



Rep. Robert Rita

Filed: 11/30/2016

09900SB2814ham004

LRB099 19990 JWD 51891 a

1 AMENDMENT TO SENATE BILL 2814

2 AMENDMENT NO. _____. Amend Senate Bill 2814, AS AMENDED,
3 with reference to page and line numbers of House Amendment No.
4 3 as follows:

5 on page 2, line 23, after the semicolon, by inserting "and";
6 and

7 on page 3, line 3, by replacing "; and" with "."; and

8 on page 3, by deleting lines 4 through 11; and

9 on page 3, by replacing lines 12 through 26 with the following:

10 "(b) The General Assembly finds that low-income customers
11 should be included within the State's efforts to expand the use
12 of distributed generation technologies and devices."; and

13 on page 4, by deleting lines 1 and 2; and

1 on page 18, line 22, after "16-115D" by inserting ", subsection
2 (g) of Section 16-128A, and subsection (a) of Section 16-128B";
3 and

4 on page 22, by replacing lines 23 through 25 with the
5 following:

6 "(B) Conduct the competitive procurement processes
7 identified in this Act to procure the supply resources
8 identified in the procurement plan."; and

9 on page 27, line 22, after "Section", by inserting "that owns
10 or operates electric distribution facilities"; and

11 on page 29, line 26, after "Section", by inserting "that owns
12 or operates electric distribution facilities"; and

13 on page 37, lines 9 and 10, by deleting "the planning process
14 for"; and

15 on page 45, by replacing line 25 with "solar projects that are
16 procured under procurement processes authorized by the
17 long-term"; and

18 on page 46, by replacing lines 8 and 9 with "Renewable Energy
19 Resources Fund. Each contract that provides for the

1 installation of solar facilities shall provide that the solar
2 facilities will produce energy"; and

3 on page 46, line 13, after "Fund", by inserting "and not
4 otherwise committed to contracts executed under subsection (i)
5 of this Section"; and

6 on page 48, line 6, before the period, by inserting ", and
7 shall endeavor to coordinate with the job training programs
8 described in paragraph (1) of subsection (a) of Section
9 16-108.12 of the Public Utilities Act"; and

10 on page 50, line 3, by replacing "use" with "uses"; and

11 on page 52, line 23, by replacing "than they would otherwise
12 be" with "than the prices from programs offered under
13 subsection (c) of Section 1-75 of this Act"; and

14 on page 55, line 12, after "participants", by inserting "and
15 organizations"; and

16 on page 55, line 19, after the semicolon, by inserting "the
17 number of jobs or job opportunities created;"; and

18 on page 56, by deleting lines 13 through 16; and

1 on page 56, line 18, by replacing "program" with "long-term
2 renewable resources procurement plan"; and

3 on page 60, line 17, after the period, by inserting "Fees
4 collected from bidders shall be deposited into the Renewable
5 Energy Resources Fund."; and

6 on page 73, line 5, by deleting "the planning process for"; and

7 on page 73, line 8, after "(a)", by inserting ", except as
8 provided in subsection (q) of Section 16-111.5 of the Public
9 Utilities Act,"; and

10 on page 82, line 21, before the period, by inserting "and that
11 the project was installed by qualified persons in compliance
12 with the requirements of Section 16-128A of the Public
13 Utilities Act and any rules or regulations adopted thereunder";
14 and

15 on page 83, line 3, before the period, by inserting "and that
16 the project was installed by qualified persons in compliance
17 with the requirements of Section 16-128A of the Public
18 Utilities Act and any rules or regulations adopted thereunder";
19 and

20 on page 83, by replacing lines 8 through 11 with the following:

1 "For purposes of this Section, "prevailing
2 wage" means the hourly cash wages plus fringe
3 benefits for training and apprenticeship programs
4 approved by the U.S. Department of Labor, Bureau of
5 Apprenticeship and Training, health and welfare,
6 insurance, vacations and pensions paid generally,
7 in the locality in which the work is being
8 performed, to employees engaged in work of a
9 similar character on public works."; and

10 on page 87, lines 8 and 23, by replacing "The" each time it
11 appears with "Notwithstanding whether a long-term renewable
12 resources procurement plan has been approved, the"; and

13 on page 95, by replacing lines 8 through 19 with "located in
14 this State. If the resources are not available in Illinois, the
15 Agency shall further qualify renewable energy credits from
16 facilities located in (i) any adjacent state, or (ii) if they
17 are generated from facilities located in another state from
18 which facilities transmission is contracted for with a direct
19 current electric transmission facility that has a direct
20 current to alternative current conversion facility located in
21 Illinois, if the generator demonstrates and the Agency
22 determines that the facility's location in an adjacent state or
23 the facility's transmission contracts permit it to efficiently
24 deliver electricity to Illinois residents and to promote the

1 State's interest in the health, safety, and welfare of its
2 residents based on the public interest criteria described
3 above. To ensure that the public interest criteria are applied
4 to the procurement and given full effect, the Agency's
5 long-term procurement plan shall describe in detail how each
6 public interest factor shall be considered and weighted for
7 facilities located in states adjacent to Illinois or from
8 facilities located in other states."; and

9 on page 96, line 22, by deleting "either"; and

10 on page 96, lines 22 and 23, by deleting "or Section 16-108.9
11 of the Public Utilities Act"; and

12 on page 97, line 12, by replacing "declining block" with
13 "Adjustable Block"; and

14 on page 103, line 12, by replacing "including" with "to ensure
15 robust participation opportunities for"; and

16 on page 105, line 10, before the period, by inserting ";
17 provided that for the delivery years beginning June 1, 2017,
18 June 1, 2021, and June 1, 2025, the long-term renewable
19 resources procurement plan shall allocate 10% of the funds
20 available under the plan for the applicable delivery year, or
21 \$20,000,000 per delivery year, whichever is greater, and

