



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

HB6187

by Rep. Jerry F. Costello, II

#### SYNOPSIS AS INTRODUCED:

220 ILCS 5/8-104.5 new  
220 ILCS 5/16-111.5B  
220 ILCS 5/16-111.7  
220 ILCS 5/19-140  
220 ILCS 5/8-103 rep.  
220 ILCS 5/8-103A rep.  
220 ILCS 5/8-104 rep.

Amends the Public Utilities Act. Deletes provisions concerning electric utilities that are required to use cost-effective energy efficiency and demand-response measures to reduce delivery load, energy efficiency analysis, and natural gas energy efficiency programs. Creates a provision that provides after all current obligations and contracts are met, the Illinois Commerce Commission shall refund any remaining funds collected under the electric utilities and natural gas utilities energy efficiency program to the public utilities respective consumers in a proportional manner. Makes corresponding changes in provisions concerning energy efficiency procurement and on-bill financing program for electric utilities and gas utilities. Effective immediately.

LRB097 21681 CEL 70048 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning utilities.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Public Utilities Act is amended by changing  
5 Sections 16-111.5B, 16-111.7, and 19-140 and by adding Section  
6 8-104.5 as follows:

7 (220 ILCS 5/8-104.5 new)

8 Sec. 8-104.5. Energy efficiency fund reimbursement. On the  
9 effective date of this amendatory Act of the 97th General  
10 Assembly, after all current obligations and contracts are met,  
11 the Commission shall refund any remaining funds collected under  
12 the electric utilities and natural gas utilities energy  
13 efficiency programs under Sections 8-103 and 8-104 of this Act  
14 to the public utilities respective consumers in a proportional  
15 manner.

16 (220 ILCS 5/16-111.5B)

17 Sec. 16-111.5B. Provisions relating to energy efficiency  
18 procurement.

19 (a) Beginning in 2012, procurement plans prepared pursuant  
20 to Section 16-111.5 of this Act shall be subject to the  
21 following additional requirements:

22 (1) The analysis included pursuant to paragraph (2) of

1 subsection (b) of Section 16-111.5 shall also include the  
2 impact of energy efficiency building codes or appliance  
3 standards, both current and projected.

4 (2) (Blank). ~~The procurement plan components described~~  
5 ~~in subsection (b) of Section 16-111.5 shall also include an~~  
6 ~~assessment of opportunities to expand the programs~~  
7 ~~promoting energy efficiency measures that have been~~  
8 ~~offered under plans approved pursuant to Section 8-103 of~~  
9 ~~this Act or to implement additional cost effective energy~~  
10 ~~efficiency programs or measures.~~

11 (3) In addition to the information provided pursuant to  
12 paragraph (1) of subsection (d) of Section 16-111.5 of this  
13 Act, each Illinois utility procuring power pursuant to that  
14 Section shall annually provide to the Illinois Power Agency  
15 by July 15 of each year, or such other date as may be  
16 required by the Commission or Agency, an assessment of  
17 cost-effective energy efficiency programs or measures that  
18 could be included in the procurement plan. The assessment  
19 shall include the following:

20 (A) A comprehensive energy efficiency potential  
21 study for the utility's service territory that was  
22 completed within the past 3 years.

23 (B) (Blank). ~~Beginning in 2014, the most recent~~  
24 ~~analysis submitted pursuant to Section 8-103A of this~~  
25 ~~Act and approved by the Commission under subsection (f)~~  
26 ~~of Section 8-103 of this Act.~~

1 (C) Identification of new or expanded  
2 cost-effective energy efficiency programs or measures  
3 that are incremental to those included in energy  
4 efficiency and demand-response plans ~~approved by the~~  
5 ~~Commission pursuant to Section 8-103 of this Act and~~  
6 ~~that would be offered to eligible retail customers.~~

7 (D) Analysis showing that the new or expanded  
8 cost-effective energy efficiency programs or measures  
9 would lead to a reduction in the overall cost of  
10 electric service.

