



Rep. Michael K. Smith

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09600HB6424ham001

LRB096 21052 AMC 39306 a

1 AMENDMENT TO HOUSE BILL 6424

2 AMENDMENT NO. _____. Amend House Bill 6424 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Public Utilities Act is amended by changing
5 Section 9-201 as follows:

6 (220 ILCS 5/9-201) (from Ch. 111 2/3, par. 9-201)

7 Sec. 9-201. (a) Unless the Commission otherwise orders, and
8 except as otherwise provided in this Section, no change shall
9 be made by any public utility in any rate or other charge or
10 classification, or in any rule, regulation, practice or
11 contract relating to or affecting any rate or other charge,
12 classification or service, or in any privilege or facility,
13 except after 45 days' notice to the Commission and to the
14 public as herein provided. Such notice shall be given by filing
15 with the Commission and keeping open for public inspection new
16 schedules or supplements stating plainly the change or changes

1 to be made in the schedule or schedules then in force, and the
2 time when the change or changes will go into effect, and by
3 publication in a newspaper of general circulation or such other
4 notice to persons affected by such change as may be prescribed
5 by rule of the Commission. The Commission, for good cause
6 shown, may allow changes without requiring the 45 days' notice
7 herein provided for, by an order specifying the changes so to
8 be made and the time when they shall take effect and the manner
9 in which they shall be filed and published.

10 No increases shall be made by an electric utility in any
11 rate or other charge or classification, or in any rule,
12 regulation, practice, or contract relating to or affecting any
13 rate or other charge, classification, or service, or in any
14 privilege or facility for 3 years after the effective date of
15 this amendatory Act of the 96th General Assembly.

16 When any change is proposed in any rate or other charge, or
17 classification, or in any rule, regulation, practice, or
18 contract relating to or affecting any rate or other charge,
19 classification or service, or in any privilege or facility,
20 such proposed change shall be plainly indicated on the new
21 schedule filed with the Commission, by some character to be
22 designated by the Commission, immediately preceding or
23 following the item.

24 When any public utility providing water or sewer service
25 proposes any change in any rate or other charge, or
26 classification, or in any rule, regulation, practice, or

1 contract relating to or affecting any rate or other charge,
2 classification or service, or in any privilege or facility,
3 such utility shall, in addition to the other notice
4 requirements of this Act, provide notice of such change to all
5 customers potentially affected by including a notice and
6 description of such change, and of Commission procedures for
7 intervention, in the first bill sent to each such customer
8 after the filing of the proposed change.

9 (b) Whenever there shall be filed with the Commission any
10 schedule stating an individual or joint rate or other charge,
11 classification, contract, practice, rule or regulation, the
12 Commission shall have power, and it is hereby given authority,
13 either upon complaint or upon its own initiative without
14 complaint, at once, and if it so orders, without answer or
15 other formal pleadings by the interested public utility or
16 utilities, but upon reasonable notice, to enter upon a hearing
17 concerning the propriety of such rate or other charge,
18 classification, contract, practice, rule or regulation, and
19 pending the hearing and decision thereon, such rate or other
20 charge, classification, contract, practice, rule or regulation
21 shall not go into effect. The period of suspension of such rate
22 or other charge, classification, contract, practice, rule or
23 regulation shall not extend more than 105 days beyond the time
24 when such rate or other charge, classification, contract,
25 practice, rule or regulation would otherwise go into effect
26 unless the Commission, in its discretion, extends the period of

1 suspension for a further period not exceeding 6 months.

2 All rates or other charges, classifications, contracts,
3 practices, rules or regulations not so suspended shall, on the
4 expiration of 45 days from the time of filing the same with the
5 Commission, or of such lesser time as the Commission may grant,
6 go into effect and be the established and effective rates or
7 other charges, classifications, contracts, practices, rules
8 and regulations, subject to the power of the Commission, after
9 a hearing had on its own motion or upon complaint, as herein
10 provided, to alter or modify the same.

