



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

HB0639

Introduced 2/6/2009, by Rep. William B. Black

#### SYNOPSIS AS INTRODUCED:

5 ILCS 120/1.02	from Ch. 102, par. 41.02
220 ILCS 5/9-201	from Ch. 111 2/3, par. 9-201
220 ILCS 5/10-102	from Ch. 111 2/3, par. 10-102

Amends the Open Meetings Act and the Public Utilities Act to provide that, for the purposes of the Illinois Commerce Commission only, "meeting" includes any gathering, whether in person or by video or audio conference, telephone call, electronic means (such as, without limitation, electronic mail, electronic chat, and instant messaging), or other means of contemporaneous interactive communication, of one or more members of the Illinois Commerce Commission and a representative of a public utility held for the purpose of discussing public business. Further amends the Public Utilities Act to require that the Attorney General and any interested consumer organizations, upon request, must be given the opportunity to present oral arguments on the propriety of any proposed rate or other charge, classification, contract, practice, rule, or regulation at a hearing on the matter.

LRB096 03045 MJR 13060 b

FISCAL NOTE ACT  
MAY APPLY

STATE MANDATES  
ACT MAY REQUIRE  
REIMBURSEMENT

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 Open Meetings Act is amended by changing  
5 Section 1.02 as follows:

6 (5 ILCS 120/1.02) (from Ch. 102, par. 41.02)

7 Sec. 1.02. For the purposes of this Act:

8 "Meeting" means any gathering, whether in person or by  
9 video or audio conference, telephone call, electronic means  
10 (such as, without limitation, electronic mail, electronic  
11 chat, and instant messaging), or other means of contemporaneous  
12 interactive communication, of a majority of a quorum of the  
13 members of a public body held for the purpose of discussing  
14 public business or, for a 5-member public body, a quorum of the  
15 members of a public body held for the purpose of discussing  
16 public business.

17 Accordingly, for a 5-member public body, 3 members of the  
18 body constitute a quorum and the affirmative vote of 3 members  
19 is necessary to adopt any motion, resolution, or ordinance,  
20 unless a greater number is otherwise required.

21 For the purposes of the Illinois Commerce Commission only,  
22 "meeting" includes any gathering, whether in person or by video  
23 or audio conference, telephone call, electronic means (such as,

1 without limitation, electronic mail, electronic chat, and  
2 instant messaging), or other means of contemporaneous  
3 interactive communication, of one or more members of the  
4 Illinois Commerce Commission and a representative of a public  
5 utility, as that term is defined in the Public Utilities Act,  
6 held for the purpose of discussing public business.

7 "Public body" includes all legislative, executive,  
8 administrative or advisory bodies of the State, counties,  
9 townships, cities, villages, incorporated towns, school  
10 districts and all other municipal corporations, boards,  
11 bureaus, committees or commissions of this State, and any  
12 subsidiary bodies of any of the foregoing including but not  
13 limited to committees and subcommittees which are supported in  
14 whole or in part by tax revenue, or which expend tax revenue,  
15 except the General Assembly and committees or commissions  
16 thereof. "Public body" includes tourism boards and convention  
17 or civic center boards located in counties that are contiguous  
18 to the Mississippi River with populations of more than 250,000  
19 but less than 300,000. "Public body" includes the Health  
20 Facilities Planning Board. "Public body" does not include a  
21 child death review team or the Illinois Child Death Review  
22 Teams Executive Council established under the Child Death  
23 Review Team Act or an ethics commission acting under the State  
24 Officials and Employees Ethics Act.

25 (Source: P.A. 94-1058, eff. 1-1-07; 95-245, eff. 8-17-07.)

1           Section 10. The Public Utilities Act is amended by changing  
2 Sections 9-201 and 10-102 as follows:

3           (220 ILCS 5/9-201) (from Ch. 111 2/3, par. 9-201)

4           Sec. 9-201. (a) Unless the Commission otherwise orders, and  
5 except as otherwise provided in this Section, no change shall  
6 be made by any public utility in any rate or other charge or  
7 classification, or in any rule, regulation, practice or  
8 contract relating to or affecting any rate or other charge,  
9 classification or service, or in any privilege or facility,  
10 except after 45 days' notice to the Commission and to the  
11 public as herein provided. Such notice shall be given by filing  
12 with the Commission and keeping open for public inspection new  
13 schedules or supplements stating plainly the change or changes  
14 to be made in the schedule or schedules then in force, and the  
15 time when the change or changes will go into effect, and by  
16 publication in a newspaper of general circulation or such other  
17 notice to persons affected by such change as may be prescribed  
18 by rule of the Commission. The Commission, for good cause  
19 shown, may allow changes without requiring the 45 days' notice  
20 herein provided for, by an order specifying the changes so to  
21 be made and the time when they shall take effect and the manner  
22 in which they shall be filed and published.