11 (E) Analysis of how the cost of procuring  
12 additional cost-effective energy efficiency measures  
13 compares over the life of the measures to the  
14 prevailing cost of comparable supply.

15 (F) An energy savings goal, expressed in  
16 megawatt-hours, for the year in which the measures will  
17 be implemented.

18 In preparing such assessments, a utility shall conduct  
19 an annual solicitation process for purposes of requesting  
20 proposals from third-party vendors, the results of which  
21 shall be provided to the Agency as part of the assessment,  
22 including documentation of all bids received. ~~The utility~~  
23 ~~shall develop requests for proposals consistent with the~~  
24 ~~manner in which it develops requests for proposals under~~  
25 ~~plans approved pursuant to Section 8-103 of this Act, which~~  
26 ~~considers input from the Agency and interested~~

1 ~~stakeholders.~~

2 (4) The Illinois Power Agency shall include in the  
3 procurement plan prepared pursuant to paragraph (2) of  
4 subsection (d) of Section 16-111.5 of this Act energy  
5 efficiency programs and measures it determines are  
6 cost-effective and the associated annual energy savings  
7 goal included in the annual solicitation process and  
8 assessment submitted pursuant to paragraph (3) of this  
9 subsection (a).

10 (5) Pursuant to paragraph (4) of subsection (d) of  
11 Section 16-111.5 of this Act, the Commission shall also  
12 approve the energy efficiency programs and measures  
13 included in the procurement plan, including the annual  
14 energy savings goal, if the Commission determines they  
15 fully capture the potential for all achievable  
16 cost-effective savings, to the extent practicable, ~~and~~  
17 ~~otherwise satisfy the requirements of Section 8-103 of this~~  
18 ~~Act.~~

19 In the event the Commission approves the procurement of  
20 additional energy efficiency, it shall reduce the amount of  
21 power to be procured under the procurement plan to reflect  
22 the additional energy efficiency and shall direct the  
23 utility to undertake the procurement of such energy  
24 efficiency, which shall not be subject to the requirements  
25 of subsection (e) of Section 16-111.5 of this Act. The  
26 utility shall consider input from the Agency and interested

1 stakeholders on the procurement and administration  
2 process.

3 (6) An electric utility shall recover its costs  
4 incurred under this Section related to the implementation  
5 of energy efficiency programs and measures approved by the  
6 Commission in its order approving the procurement plan  
7 under Section 16-111.5 of this Act, including, but not  
8 limited to, all costs associated with complying with this  
9 Section and all start-up and administrative costs and the  
10 costs for any evaluation, measurement, and verification of  
11 the measures, from eligible retail customers ~~through the~~  
12 ~~automatic adjustment clause tariff established pursuant to~~  
13 ~~Section 8-103 of this Act~~, provided, however, that the  
14 limitations described in subsection (d) of that Section  
15 shall not apply to the costs incurred pursuant to this  
16 Section or Section 16-111.7 of this Act.

17 (b) For purposes of this Section, the term "energy  
18 efficiency" shall have the meaning set forth in Section 1-10 of  
19 the Illinois Power Agency Act, ~~and the term "cost effective"~~  
20 ~~shall have the meaning set forth in subsection (a) of Section~~  
21 ~~8-103 of this Act~~. In addition, the estimated costs to acquire  
22 an additional energy efficiency measure, when divided by the  
23 number of kilowatt-hours expected to be saved over the life of  
24 the measure, shall be less than or equal to the electricity  
25 costs that would be avoided as a result of the energy  
26 efficiency measure.

1 (Source: P.A. 97-616, eff. 10-26-11.)

