



Sen. James F. Clayborne Jr.

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09500SB2105sam001

LRB095 19521 MJR 47314 a

1 AMENDMENT TO SENATE BILL 2105

2 AMENDMENT NO. _____. Amend Senate Bill 2105 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Public Utilities Act is amended by changing
5 Section 16-115 as follows:

6 (220 ILCS 5/16-115)

7 Sec. 16-115. Certification of alternative retail electric
8 suppliers.

9 (a) Any alternative retail electric supplier must obtain a
10 certificate of service authority from the Commission in
11 accordance with this Section before serving any retail customer
12 or other user located in this State. An alternative retail
13 electric supplier may request, and the Commission may grant, a
14 certificate of service authority for the entire State or for a
15 specified geographic area of the State.

16 (b) An alternative retail electric supplier seeking a

1 certificate of service authority shall file with the Commission
2 a verified application containing information showing that the
3 applicant meets the requirements of this Section. The
4 alternative retail electric supplier shall publish notice of
5 its application in the official State newspaper within 10 days
6 following the date of its filing. No later than 45 days after
7 the application is properly filed with the Commission, and such
8 notice is published, the Commission shall issue its order
9 granting or denying the application.

10 (c) An application for a certificate of service authority
11 shall identify the area or areas in which the applicant intends
12 to offer service and the types of services it intends to offer.
13 Applicants that seek to serve residential or small commercial
14 retail customers within a geographic area that is smaller than
15 an electric utility's service area shall submit evidence
16 demonstrating that the designation of this smaller area does
17 not violate Section 16-115A. An applicant that seeks to serve
18 residential or small commercial retail customers may state in
19 its application for certification any limitations that will be
20 imposed on the number of customers or maximum load to be
21 served.

22 (d) The Commission shall grant the application for a
23 certificate of service authority if it makes the findings set
24 forth in this subsection based on the verified application and
25 such other information as the applicant may submit:

26 (1) That the applicant possesses sufficient technical,

1 financial and managerial resources and abilities to
2 provide the service for which it seeks a certificate of
3 service authority. In determining the level of technical,
4 financial and managerial resources and abilities which the
5 applicant must demonstrate, the Commission shall consider
6 (i) the characteristics, including the size and financial
7 sophistication, of the customers that the applicant seeks
8 to serve, and (ii) whether the applicant seeks to provide
9 electric power and energy using property, plant and
10 equipment which it owns, controls or operates. In addition,
11 in determining financial resources, the Commission shall
12 consider equally all commercially available ratings of the
13 applicant or license holder, or both, including, but not
14 limited to, ratings from bond-issuing agencies as well as
15 commercial ratings for privately-held companies without
16 public debt. The Commission shall also consider any
17 equivalency ratings consistent with generally accepted
18 rating practices. The Commission shall not promulgate any
19 rules more or less favorable to applicants or license
20 holders, or both, with a public debt rating over those
21 without a public debt rating;

22 (2) That the applicant will comply with all applicable
23 federal, State, regional and industry rules, policies,
24 practices and procedures for the use, operation, and
25 maintenance of the safety, integrity and reliability, of
26 the interconnected electric transmission system;

1 (3) That the applicant will only provide service to
2 retail customers in an electric utility's service area that
3 are eligible to take delivery services under this Act;

4 (4) That the applicant will comply with such
5 informational or reporting requirements as the Commission
6 may by rule establish and provide the information required
7 by Section 16-112. Any data related to contracts for the
8 purchase and sale of electric power and energy shall be
9 made available for review by the Staff of the Commission on
10 a confidential and proprietary basis and only to the extent
11 and for the purposes which the Commission determines are
12 reasonably necessary in order to carry out the purposes of
13 this Act;

14 (5) (Blank);

15 (6) With respect to an applicant that seeks to serve
16 residential or small commercial retail customers, that the
17 area to be served by the applicant and any limitations it
18 proposes on the number of customers or maximum amount of
19 load to be served meet the provisions of Section 16-115A,
20 provided, that the Commission can extend the time for
21 considering such a certificate request by up to 90 days,
22 and can schedule hearings on such a request;

23 (7) That the applicant meets the requirements of
24 subsection (a) of Section 16-128; and

25 (8) That the applicant will comply with all other
26 applicable laws and regulations.

1 (e) A retail customer that owns a cogeneration or
2 self-generation facility and that seeks certification only to
3 provide electric power and energy from such facility to retail
4 customers at separate locations which customers are both (i)
5 owned by, or a subsidiary or other corporate affiliate of, such
6 applicant and (ii) eligible for delivery services, shall be
7 granted a certificate of service authority upon filing an
8 application and notifying the Commission that it has entered
9 into an agreement with the relevant electric utilities pursuant
10 to Section 16-118. Provided, however, that if the retail
11 customer owning such cogeneration or self-generation facility
12 would not be charged a transition charge due to the exemption
13 provided under subsection (f) of Section 16-108 prior to the
14 certification, and the retail customers at separate locations
15 are taking delivery services in conjunction with purchasing
16 power and energy from the facility, the retail customer on
17 whose premises the facility is located shall not thereafter be
18 required to pay transition charges on the power and energy that
19 such retail customer takes from the facility.

20 (f) The Commission shall have the authority to promulgate
21 rules and regulations to carry out the provisions of this
22 Section. On or before May 1, 1999, the Commission shall adopt a
23 rule or rules applicable to the certification of those
24 alternative retail electric suppliers that seek to serve only
25 nonresidential retail customers with maximum electrical
26 demands of one megawatt or more which shall provide for (i)

1 expedited and streamlined procedures for certification of such
2 alternative retail electric suppliers and (ii) specific
3 criteria which, if met by any such alternative retail electric
4 supplier, shall constitute the demonstration of technical,
5 financial and managerial resources and abilities to provide
6 service required by subsection (d) (1) of this Section, such as
7 a requirement to post a bond or letter of credit, from a
8 responsible surety or financial institution, of sufficient
9 size for the nature and scope of the services to be provided;
10 demonstration of adequate insurance for the scope and nature of
11 the services to be provided; and experience in providing
12 similar services in other jurisdictions.

13 (Source: P.A. 95-130, eff. 1-1-08.)

14 Section 99. Effective date. This Act takes effect upon
15 becoming law."