23           When any change is proposed in any rate or other charge, or  
24 classification, or in any rule, regulation, practice, or  
25 contract relating to or affecting any rate or other charge,

1 classification or service, or in any privilege or facility,  
2 such proposed change shall be plainly indicated on the new  
3 schedule filed with the Commission, by some character to be  
4 designated by the Commission, immediately preceding or  
5 following the item.

6 When any public utility providing water or sewer service  
7 proposes any change in any rate or other charge, or  
8 classification, or in any rule, regulation, practice, or  
9 contract relating to or affecting any rate or other charge,  
10 classification or service, or in any privilege or facility,  
11 such utility shall, in addition to the other notice  
12 requirements of this Act, provide notice of such change to all  
13 customers potentially affected by including a notice and  
14 description of such change, and of Commission procedures for  
15 intervention, in the first bill sent to each such customer  
16 after the filing of the proposed change.

17 (b) Whenever there shall be filed with the Commission any  
18 schedule stating an individual or joint rate or other charge,  
19 classification, contract, practice, rule or regulation, the  
20 Commission shall have power, and it is hereby given authority,  
21 either upon complaint or upon its own initiative without  
22 complaint, at once, and if it so orders, without answer or  
23 other formal pleadings by the interested public utility or  
24 utilities, but upon reasonable notice, to enter upon a hearing  
25 concerning the propriety of such rate or other charge,  
26 classification, contract, practice, rule or regulation, and

1 pending the hearing and decision thereon, such rate or other  
2 charge, classification, contract, practice, rule or regulation  
3 shall not go into effect. The period of suspension of such rate  
4 or other charge, classification, contract, practice, rule or  
5 regulation shall not extend more than 105 days beyond the time  
6 when such rate or other charge, classification, contract,  
7 practice, rule or regulation would otherwise go into effect  
8 unless the Commission, in its discretion, extends the period of  
9 suspension for a further period not exceeding 6 months.

10 All rates or other charges, classifications, contracts,  
11 practices, rules or regulations not so suspended shall, on the  
12 expiration of 45 days from the time of filing the same with the  
13 Commission, or of such lesser time as the Commission may grant,  
14 go into effect and be the established and effective rates or  
15 other charges, classifications, contracts, practices, rules  
16 and regulations, subject to the power of the Commission, after  
17 a hearing had on its own motion or upon complaint, as herein  
18 provided, to alter or modify the same.

19 Within 30 days after such changes have been authorized by  
20 the Commission, copies of the new or revised schedules shall be  
21 posted or filed in accordance with the terms of Section 9-103  
22 of this Act, in such a manner that all changes shall be plainly  
23 indicated.

24 (c) If the Commission enters upon a hearing concerning the  
25 propriety of any proposed rate or other charge, classification,  
26 contract, practice, rule or regulation, the Commission shall

1 establish the rates or other charges, classifications,  
2 contracts, practices, rules or regulations proposed, in whole  
3 or in part, or others in lieu thereof, which it shall find to  
4 be just and reasonable. In such hearing, the burden of proof to  
5 establish the justness and reasonableness of the proposed rates  
6 or other charges, classifications, contracts, practices, rules  
7 or regulations, in whole and in part, shall be upon the  
8 utility. The Attorney General and any interested consumer  
9 organizations, upon request, must be given the opportunity to  
10 present oral arguments on the propriety of any proposed rate or  
11 other charge, classification, contract, practice, rule, or  
12 regulation at the hearing. No rate or other charge,  
13 classification, contract, practice, rule or regulation shall  
14 be found just and reasonable unless it is consistent with  
15 Sections of this Article.

16 (Source: P.A. 84-617.)

17 (220 ILCS 5/10-102) (from Ch. 111 2/3, par. 10-102)

18 Sec. 10-102. All meetings of the Commission shall be  
19 conducted pursuant to the provisions of the Open Meetings Act.  
20 Whenever the Commission, pursuant to such Act, closes any  
21 meeting, or portion of any meeting, it shall arrange for all  
22 discussions, deliberations and meetings so closed to be  
23 transcribed verbatim by a stenographer, certified court  
24 reporter, or similar means. The Commission shall review and  
25 approve such transcripts within 30 days of the date of the

1 closed meeting, and when, in its judgment, the exception of the  
2 Open Meetings Act relied upon for authorizing the closing of  
3 such meeting, as recorded pursuant to Section 2a of the Open  
4 Meetings Act, is no longer applicable, such transcripts shall  
5 be made available to the public. Any party to a Commission  
6 proceeding shall be given access to the transcript of any  
7 closed meeting pertaining to such proceeding prior to the  
8 expiration of the time within which his application for  
9 rehearing must be filed, upon the signing of an appropriate  
10 protective agreement. For the purposes of this Section,  
11 "meeting" includes any gathering, whether in person or by video  
12 or audio conference, telephone call, electronic means (such as,  
13 without limitation, electronic mail, electronic chat, and  
14 instant messaging), or other means of contemporaneous  
15 interactive communication, of one or more members of the  
16 Illinois Commerce Commission and a representative of a public  
17 utility held for the purpose of discussing public business.

18 (Source: P.A. 84-617.)