2 (220 ILCS 5/16-111.7)

3 Sec. 16-111.7. On-bill financing program; electric  
4 utilities.

5 (a) The Illinois General Assembly finds that Illinois homes  
6 and businesses have the potential to save energy through  
7 conservation and cost-effective energy efficiency measures.  
8 Programs created pursuant to this Section will allow utility  
9 customers to purchase cost-effective energy efficiency  
10 measures, including measures set forth in a  
11 Commission-approved energy efficiency and demand-response plan  
12 ~~under Section 8-103 of this Act and~~ that are cost-effective ~~as~~  
13 ~~that term is defined by that Section,~~ with no required initial  
14 upfront payment, and to pay the cost of those products and  
15 services over time on their utility bill.

16 (b) Notwithstanding any other provision of this Act, an  
17 electric utility serving more than 100,000 customers on January  
18 1, 2009 shall offer a Commission-approved on-bill financing  
19 program ("program") that allows its eligible retail customers,  
20 as that term is defined in Section 16-111.5 of this Act, who  
21 own a residential single family home, duplex, or other  
22 residential building with 4 or less units, or condominium at  
23 which the electric service is being provided (i) to borrow  
24 funds from a third party lender in order to purchase electric  
25 energy efficiency measures approved under the program for

1 installation in such home or condominium without any required  
2 upfront payment and (ii) to pay back such funds over time  
3 through the electric utility's bill. Based upon the process  
4 described in subsection (b-5) of this Section, small commercial  
5 retail customers, as that term is defined in Section 16-102 of  
6 this Act, who own the premises at which electric service is  
7 being provided may be included in such program. After receiving  
8 a request from an electric utility for approval of a proposed  
9 program and tariffs pursuant to this Section, the Commission  
10 shall render its decision within 120 days. If no decision is  
11 rendered within 120 days, then the request shall be deemed to  
12 be approved.

13 (b-5) Within 30 days after the effective date of this  
14 amendatory Act of the 96th General Assembly, the Commission  
15 shall convene a workshop process during which interested  
16 participants may discuss issues related to the program,  
17 including program design, eligible electric energy efficiency  
18 measures, vendor qualifications, and a methodology for  
19 ensuring ongoing compliance with such qualifications,  
20 financing, sample documents such as request for proposals,  
21 contracts and agreements, dispute resolution, pre-installment  
22 and post-installment verification, and evaluation. The  
23 workshop process shall be completed within 150 days after the  
24 effective date of this amendatory Act of the 96th General  
25 Assembly.

26 (c) Not later than 60 days following completion of the



1 workshop process described in subsection (b-5) of this Section,  
2 each electric utility subject to subsection (b) of this Section  
3 shall submit a proposed program to the Commission that contains  
4 the following components:

5 (1) A list of recommended electric energy efficiency  
6 measures that will be eligible for on-bill financing. An  
7 eligible electric energy efficiency measure ("measure")  
8 shall be defined by the following:

9 (A) the measure would be applied to or replace  
10 electric energy-using equipment; and either

11 (B) application of the measure to equipment and  
12 systems will have estimated electricity savings  
13 (determined by rates in effect at the time of  
14 purchase), that are sufficient to cover the costs of  
15 implementing the measures, including finance charges  
16 and any program fees not recovered pursuant to  
17 subsection (f) of this Section; to assist the electric  
18 utility in identifying or approving measures, the  
19 utility may consult with the Department of Commerce and  
20 Economic Opportunity, as well as with retailers,  
21 technicians, and installers of electric energy  
22 efficiency measures and energy auditors (collectively  
23 "vendors"); or

24 (C) (Blank) ~~the measure is included in a~~  
25 ~~Commission-approved energy efficiency and~~  
26 ~~demand response plan under Section 8 103 of this Act~~

1           ~~and is cost effective as that term is defined by that~~  
2           ~~Section.~~

3           (2) The electric utility shall issue a request for  
4 proposals ("RFP") to lenders for purposes of providing  
5 financing to participants to pay for approved measures. The  
6 RFP criteria shall include, but not be limited to, the  
7 interest rate, origination fees, and credit terms. The  
8 utility shall select the winning bidders based on its  
9 evaluation of these criteria, with a preference for those  
10 bids containing the rates, fees, and terms most favorable  
11 to participants;

