effect upon

1 becoming law.".