1 \$10,000,000 of such funds in such year shall be used by an
2 electric utility that serves more than 3,000,000 retail
3 customers in the State to implement a Commission-approved plan
4 under Section 16-108.12 of the Public Utilities Act"; and

5 on page 107, line 21, by replacing "(Blank)." with "The owner
6 of renewable energy facilities that are located in Illinois and
7 that are energized after June 1, 2017, must certify that not
8 less than the prevailing wage was or will be paid to employees
9 who are engaged in construction activities associated with the
10 project before the renewable energy facility may participate in
11 a procurement event under this subsection (c)."; and

12 on page 133, line 26, before the period, by inserting "ending
13 May 31, 2027"; and

14 on page 148, lines 13 and 14, by replacing "rolling 4-year
15 period" with "delivery year"; and

16 on page 148, line 14, after "volume" by inserting "receiving
17 payments in such year"; and

18 on page 148, by replacing lines 16 and 17 with "net increase
19 that delivery year to the costs of those credits included in";
20 and

1 on page 149, line 1, by replacing "procured" with "paid"; and

2 on page 148, line 6, after the period, by inserting "Unpaid
3 contractual volume for any delivery year shall be paid in any
4 subsequent delivery year in which such payments can be made
5 without exceeding the amount specified in this paragraph (2).";
6 and

7 on page 149, line 9, by replacing "procured" with "be paid";
8 and

9 on page 151, lines 21 and 22, by replacing "of Section 16-108
10 of the Public Utilities Act." with "and (m) of Section 16-108
11 of the Public Utilities Act, and the contracts executed under
12 this subsection (d-5) shall provide that the utilities' payment
13 obligations under such contracts shall be reduced if an
14 adjustment is required under subsection (m) of Section 16-108
15 of the Public Utilities Act."; and

16 on page 156, line 1, before "subsections", by inserting
17 "Section 1-56,"; and

18 on page 162, line 14, after "Sections" by inserting "5-117,";
19 and

20 on page 162, line 16, by replacing "and 16-127" with "16-127,

1 and 16-128A"; and

2 on page 162, line 17, by deleting "16-108.9"; and

3 on page 162, line 17, by replacing "and 16-108.12" with
4 "16-108.12, 16-108.15, and 16-108.16"; and

5 on page 162, immediately below line 18, by inserting the
6 following:

7 "(220 ILCS 5/5-117)

8 Sec. 5-117. Supplier diversity goals.

9 (a) The public policy of this State is to collaboratively
10 work with companies that serve Illinois residents to improve
11 their supplier diversity in a non-antagonistic manner.

12 (b) The Commission shall require all gas, electric, and
13 water companies with at least 100,000 customers under its
14 authority, as well as suppliers of wind energy, solar energy,
15 hydroelectricity, nuclear energy, and any other supplier of
16 energy within this State, to submit an annual report by April
17 15, 2015 and every April 15 thereafter, in a searchable Adobe
18 PDF format, on all procurement goals and actual spending for
19 female-owned, minority-owned, veteran-owned, and small
20 business enterprises in the previous calendar year. These goals
21 shall be expressed as a percentage of the total work performed
22 by the entity submitting the report, and the actual spending

1 for all female-owned, minority-owned, veteran-owned, and small
2 business enterprises shall also be expressed as a percentage of
3 the total work performed by the entity submitting the report.

4 (c) Each participating company in its annual report shall
5 include the following information:

6 (1) an explanation of the plan for the next year to
7 increase participation;

8 (2) an explanation of the plan to increase the goals;

9 (3) the areas of procurement each company shall be
10 actively seeking more participation in in the next year;

11 (4) an outline of the plan to alert and encourage
12 potential vendors in that area to seek business from the
13 company;

14 (5) an explanation of the challenges faced in finding
15 quality vendors and offer any suggestions for what the
16 Commission could do to be helpful to identify those
17 vendors;

18 (6) a list of the certifications the company
19 recognizes;

20 (7) the point of contact for any potential vendor who
21 wishes to do business with the company and explain the
22 process for a vendor to enroll with the company as a
23 minority-owned, women-owned, or veteran-owned company; and

24 (8) any particular success stories to encourage other
25 companies to emulate best practices.

26 (d) Each annual report shall include as much State-specific

1 data as possible. If the submitting entity does not submit
2 State-specific data, then the company shall include any
3 national data it does have and explain why it could not submit
4 State-specific data and how it intends to do so in future
5 reports, if possible.

6 (e) Each annual report shall include the rules,
7 regulations, and definitions used for the procurement goals in
8 the company's annual report.

9 (f) The Commission and all participating entities shall
10 hold an annual workshop open to the public in 2015 and every
11 year thereafter on the state of supplier diversity to
12 collaboratively seek solutions to structural impediments to
13 achieving stated goals, including testimony from each
14 participating entity as well as subject matter experts and
15 advocates. The Commission shall publish a database on its
16 website of the point of contact for each participating entity
17 for supplier diversity, along with a list of certifications
18 each company recognizes from the information submitted in each
19 annual report. The Commission shall publish each annual report
20 on its website and shall maintain each annual report for at
21 least 5 years.