12           (3) The utility shall work with the lenders selected  
13 pursuant to the RFP process, and with vendors, to establish  
14 the terms and processes pursuant to which a participant can  
15 purchase eligible electric energy efficiency measures  
16 using the financing obtained from the lender. The vendor  
17 shall explain and offer the approved financing packaging to  
18 those customers identified in subsection (b) of this  
19 Section and shall assist customers in applying for  
20 financing. As part of the process, vendors shall also  
21 provide to participants information about any other  
22 incentives that may be available for the measures.

23           (4) The lender shall conduct credit checks or undertake  
24 other appropriate measures to limit credit risk, and shall  
25 review and approve or deny financing applications  
26 submitted by customers identified in subsection (b) of this

1 Section. Following the lender's approval of financing and  
2 the participant's purchase of the measure or measures, the  
3 lender shall forward payment information to the electric  
4 utility, and the utility shall add as a separate line item  
5 on the participant's utility bill a charge showing the  
6 amount due under the program each month.

7 (5) A loan issued to a participant pursuant to the  
8 program shall be the sole responsibility of the  
9 participant, and any dispute that may arise concerning the  
10 loan's terms, conditions, or charges shall be resolved  
11 between the participant and lender. Upon transfer of the  
12 property title for the premises at which the participant  
13 receives electric service from the utility or the  
14 participant's request to terminate service at such  
15 premises, the participant shall pay in full its electric  
16 utility bill, including all amounts due under the program,  
17 provided that this obligation may be modified as provided  
18 in subsection (g) of this Section. Amounts due under the  
19 program shall be deemed amounts owed for residential and,  
20 as appropriate, small commercial electric service.

21 (6) The electric utility shall remit payment in full to  
22 the lender each month on behalf of the participant. In the  
23 event a participant defaults on payment of its electric  
24 utility bill, the electric utility shall continue to remit  
25 all payments due under the program to the lender, and the  
26 utility shall be entitled to recover all costs related to a

1 participant's nonpayment through the automatic adjustment  
2 clause tariff established pursuant to Section 16-111.8 of  
3 this Act. In addition, the electric utility shall retain a  
4 security interest in the measure or measures purchased  
5 under the program, and the utility retains its right to  
6 disconnect a participant that defaults on the payment of  
7 its utility bill.

8 (7) The total outstanding amount financed under the  
9 program shall not exceed \$2.5 million for an electric  
10 utility or electric utilities under a single holding  
11 company, provided that the electric utility or electric  
12 utilities may petition the Commission for an increase in  
13 such amount.

14 (d) A program approved by the Commission shall also include  
15 the following criteria and guidelines for such program:

16 (1) guidelines for financing of measures installed  
17 under a program, including, but not limited to, RFP  
18 criteria and limits on both individual loan amounts and the  
19 duration of the loans;

20 (2) criteria and standards for identifying and  
21 approving measures;

22 (3) qualifications of vendors that will market or  
23 install measures, as well as a methodology for ensuring  
24 ongoing compliance with such qualifications;

25 (4) sample contracts and agreements necessary to  
26 implement the measures and program; and

1           (5) the types of data and information that utilities  
2           and vendors participating in the program shall collect for  
3           purposes of preparing the reports required under  
4           subsection (g) of this Section.

5           (e) The proposed program submitted by each electric utility  
6           shall be consistent with the provisions of this Section that  
7           define operational, financial and billing arrangements between  
8           and among program participants, vendors, lenders, and the  
9           electric utility.