11 Within 30 days after such changes have been authorized by
12 the Commission, copies of the new or revised schedules shall be
13 posted or filed in accordance with the terms of Section 9-103
14 of this Act, in such a manner that all changes shall be plainly
15 indicated. The Commission shall incorporate into the period of
16 suspension a review period of 4 business days during which the
17 Commission may review and determine whether the new or revised
18 schedules comply with the Commission's decision approving a
19 change to the public utility's rates. Such review period shall
20 not extend the suspension period by more than 2 days. Absent
21 notification to the contrary within the 4 business day period,
22 the new or revised schedules shall be deemed approved.

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

1 contracts, practices, rules or regulations proposed, in whole
2 or in part, or others in lieu thereof, which it shall find to
3 be just and reasonable. In such hearing, the burden of proof to
4 establish the justness and reasonableness of the proposed rates
5 or other charges, classifications, contracts, practices, rules
6 or regulations, in whole and in part, shall be upon the
7 utility. The utility, the staff of the Commission, the Attorney
8 General, or any party to a proceeding initiated under this
9 Section who has been granted intervenor status and submitted a
10 post-hearing brief must be given the opportunity to present
11 oral argument, if requested no later than the date for filing
12 exceptions, on the propriety of any proposed rate or other
13 charge, classification, contract, practice, rule, or
14 regulation. No rate or other charge, classification, contract,
15 practice, rule or regulation shall be found just and reasonable
16 unless it is consistent with Sections of this Article.

17 (d) Except where compliance with Section 8-401 of this Act
18 is of urgent and immediate concern, no representative of a
19 public utility may discuss with a commissioner, commissioner's
20 assistant, or hearing examiner in a non-public setting a
21 planned filing for a general rate increase. If a public utility
22 makes a filing under this Section, then no substantive
23 communication by any such person with a commissioner,
24 commissioner's assistant or hearing examiner concerning the
25 filing is permitted until a notice of hearing has been issued.
26 After the notice of hearing has been issued, the only

1 communications by any such person with a commissioner,
2 commissioner's assistant, or hearing examiner concerning the
3 filing permitted are communications permitted under Section
4 10-103 of this Act. If any such communication does occur, then
5 within 5 days of the docket being initiated all details
6 relating to the communication shall be placed on the public
7 record of the proceeding. The record shall include any
8 materials, whether written, recorded, filmed, or graphic in
9 nature, produced or reproduced on any media, used in connection
10 with the communication. The record shall reflect the names of
11 all persons who transmitted, received, or were otherwise
12 involved in the communication, the duration of the
13 communication, and whether the communication occurred in
14 person or by other means. In the case of an oral communication,
15 the record shall also reflect the location or locations of all
16 persons involved in the communication and, if the communication
17 occurred by telephone, the telephone numbers for the callers
18 and recipients of the communication. A commissioner,
19 commissioner's assistant, or hearing examiner who is involved
20 in any such communication shall be recused from the affected
21 proceeding. The Commission, or any commissioner or hearing
22 examiner presiding over the proceeding shall, in the event of a
23 violation of this Section, take action necessary to ensure that
24 such violation does not prejudice any party or adversely affect
25 the fairness of the proceedings including dismissing the
26 affected proceeding. Nothing in this subsection (d) is intended

1 to preclude otherwise allowable updates on issues that may be
2 indirectly related to a general rate case filing because cost
3 recovery for the underlying activity may be requested. Such
4 updates may include, without limitation, issues related to
5 outages and restoration, credit ratings, security issuances,
6 reliability, Federal Energy Regulatory Commission matters,
7 Federal Communications Commission matters, regional
8 reliability organizations, consumer education, or labor
9 matters, provided that such updates may not include cost
10 recovery in a planned rate case.

11 (Source: P.A. 96-33, eff. 7-10-09.)".