22 (Source: P.A. 98-1056, eff. 8-26-14.)"; and

23 on page 178, lines 24 and 25, by deleting "and energy
24 efficiency measures implemented under subsection (1) of this
25 Section"; and

1 on page 179, by replacing lines 5 through 10 with "Agency
2 Act."; and

3 on page 179, by replacing lines 17 and 18 with "cumulative
4 persisting annual savings of 6.6% from energy efficiency
5 measures and"; and

6 on page 179, line 23, by replacing "The" with "For the purposes
7 of this subsection (b) and subsection (b-5), the"; and

8 on page 179, by replacing lines 24 through 26 with "and energy
9 sales shall be reduced by the number of MWhs equal to the sum
10 of the annual consumption of customers that are exempt from
11 subsections (a) through (j) of this Section under subsection
12 (l) of this Section, as averaged across the calendar years
13 2014, 2015, and 2016. After 2017, the deemed value of
14 cumulative"; and

15 on page 180, line 7, by deleting ", or 5,071,018 MWhs,"; and

16 on page 180, line 10, by deleting ", or 4,553,371 MWhs,"; and

17 on page 180, line 13, by deleting ", or 3,998,012 MWhs,"; and

18 on page 180, line 16, by deleting ", or 3,533,219 MWhs,"; and

- 1 on page 180, line 19, by deleting ", or 3,108,290 MWhs,"; and
- 2 on page 180, line 22, by deleting ", or 2,738,689 MWhs,"; and
- 3 on page 180, line 25, by deleting ", or 2,463,055 MWhs,"; and
- 4 on page 181, line 2, by deleting ", or 2,221,716 MWhs,"; and
- 5 on page 181, line 5, by deleting ", or 2,017,109 MWhs,"; and
- 6 on page 181, line 8, by deleting ", or 1,822,754 MWhs,"; and
- 7 on page 181, line 11, by deleting ", or 1,624,769 MWhs,"; and
- 8 on page 181, line 14, by deleting ", or 1,460,039 MWhs,"; and
- 9 on page 181, line 17, by deleting ", or 1,181,647 MWhs,"; and
- 10 on page 182, line 7, by replacing "all Self-Direct Customers
11 that elect such status" with "customers that are exempt from
12 subsections (a) through (j) of this Section"; and
- 13 on page 183, line 16, by deleting ", or 2,435,400 MWhs,"; and
- 14 on page 183, line 21, by replacing "The" with "For the purposes

1 of this subsection (b-10) and subsection (b-15), the"; and

2 on page 183, by replacing lines 22 through 24 with "and energy
3 sales shall be reduced by the number of MWhs equal to the sum
4 of the annual consumption of customers that are exempt from
5 subsections (a) through (j) of this Section under subsection
6 (l) of this Section, as averaged across the calendar years
7 2014, 2015, and 2016. After 2017, the deemed value of
8 cumulative"; and

9 on page 184, line 5, by deleting ", or 2,140,200 MWhs,"; and

10 on page 184, line 8, by deleting ", or 1,918,800 MWhs,"; and

11 on page 184, line 11, by deleting ", or 1,660,500 MWhs,"; and

12 on page 184, line 14, by deleting ", or 1,476,000 MWhs,"; and

13 on page 184, line 17, by deleting ", or 1,291,500 MWhs,"; and

14 on page 184, line 20, by deleting ", or 1,143,900 MWhs,"; and

15 on page 184, line 23, by deleting ", or 1,033,200 MWhs,"; and

16 on page 184, line 26, by deleting ", or 922,500 MWhs,"; and

1 on page 185, line 3, by deleting ", or 848,700 MWhs,"; and

2 on page 185, line 6, by deleting ", or 774,900 MWhs,"; and

3 on page 185, line 9, by deleting ", or 664,200 MWhs,"; and

4 on page 185, line 12, by deleting ", or 627,300 MWhs,"; and

5 on page 185, line 15, by deleting ", or 553,500 MWhs,"; and

6 on page 185, line 25, by replacing "all Self-Direct Customers
7 that elect such status" with "customers that are exempt from
8 subsections (a) through (j) of this Section"; and

9 on page 206, line 10, after the comma, by inserting "for a
10 utility that serves less than 3,000,000 retail customers, if";
11 and

12 on page 206, line 19, by replacing "In no event shall" with
13 "Except as provided in subsection (m) of this Section,"; and

14 on page 206, line 21, after "period" by inserting "shall not";
15 and

16 on page 207, line 19, by replacing "In no event shall" with
17 "Except as provided in subsection (m) of this Section,"; and

1 on page 207, line 21, after "period" by inserting "shall not";
2 and

3 on page 208, line 20, by replacing "In no event shall" with
4 "Except as provided in subsection (m) of this Section,"; and

5 on page 208, line 22, after "period" by inserting "shall not";
6 and

7 by deleting line 12 on page 215 through line 9 on page 216; and

8 on page 218, immediately below line 8, by inserting the
9 following:

10 "(7.5) For purposes of this Section, the term
11 "applicable annual incremental goal" means the difference
12 between the cumulative persisting annual savings goal for
13 the calendar year that is the subject of the independent
14 evaluator's determination and the cumulative persisting
15 annual savings goal for the immediately preceding calendar
16 year, as such goals are defined in subsections (b-5) and
17 (b-15) of this Section and as these goals may have been
18 modified as provided for under subsection (b-20) and
19 paragraphs (1) through (3) of subsection (f) of this
20 Section. Under subsections (b), (b-5), (b-10), and (b-15)
21 of this Section, a utility must first replace energy

1 savings from measures that have reached the end of their
2 measure lives and would otherwise have to be replaced to
3 meet the applicable savings goals identified in subsection
4 (b-5) or (b-15) of this Section before any progress towards
5 achievement of its applicable annual incremental goal may
6 be counted. Notwithstanding anything else set forth in this
7 Section, the difference between the actual annual
8 incremental savings achieved in any given year, including
9 the replacement of energy savings from measures that have
10 expired, and the applicable annual incremental goal shall
11 not affect adjustments to the return on equity for
12 subsequent calendar years under this subsection (g)."; and