10          (f) An electric utility shall recover all of the prudently  
11          incurred costs of offering a program approved by the Commission  
12          pursuant to this Section, including, but not limited to, all  
13          start-up and administrative costs and the costs for program  
14          evaluation. All prudently incurred costs under this Section  
15          shall be recovered from the residential and small commercial  
16          retail customer classes eligible to participate in the program  
17          ~~through the automatic adjustment clause tariff established~~  
18          ~~pursuant to Section 8-103 of this Act.~~

19          (g) An independent evaluation of a program shall be  
20          conducted after 3 years of the program's operation. The  
21          electric utility shall retain an independent evaluator who  
22          shall evaluate the effects of the measures installed under the  
23          program and the overall operation of the program, including but  
24          not limited to customer eligibility criteria and whether the  
25          payment obligation for permanent electric energy efficiency  
26          measures that will continue to provide benefits of energy

1 savings should attach to the meter location. As part of the  
2 evaluation process, the evaluator shall also solicit feedback  
3 from participants and interested stakeholders. The evaluator  
4 shall issue a report to the Commission on its findings no later  
5 than 4 years after the date on which the program commenced, and  
6 the Commission shall issue a report to the Governor and General  
7 Assembly including a summary of the information described in  
8 this Section as well as its recommendations as to whether the  
9 program should be discontinued, continued with modification or  
10 modifications or continued without modification, provided that  
11 any recommended modifications shall only apply prospectively  
12 and to measures not yet installed or financed.

13 (h) An electric utility offering a Commission-approved  
14 program pursuant to this Section shall not be required to  
15 comply with any other statute, order, rule, or regulation of  
16 this State that may relate to the offering of such program,  
17 provided that nothing in this Section is intended to limit the  
18 electric utility's obligation to comply with this Act and the  
19 Commission's orders, rules, and regulations, including Part  
20 280 of Title 83 of the Illinois Administrative Code.

21 (i) The source of a utility customer's electric supply  
22 shall not disqualify a customer from participation in the  
23 utility's on-bill financing program. Customers of alternative  
24 retail electric suppliers may participate in the program under  
25 the same terms and conditions applicable to the utility's  
26 supply customers.

1 (Source: P.A. 96-33, eff. 7-10-09; 97-616, eff. 10-26-11.)

2 (220 ILCS 5/19-140)

3 Sec. 19-140. On-bill financing program; gas utilities.

4 (a) The Illinois General Assembly finds that Illinois homes  
5 and businesses have the potential to save energy through  
6 conservation and cost-effective energy efficiency measures.  
7 Programs created pursuant to this Section will allow utility  
8 customers to purchase cost-effective energy efficiency  
9 measures with no required initial upfront payment, and to pay  
10 the cost of those products and services over time on their  
11 utility bill.

12 (b) Notwithstanding any other provision of this Act, a gas  
13 utility serving more than 100,000 customers on January 1, 2009  
14 shall offer a Commission-approved on-bill financing program  
15 ("program") that allows its retail customers who own a  
16 residential single family home, duplex, or other residential  
17 building with 4 or less units, or condominium at which the gas  
18 service is being provided (i) to borrow funds from a third  
19 party lender in order to purchase gas energy efficiency  
20 measures approved under the program for installation in such  
21 home or condominium without any required upfront payment and  
22 (ii) to pay back such funds over time through the gas utility's  
23 bill. Based upon the process described in subsection (b-5) of  
24 this Section, small commercial retail customers, as that term  
25 is defined in Section 19-105 of this Act, who own the premises

1 at which gas service is being provided may be included in such  
2 program. After receiving a request from a gas utility for  
3 approval of a proposed program and tariffs pursuant to this  
4 Section, the Commission shall render its decision within 120  
5 days. If no decision is rendered within 120 days, then the  
6 request shall be deemed to be approved.

7 (b-5) Within 30 days after the effective date of this  
8 amendatory Act of the 96th General Assembly, the Commission  
9 shall convene a workshop process during which interested  
10 participants may discuss issues related to the program,  
11 including program design, eligible gas energy efficiency  
12 measures, vendor qualifications, and a methodology for  
13 ensuring ongoing compliance with such qualifications,  
14 financing, sample documents such as request for proposals,  
15 contracts and agreements, dispute resolution, pre-installment  
16 and post-installment verification, and evaluation. The  
17 workshop process shall be completed within 150 days after the  
18 effective date of this amendatory Act of the 96th General  
19 Assembly.

