



Executive Committee

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LRB096 20708 RLJ 40936 a

1 AMENDMENT TO SENATE BILL 3683

2 AMENDMENT NO. _____. Amend Senate Bill 3683 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The River Edge Redevelopment Zone Act is
5 amended by adding Section 10-10.1 as follows:

6 (65 ILCS 115/10-10.1 new)

7 Sec. 10-10.1. Utility facilities.

8 (a) It is in the public interest that costs for
9 redevelopment in a River Edge Redevelopment Zone impacting a
10 public utility, as defined by Section 3-105 of the Public
11 Utilities Act, or a public utility's property, as described in
12 subsection (b) of this Section, should not be allocated solely
13 to the entity engaging in economic redevelopment because this
14 economic redevelopment benefits the utility service territory
15 as a whole and not just the particular area where the
16 redevelopment occurs.

1 (b) A public utility that has facilities or land affected
2 by the clean-up, remediation, and redevelopment of a River Edge
3 Redevelopment Zone and that incurs costs related to the
4 remediation or the removing or relocating of utility facilities
5 in the River Edge Redevelopment Zone may recover these costs
6 pursuant to subsections (c) and (d) of this Section.

7 (c) The costs incurred by a public utility for facility
8 removal or relocation described in subsection (b) of this
9 Section shall be shared equally among the public utility, the
10 municipality in which the facility is located, and any
11 landowner that is located within 100 feet of the utility
12 facility and that directly benefits from the removal or
13 relocation of the utility facility or the redevelopment of the
14 public utility's land. In no event shall the costs incurred by
15 each municipality or landowner for a given project exceed an
16 equal percentage of the total direct, indirect, and overhead
17 project costs, or \$3,667,000 each, whichever amount is less.
18 The costs incurred by the public utility for facility removal
19 or relocation that are not the responsibility of the
20 municipality or landowner under this subsection (c) shall be
21 recovered by the public utility from all retail customers
22 located in the municipality or municipalities in which the
23 removal or relocation occurs through an appropriate tariff
24 mechanism, and the public utility may record and defer such
25 costs as a regulatory asset until they are so recovered.

26 (d) The Illinois Commerce Commission shall allow a public

1 utility described in subsection (b) to fully recover from all
2 retail customers in its service territory all reasonable costs
3 that it incurs in conducting environmental remediation in the
4 River Edge Redevelopment Zone related to the removal or
5 relocation of utility facilities in the River Edge
6 Redevelopment Zone, including, but not limited to,
7 transmission and distribution lines, transformers, and poles.
8 These environmental remediation costs also include, but are not
9 limited to, direct, indirect, and overhead costs calculated by
10 the public utility for taxes or other charges, cost adjustments
11 made after the project has begun, and any other charges. The
12 public utility shall record and defer such costs as a
13 regulatory asset to be included in the public utility's total
14 rate base and amortized in the public utility's next filing for
15 a general increase in rates over a reasonable period that is
16 shorter than the life of the affected facility or facilities.
17 Such regulatory assets shall be collected from all residential
18 and commercial ratepayers system-wide, and not only from
19 ratepayers in the municipality's corporate limits. In the event
20 the River Edge Redevelopment Zone is decertified, the public
21 utility shall be permitted to recover all reasonable costs
22 incurred as of the date of the decertification, as well as all
23 costs incurred subsequent to decertification that are
24 necessary to complete any projects commenced while the River
25 Edge Redevelopment Zone was certified, consistent with this
26 Section.

1 (e) This Section is repealed 7 years after the effective
2 date of this amendatory Act of the 96th General Assembly.

3 Section 99. Effective date. This Act takes effect upon
4 becoming law.".