13 on page 220, by replacing lines 6 and 7 with "goal shall use
14 the unreduced applicable annual"; and

15 by replacing line 21 on page 220 through line 3 on page 221
16 with the following:

17 "(iii) For the period of January 1, 2026
18 through December 31, 2030, the calculation for
19 determining achievement that is less than 134% but
20 more than 100% of the applicable annual
21 incremental goal shall use the reduced applicable
22 annual incremental goal to set the value for 100%
23 achievement of the goal and shall use the unreduced
24 goal to set the value for 125% achievement. The 6

1 basis point value shall also be modified, as
2 necessary, so that the 200 basis points are evenly
3 apportioned among each percentage point value
4 between 100% and 134% achievement."; and

5 by deleting line 18 on page 222 through line 7 on page 223; and

6 by replacing line 20 on page 225 through line 4 on page 234
7 with the following:

8 "(1) For the calendar years covered by a multi-year plan
9 commencing after December 31, 2017, subsections (a) through (j)
10 of this Section do not apply to any retail customers of an
11 electric utility that serves more than 3,000,000 retail
12 customers in the State and whose total highest 30 minute demand
13 was more than 10,000 kilowatts, or any retail customers of an
14 electric utility that serves less than 3,000,000 retail
15 customers but more than 500,000 retail customers in the State
16 and whose total highest 15 minute demand was more than 10,000
17 kilowatts. For purposes of this subsection (1), "retail
18 customer" has the meaning set forth in Section 16-102 of this
19 Act. A determination of whether this subsection is applicable
20 to a customer shall be made for each multi-year plan beginning
21 after December 31, 2017. The criteria for determining whether a
22 this subsection (1) is applicable to a retail customer shall be
23 based on the 12 consecutive billing periods prior to the start
24 of the first year of each such multi-year plan."; and

1 on page 234, line 24, after "amount", by inserting "of"; and

2 by replacing line 26 on page 234 through line 1 on page 235
3 with "utility's load attributable to customers who are exempt
4 from subsections (a) through (j) of this Section under
5 subsection (l) of this"; and

6 on page 235, line 2, by replacing "Section." with "For purposes
7 of this subsection (m), the amount paid per kilowatthour
8 includes, without limitation, estimated amounts paid for
9 supply, transmission, distribution, surcharges, and add-on
10 taxes."; and

11 on page 284, by replacing lines 15 and 16 with "2,000 kilowatts
12 and is primarily used to offset that customer's electricity
13 load;"; and

14 on page 285, lines 3 and 4 by replacing "does not conflict"
15 with "is consistent"; and

16 on page 286, line 17, by replacing "\$500" with "\$250"; and

17 on page 286, line 20, by replacing "(2)After" with "(2) After";
18 and

1 on page 287, line 14, by replacing "(B)Non-residential" with
2 "(B) Non-residential"; and

3 on page 287, line 22, by replacing "(3)Upon" with "(3) Upon";
4 and

5 on page 288, line 2, by replacing "(4)To" with "(4) To"; and

6 on page 288, line 9, by replacing "(d)The" with "(d) The"; and

7 on page 288, line 17, by replacing "(e)When" with "(e) When";
8 and

9 on page 288, line 25, by deleting "based on best practices";
10 and

11 on page 288, line 26, after "grid", by inserting "based on best
12 practices"; and

13 on page 289, line 18, by replacing "(f)Notwithstanding" with
14 "(f) Notwithstanding"; and

15 on page 290, line 8, by replacing "(g)No later than 180 days"
16 with "(g) No later than 60 days"; and

17 on page 290, line 15, by replacing "180" with "60"; and

1 on page 310, immediately below line 23, by inserting the
2 following:

3 "(m)(1) An electric utility that recovers its costs of
4 procuring zero emission credits from zero emission
5 facilities through a cents-per-kilowatthour charge under
6 to subsection (k) of this Section shall be subject to the
7 requirements of this subsection (m). Notwithstanding
8 anything to the contrary, such electric utility shall,
9 beginning on April 30, 2018, and each April 30 thereafter
10 until April 30, 2026, calculate whether any reduction must
11 be applied to such cents-per-kilowatthour charge that is
12 paid by retail customers of the electric utility that are
13 exempt from subsections (a) through (j) of Section 8-103B
14 of this Act under subsection (l) of Section 8-103B. Such
15 charge shall be reduced for such customers for the next
16 delivery year commencing on June 1 based on the amount
17 necessary, if any, to limit the annual estimated average
18 net increase for the prior calendar year due to the future
19 energy investment costs to no more than 1.3% of 5.98 cents
20 per kilowatt-hour, which is the average amount paid per
21 kilowatthour for electric service during the year ending
22 December 31, 2015 by Illinois industrial retail customers,
23 as reported to the Edison Electric Institute.

24 The calculations required by this subsection (m) shall
25 be made only once for each year, and no subsequent rate

1 impact determinations shall be made.

2 (2) For purposes of this Section, "future energy
3 investment costs" shall be calculated by subtracting the
4 cents-per-kilowatthour charge identified in subparagraph
5 (A) of this paragraph (2) from the sum of the
6 cents-per-kilowatthour charges identified in subparagraph
7 (B) of this paragraph (2):

8 (A) The cents-per-kilowatthour charge identified
9 in the electric utility's tariff placed into effect
10 under Section 8-103 of the Public Utilities Act that,
11 on December 1, 2016, was applicable to those retail
12 customers that are exempt from subsections (a) through
13 (j) of Section 8-103B of this Act under subsection (1)
14 of Section 8-103B.