20 (c) Not later than 60 days following completion of the  
21 workshop process described in subsection (b-5) of this Section,  
22 each gas utility subject to subsection (b) of this Section  
23 shall submit a proposed program to the Commission that contains  
24 the following components:

- 25 (1) A list of recommended gas energy efficiency  
26 measures that will be eligible for on-bill financing. An



1 eligible gas energy efficiency measure ("measure") shall  
2 be defined by the following:

3 (A) The measure would be applied to or replace gas  
4 energy-using equipment; and

5 (B) Application of the measure to equipment and  
6 systems will have estimated gas savings (determined by  
7 rates in effect at the time of purchase), that are  
8 sufficient to cover the costs of implementing the  
9 measures, including finance charges and any program  
10 fees not recovered pursuant to subsection (f) of this  
11 Section. To assist the gas utility in identifying or  
12 approving measures, the utility may consult with the  
13 Department of Commerce and Economic Opportunity, as  
14 well as with retailers, technicians and installers of  
15 gas energy efficiency measures and energy auditors  
16 (collectively "vendors").

17 (2) The gas utility shall issue a request for proposals  
18 ("RFP") to lenders for purposes of providing financing to  
19 participants to pay for approved measures. The RFP criteria  
20 shall include, but not be limited to, the interest rate,  
21 origination fees, and credit terms. The utility shall  
22 select the winning bidders based on its evaluation of these  
23 criteria, with a preference for those bids containing the  
24 rates, fees, and terms most favorable to participants.

25 (3) The utility shall work with the lenders selected  
26 pursuant to the RFP process, and with vendors, to establish

1 the terms and processes pursuant to which a participant can  
2 purchase eligible gas energy efficiency measures using the  
3 financing obtained from the lender. The vendor shall  
4 explain and offer the approved financing packaging to those  
5 customers identified in subsection (b) of this Section and  
6 shall assist customers in applying for financing. As part  
7 of such process, vendors shall also provide to participants  
8 information about any other incentives that may be  
9 available for the measures.

10 (4) The lender shall conduct credit checks or undertake  
11 other appropriate measures to limit credit risk, and shall  
12 review and approve or deny financing applications  
13 submitted by customers identified in subsection (b) of this  
14 Section. Following the lender's approval of financing and  
15 the participant's purchase of the measure or measures, the  
16 lender shall forward payment information to the gas  
17 utility, and the utility shall add as a separate line item  
18 on the participant's utility bill a charge showing the  
19 amount due under the program each month.

20 (5) A loan issued to a participant pursuant to the  
21 program shall be the sole responsibility of the  
22 participant, and any dispute that may arise concerning the  
23 loan's terms, conditions, or charges shall be resolved  
24 between the participant and lender. Upon transfer of the  
25 property title for the premises at which the participant  
26 receives gas service from the utility or the participant's

1 request to terminate service at such premises, the  
2 participant shall pay in full its gas utility bill,  
3 including all amounts due under the program, provided that  
4 this obligation may be modified as provided in subsection  
5 (g) of this Section. Amounts due under the program shall be  
6 deemed amounts owed for residential and, as appropriate,  
7 small commercial gas service.

8 (6) The gas utility shall remit payment in full to the  
9 lender each month on behalf of the participant. In the  
10 event a participant defaults on payment of its gas utility  
11 bill, the gas utility shall continue to remit all payments  
12 due under the program to the lender, and the utility shall  
13 be entitled to recover all costs related to a participant's  
14 nonpayment through the automatic adjustment clause tariff  
15 established pursuant to Section 19-145 of this Act. In  
16 addition, the gas utility shall retain a security interest  
17 in the measure or measures purchased under the program, and  
18 the utility retains its right to disconnect a participant  
19 that defaults on the payment of its utility bill.