15 (B) The sum of the following
16 cents-per-kilowatthour charges applicable to those
17 retail customers that are exempt from subsections (a)
18 through (j) of Section 8-103B of this Act under
19 subsection (1) of Section 8-103B, provided that if one
20 or more of the following charges has been in effect and
21 applied to such customers for more than one calendar
22 year, then each charge shall be equal to the average of
23 the charges applied over a period that commences with
24 the calendar year ending December 31, 2017 and ends
25 with the most recently completed calendar year prior to
26 the calculation required by this subsection (m):

1 (i) the cents-per-kilowatthour charge to
2 recover the costs incurred by the utility under
3 subsection (d-5) of Section 1-75 of the Illinois
4 Power Agency Act, adjusted for any reductions
5 required under this subsection (m); and

6 (ii) the cents-per-kilowatthour charge to
7 recover the costs incurred by the utility under
8 Section 16-107.6 of the Public Utilities Act.

9 If no charge was applied for a given calendar year
10 under item (i) or (ii) of this subparagraph (B), then
11 the value of the charge for that year shall be zero.

12 (3) If a reduction is required by the calculation
13 performed under this subsection (m), then the amount of the
14 reduction shall be multiplied by the number of years
15 reflected in the averages calculated under subparagraph
16 (B) of paragraph (2) of this subsection (m). Such reduction
17 shall be applied to the cents-per-kilowatthour charge that
18 is applicable to those retail customers that are exempt
19 from subsections (a) through (j) of Section 8-103B of this
20 Act under subsection (l) of Section 8-103B beginning with
21 the next delivery year commencing after the date of the
22 calculation required by this subsection (m).

23 (4) The electric utility shall file a notice with the
24 Commission on May 1 of 2018 and each May 1 thereafter until
25 May 1, 2026 containing the reduction, if any, which must be
26 applied for the delivery year which begins in the year of

1 the filing. The notice shall contain the calculations made
2 pursuant to this section. By October 1 of each year
3 beginning in 2018, each electric utility shall notify the
4 Commission if it appears, based on an estimate of the
5 calculation required in this subsection (m), that a
6 reduction will be required in the next year."; and

7 by deleting line 24 on page 358 through line 20 on page 380;
8 and

9 on page 383, by replacing lines 18 through 20 with the
10 following:

11 "(a) An electric utility that serves more than 3,000,000
12 customers in the State shall spend \$10,000,000 per year in
13 2017, 2021, and 2025 to fund the programs described in this
14 Section."; and

15 on page 383, line 22, by deleting "annually over 5 years"; and

16 on page 384, line 19, by deleting "qualified"; and

17 on page 384, line 20, by replacing "may" with "shall"; and

18 on page 384, line 22, by replacing "individuals" with
19 "persons"; and

1 on page 384, line 26, after "communities", by inserting "and
2 that 2,000 jobs are created for persons who are or were foster
3 children and persons with a record"; and

4 on page 385, line 2, by deleting "annually over 5 years"; and

5 on page 385, line 4, by replacing "5" with "4"; and

6 on page 385, line 9, by deleting "annually over 5 years"; and

7 on page 385, line 10, by replacing "annually" with "in the
8 applicable year"; and

9 on page 385, line 11, by replacing "(E)" with "(F)"; and

10 on page 385, line 13, by replacing "5" with "4"; and

11 on page 385, line 14, by replacing "\$1,000,000" with
12 "\$500,000"; and

13 on page 385, immediately below line 20, by inserting the
14 following:

15 "(F) \$500,000 to a nonprofit organization that
16 provides family services, housing education, job and
17 career education opportunities that has successfully
18 partnered with the utility on electric industry job

1 training."; and

2 on page 386, line 21, by deleting "qualified"; and

3 on page 387, line 4, by replacing "(b)Within" with "(b)
4 Within"; and

5 on page 387, by replacing lines 12 through 15 with "which time
6 the utility shall file a new plan. The utility shall use the
7 funds described in subparagraph (O) of paragraph (1) of
8 subsection (c) of Section 1-75 of the Illinois Power Agency Act
9 to pay for the Commission approved programs under this
10 Section."; and

11 on page 387, immediately below line 15, by inserting the
12 following:

13 "(220 ILCS 5/16-108.15 new)

14 Sec. 16-108.15. Rate impacts.

15 (a) Each electric utility that serves more than 500,000
16 retail customers in the State shall file with the Commission
17 the reports required by this Section, which shall identify the
18 actual and projected average monthly increases in residential
19 retail customers' electric bills due to future energy
20 investment costs for the applicable period or periods.

21 (b) The average monthly increase calculation shall be

1 comprised of the following components:

2 (1) Beginning with the 2017 calendar year, the average
3 monthly amount paid by residential retail customers,
4 expressed on a cents-per-kilowatthour basis, to recover
5 future energy investment costs, which include the charges
6 to recover the costs incurred by the utility under the
7 following provisions:

8 (A) Sections 8-103, Section 8-103B, and 16-111.5B
9 of this Act, as applicable, and as such costs may be
10 recovered under Sections 8-103, 8-103B, 16-111.5B or
11 Section 16-108.5 of this Act;

12 (B) subsection (d-5) of Section 1-75 of the
13 Illinois Power Agency Act, as such costs may be
14 recovered under subsection (k) of Section 16-108 of
15 this Act; and

16 (C) Section 16-107.6 of this Act.

17 Beginning with the 2018 calendar year, each of the
18 average monthly charges calculated in subparagraphs (A)
19 through (C) of this paragraph (1) shall be equal to the
20 average of each such charge applied over a period that
21 commences with the calendar year ending December 31, 2017
22 and ends with the most recently completed calendar year
23 prior to the calculation or calculations required by this
24 Section.

25 (2) The sum of the following:

26 (A) net energy savings to residential retail

1 customers that are attributable to the implementation
2 of voltage optimization measures under Section 8-103B
3 of this Act, expressed on a cents-per-kilowatthour
4 basis, which are estimated energy and capacity
5 benefits for residential retail customers minus the
6 measure costs recovered from those customers, divided
7 by the total number of residential retail customers,
8 which quotient shall be divided by the months in the
9 relevant period; notwithstanding this subparagraph
10 (A), a utility may elect not to include an estimate of
11 net energy savings as described in this subparagraph
12 (A), in which case the value under this subparagraph
13 (A) shall be zero; and

14 (B) for an electric utility that serves more than
15 3,000,000 retail customers in the State, the benefits
16 of the programs described in Section 16-108.10 of this
17 Act, which are \$0.00030 per kilowatthour for the 2017,
18 2018, 2019, 2020, and 2021 calendar years.

19 Beginning with the 2018 calendar year, each of the
20 values identified in subparagraphs (A) and (B) of this
21 paragraph (2) shall be equal to the average of each
22 such value during a period that commences with the
23 calendar year ending December 31, 2017 and ends with
24 the most recently completed calendar year prior to the
25 calculation or calculations required by this Section.

26 (3) For an electric utility that serves more than

1 3,000,000 retail customers in the State, the residential
2 retail customer energy efficiency charges shall be \$2.33
3 per month for the 2017 calendar year, provided that such
4 charge shall be increased by 4% per year thereafter; for an
5 electric utility that serves more than 500,000 but less
6 than 3,000,000 retail customers in the State, the
7 residential retail customer energy efficiency charges
8 shall be \$3.94 per month for the 2017 calendar year,
9 provided that such charge shall be increased by 4% per year
10 thereafter. Beginning with the 2018 calendar year, this
11 charge shall be equal to the average of the charges applied
12 over a period that commences with the calendar year ending
13 December 31, 2017 and ends with the most recently completed
14 calendar year prior to the calculation or calculations
15 required by this Section.

16 (c) (1) No later than June 30, 2017, an electric utility
17 subject to this Section shall submit a report to the
18 Commission that sets forth the utility's rolling 10-year
19 projection of the values of each of the components
20 described in paragraphs (1) through (3) of subsection (b)
21 of this Section. No later than February 15, 2018 and every
22 February 15 thereafter until February 15, 2031, each
23 utility shall submit a report to the Commission that
24 identifies the value of the actual charges applied during
25 the immediately preceding calendar year and updates its
26 rolling 10-year projection based on such actual charges.

1 Each report submitted under this subsection (c) shall
2 calculate the actual average monthly increase in
3 residential retail customers' electric bills due to future
4 energy investment costs during the immediately preceding
5 calendar year and shall also calculate the projected
6 average monthly increase in residential retail customers'
7 electric bills due to such costs over the rolling 10-year
8 period. Such calculations shall be performed by
9 subtracting the sum of paragraph (2) of subsection (b) of
10 this Section from the sum of paragraph (1) of such
11 subsection (b), multiplying such difference by, as
12 applicable, the actual or forecasted average monthly
13 kilowatthour consumption for the residential retail
14 customer class for the applicable period, and subtracting
15 from such product the applicable value identified under
16 paragraph (3) of such subsection (b).

17 If the actual or projected average monthly increase for
18 residential retail customers of electric utility that
19 serves more than 3 million retail customers in the State
20 exceeds \$0.25, or the actual or projected average monthly
21 increase for residential retail customers of an electric
22 utility that serves more than 500,000 but less than 3
23 million retail customers in the State exceeds \$0.35, then
24 the applicable utility shall comply with the provisions of
25 paragraphs (2) through (4) of this subsection (c), as
26 applicable.

1 (2) If the projected average monthly increase for
2 residential retail customers during a calendar year
3 exceeds the applicable limitation set forth in paragraph
4 (1) of this subsection (c), then the utility shall comply
5 with the following provisions, as applicable:

6 (A) If an exceedance is projected during the first
7 four calendar year of the rolling 10-year projection,
8 then the utility shall include in its report submitted
9 under paragraph (1) of this subsection (c) the
10 utility's proposal or proposals to decrease the future
11 energy investment costs described in paragraph (1) of
12 subsection (b) of this Section to ensure that the
13 limitation set forth in such paragraph (1) is not
14 exceeded. The Commission shall, after notice and
15 hearing, enter an order directing the utility to
16 implement one or more proposals, as such proposals may
17 be modified by the Commission. The Commission shall
18 have the authority under this subparagraph (A) to
19 approve modifications to the contracts executed under
20 subsection (d-5) of Section 1-75 of the Illinois Power
21 Agency Act. If the Commission approves modifications
22 to such contracts, then the supplier shall have the
23 option of accepting the modifications or terminating
24 the modified contract or contracts, subject to the
25 termination requirements and notice provisions set
26 forth in item (i) of subparagraph (B) of paragraph (4)

1 of this Section.

2 (B) If an exceedance is projected during any
3 calendar year during the last 6 years of the 10-year
4 projection, then the utility shall demonstrate in its
5 report submitted under paragraph (1) of this
6 subsection (c) how the utility will reduce the future
7 energy investment costs described in paragraph (1) of
8 subsection (b) of this Section to ensure that the
9 limitation set forth in such paragraph (1) is not
10 exceeded.