20 (7) The total outstanding amount financed under the  
21 program shall not exceed \$2.5 million for a gas utility or  
22 gas utilities under a single holding company, provided that  
23 the gas utility or gas utilities may petition the  
24 Commission for an increase in such amount.

25 (d) A program approved by the Commission shall also include  
26 the following criteria and guidelines for such program:

1           (1) guidelines for financing of measures installed  
2 under a program, including, but not limited to, RFP  
3 criteria and limits on both individual loan amounts and the  
4 duration of the loans;

5           (2) criteria and standards for identifying and  
6 approving measures;

7           (3) qualifications of vendors that will market or  
8 install measures, as well as a methodology for ensuring  
9 ongoing compliance with such qualifications;

10          (4) sample contracts and agreements necessary to  
11 implement the measures and program; and

12          (5) the types of data and information that utilities  
13 and vendors participating in the program shall collect for  
14 purposes of preparing the reports required under  
15 subsection (g) of this Section.

16          (e) The proposed program submitted by each gas utility  
17 shall be consistent with the provisions of this Section that  
18 define operational, financial, and billing arrangements  
19 between and among program participants, vendors, lenders, and  
20 the gas utility.

21          (f) A gas utility shall recover all of the prudently  
22 incurred costs of offering a program approved by the Commission  
23 pursuant to this Section, including, but not limited to, all  
24 start-up and administrative costs and the costs for program  
25 evaluation. All prudently incurred costs under this Section  
26 shall be recovered from the residential and small commercial

1 retail customer classes eligible to participate in the program  
2 ~~through the automatic adjustment clause tariff established~~  
3 ~~pursuant to Section 8-104 of this Act.~~

4 (g) An independent evaluation of a program shall be  
5 conducted after 3 years of the program's operation. The gas  
6 utility shall retain an independent evaluator who shall  
7 evaluate the effects of the measures installed under the  
8 program and the overall operation of the program, including,  
9 but not limited to, customer eligibility criteria and whether  
10 the payment obligation for permanent gas energy efficiency  
11 measures that will continue to provide benefits of energy  
12 savings should attach to the meter location. As part of the  
13 evaluation process, the evaluator shall also solicit feedback  
14 from participants and interested stakeholders. The evaluator  
15 shall issue a report to the Commission on its findings no later  
16 than 4 years after the date on which the program commenced, and  
17 the Commission shall issue a report to the Governor and General  
18 Assembly including a summary of the information described in  
19 this Section as well as its recommendations as to whether the  
20 program should be discontinued, continued with modification or  
21 modifications or continued without modification, provided that  
22 any recommended modifications shall only apply prospectively  
23 and to measures not yet installed or financed.

24 (h) A gas utility offering a Commission-approved program  
25 pursuant to this Section shall not be required to comply with  
26 any other statute, order, rule, or regulation of this State

1 that may relate to the offering of such program, provided that  
2 nothing in this Section is intended to limit the gas utility's  
3 obligation to comply with this Act and the Commission's orders,  
4 rules, and regulations, including Part 280 of Title 83 of the  
5 Illinois Administrative Code.

6 (i) The source of a utility customer's gas supply shall not  
7 disqualify a customer from participation in the utility's  
8 on-bill financing program. Customers of alternative gas  
9 suppliers may participate in the program under the same terms  
10 and conditions applicable to the utility's supply customers.  
11 (Source: P.A. 96-33, eff. 7-10-09.)

12 (220 ILCS 5/8-103 rep.)

13 (220 ILCS 5/8-103A rep.)

14 (220 ILCS 5/8-104 rep.)

15 Section 10. The Public Utilities Act is amended by  
16 repealing Sections 8-103, 8-103A, and 8-104.

17 Section 99. Effective date. This Act takes effect upon  
18 becoming law.