11 (3) If the actual average monthly increase for
12 residential retail customers during a calendar year
13 exceeded the limitation set forth in paragraph (1) of this
14 subsection (c), then the utility shall prepare and file
15 with the Commission, at the time it submits its report
16 under paragraph (1) of this subsection (c), a corrective
17 action plan that identifies how the utility will
18 immediately reduce expenditures so that the utility will be
19 in compliance with such limitation beginning on January 1
20 of the next calendar year. The Commission shall initiate an
21 investigation to determine the factors that contributed to
22 the actual average monthly increase exceeding such
23 limitation for the applicable calendar year, and shall,
24 after notice and hearing, enter an order approving, or
25 approving with modification, the utility's corrective
26 action plan within 120 days after the utility files such

1 plan. The Commission shall also submit a report to the
2 General Assembly no later than 30 days after it enters such
3 order, and the report shall explain the results of the
4 Commission's investigation and findings and conclusions of
5 its order.

6 (4) If the actual average monthly increase for
7 residential retail customers during a calendar year
8 exceeds the limitation set forth in paragraph (1) of this
9 subsection (c) for two consecutive years, then the utility
10 shall indicate in its report filed under paragraph (1) of
11 this subsection (c) whether the utility will proceed with
12 or terminate the future energy investments described and
13 authorized under subsection (d-5) of the Illinois Power
14 Agency Act and Sections 8-103B and 16-107.6 of this Act.
15 The utility shall be subject to the requirements of
16 subparagraph (A) or (B) of this paragraph (4), as
17 applicable.

18 (A) If the utility indicates that it will proceed
19 with the future energy investments, then it shall be
20 subject to the corrective action plan requirements set
21 forth in paragraph (3) of this subsection (c). In
22 addition, the utility must commit to apply a credit to
23 residential retail customers' bills if the actual
24 average monthly increase for such customers exceeds
25 the limitation set forth in paragraph (1) of this
26 subsection (c) for the year in which the utility files

1 its corrective action plan, which credit shall be in an
2 amount that equals the portion by which the increase
3 exceeds such limitation. The Commission shall initiate
4 an investigation to determine the factors that
5 contributed to the actual average monthly increase
6 exceeding such limitation for the applicable calendar
7 year, including an analysis of the factors
8 contributing to the limitation being exceeded for two
9 consecutive years, and shall, after notice and
10 hearing, enter an order approving, or approving with
11 modification, the utility's corrective action plan
12 within 120 days after the utility files such plan. The
13 Commission shall also submit a supplemental report to
14 the General Assembly no later than 30 days after it
15 enters such order, and the report shall explain the
16 results of the Commission's investigation and findings
17 and conclusions of its order.

18 (B) If the utility indicates that it will terminate
19 future energy investments, then the Commission shall,
20 notwithstanding anything to the contrary:

21 (i) Order the utility to terminate the
22 contract or contracts executed under subsection
23 (d-5) of Section 1-75 of the Illinois Power Agency
24 Act, pursuant to the contract termination
25 provisions set forth in such subsection (d-5),
26 provided that notice of such termination must be

1 made at least 3 years and 75 days prior to the
2 effective date of such termination. In the event
3 that only a portion of the contracts executed under
4 such subsection (d-5) are terminated for a
5 particular zero emission facility, then the zero
6 emission facility may elect to terminate all of the
7 contracts executed for that facility under such
8 subsection (d-5).

9 (ii) Within 30 days after the utility submits
10 its report indicates that it will terminate future
11 energy investments, initiate a proceeding to
12 approve the process for terminating future
13 expenditures under Section 16-107.6 of the Public
14 Utilities Act. The Commission shall, after notice
15 and hearing, enter its order approving such
16 process no later than 120 days after initiating
17 such proceeding.

18 (iii) Within 30 days after the utility submits
19 its report indicates that it will terminate future
20 energy investments, initiate a proceeding under
21 Section 8-103B of this Act to reduce the cumulative
22 persisting annual savings goals previously
23 approved by the Commission under such Section to
24 ensure just and reasonable rates. The Commission
25 shall, after notice and hearing, enter its order
26 approving such goal reductions no later than 120

1 days after initiating such proceeding.

2 Notwithstanding the termination of future energy
3 investments pursuant to this subparagraph (B), the
4 utility shall be permitted to continue to recover the
5 costs of such investments that were incurred prior to
6 such termination, including but not limited to all
7 costs that are recovered through regulatory assets
8 created under Sections 8-103B and 16-107.6 of this Act.
9 Nothing in this Section shall limit the utility's
10 ability to fully recover such costs. The utility shall
11 also be permitted to continue to recover the costs of
12 all payments made under contracts executed under
13 subsection (d-5) until the effective date of the
14 contract's termination.

15 (220 ILCS 5/16-108.16 new)

16 Sec. 16-108.16. Commercial Rate Impacts.

17 (a) Each electric utility that serves more than 500,000
18 retail customers in the State shall file with the Commission
19 the reports required by this Section, which shall identify the
20 annual average increases due to future energy investment costs
21 for the applicable period or periods in electric bills to
22 commercial and industrial retail customers. For purposes of
23 this Section, "commercial and industrial retail customers"
24 means non-residential retail customers other than those
25 customers who are exempt from subsections (a) through (j) of

1 Section 8-103B of this Act under subsection (1) of Section
2 8-103B.

3 (b) The increase determination required by subsection (a)
4 of this Section shall be based on a calculation comprised of
5 the following components:

6 (1)Beginning with the 2017 calendar year, the average
7 annual amount paid by commercial and industrial retail
8 customers, expressed on a cents-per-kilowatthour basis, to
9 recover future energy investment costs, which include the
10 charges to recover the costs incurred by the utility under
11 the following provisions:

12 (A) Sections 8-103, Section 8-103B, and 16-111.5B
13 of this Act, as applicable, and as such costs may be
14 recovered under Sections 8-103, 8-103B, 16-111.5B or
15 Section 16-108.5 of this Act;

16 (B) subsection (d-5) of Section 1-75 of the
17 Illinois Power Agency Act, as such costs may be
18 recovered under subsection (k) of Section 16-108 of
19 this Act; and

20 (C) Section 16-107.6 of this Act.

21 Beginning with the 2018 calendar year, each of the
22 average annual charges calculated in subparagraphs (A)
23 through (C) of this paragraph (1) shall be equal to the
24 average of each such charge applied over a period that
25 commences with the calendar year ending December 31, 2017
26 and ends with the most recently completed calendar year

1 prior to the calculation or calculations required by this
2 Section.

3 (2) The sum of the following:

4 (A) annual net energy savings to commercial and
5 industrial retail customers that are attributable to
6 the implementation of voltage optimization measures
7 under Section 8-103B of this Act, expressed on a
8 cents-per-kilowatthour basis, which are estimated
9 energy and capacity benefits for commercial and
10 industrial retail customers minus the measure costs
11 recovered from those customers, divided by the average
12 annual kilowatt-hour consumption of commercial and
13 industrial retail customers; notwithstanding this
14 subparagraph (A), a utility may elect not to include an
15 estimate of net energy savings as described in this
16 subparagraph (A), in which case the value under this
17 subparagraph (A) shall be zero;

18 (B) the average annual cents-per-kilowatthour
19 charge applied under Section 8-103 of this Act to
20 commercial and industrial retail customers during
21 calendar year 2016 to recover the costs authorized by
22 such Section; and

23 (C) incremental energy efficiency savings, which
24 shall be calculated by subtracting the value
25 determined in item (ii) of this subparagraph (C) from
26 the value determined in item (i) of this subparagraph

1 and dividing the difference by the value identified in
2 item (iii) of this subparagraph:

3 (i) Total value, in dollars, of the cumulative
4 persisting annual saving achieved from the
5 installation or implementation of all energy
6 efficiency measures for commercial and industrial
7 retail customers under Sections 8-103, 8-103B and
8 16-111.5 of this Act, net of the cumulative annual
9 percentage savings in kilowatt-hours, if any,
10 calculated under subparagraph (A) of this
11 paragraph (2).

12 (ii) 2016 value, which shall equal the value
13 calculated under item (i) of this subparagraph (C)
14 multiplied by the quotient of (aa) the cumulative
15 persisting annual savings, in kilowatt-hours,
16 achieved from the installation or implementation
17 of all energy efficiency measures for commercial
18 and industrial retail customers under Sections
19 8-103, 8-103B and 16-111.5B of this Act as of
20 December 31, 2016, divided by (bb) the cumulative
21 persisting annual savings, in kilowatt-hours, from
22 the installation or implementation of all energy
23 efficiency measures for commercial and industrial
24 retail customers under Sections 8-103, 8-103B and
25 16-111.5 of this Act, net of the cumulative annual
26 percentage savings in kilowatt-hours, if any,

1 calculated under subparagraph (A) of this
2 paragraph (2).

3 (iii) The average annual kilowatt-hour
4 consumption of those commercial and industrial
5 retail customers that installed or implemented
6 energy efficiency measures under energy efficiency
7 programs or plans approved pursuant to Sections
8 8-103, 8-103B or 16-111.5B of this Act.

9 Beginning with the 2018 calendar year, each of the
10 values identified in subparagraphs (A) and (C) of this
11 paragraph (2) shall be equal to the average of each
12 such value during a period that commences with the
13 calendar year ending December 31, 2017 and ends with
14 the most recently completed calendar year prior to the
15 calculation or calculations required by this Section.

16 For purposes of this Section, cumulative
17 persisting annual savings shall have the meaning set
18 forth in Section 8-103B of this Act, and energy
19 efficiency measures shall have the meaning set forth in
20 Section 1-10 of the Illinois Power Agency Act.

21 (c) (1) No later than June 30, 2017, and every June 30
22 thereafter until June 30, 2027, an electric utility subject
23 to this Section shall submit a report to the Commission
24 that sets forth the utility's 10-year projection of the
25 values of each of the components described in paragraphs
26 (1) and (2) of subsection (b) of this Section. Each

1 utility's report to the Commission shall identify the
2 result of the computation performed under this Section for
3 the immediately preceding calendar year and update its
4 10-year projection. Such calculations shall be performed
5 by subtracting the sum of paragraph (2) of subsection (b)
6 of this Section from the sum of paragraph (1) of such
7 subsection (b).

8 In the event that the actual or projected average
9 annual increase for commercial and industrial retail
10 customers exceeds 1.3% of 8.90 cents-per-kilowatthour,
11 which is the average amount paid per kilowatt-hour for
12 electric service during the year ending December 31, 2015
13 by Illinois commercial retail customers, as reported to the
14 Edison Electric Institute, then the applicable utility
15 shall comply with the provisions of paragraphs (2) through
16 (4) of this subsection (c), as applicable.

17 (2) In the event that the projected average annual
18 increase for commercial and industrial retail customers
19 during a calendar year exceeds the applicable limitation
20 set forth in paragraph (1) of this subsection (c), then the
21 utility shall comply with the following provisions, as
22 applicable:

23 (A) If an exceedance is projected during the first
24 four calendar years of the 10-year projection, then the
25 utility shall include in its report submitted under
26 paragraph (1) of this subsection (c) the utility's

1 proposal or proposals to decrease the future energy
2 investment costs described in paragraph (1) of
3 subsection (b) of this Section to ensure that the
4 limitation set forth in such paragraph (1) is not
5 exceeded. The Commission shall, after notice and
6 hearing, enter an order directing the utility to
7 implement one or more proposals, as such proposals may
8 be modified by the Commission. The Commission shall
9 have the authority under this subparagraph (A) to
10 approve modifications to the contracts executed under
11 subsection (d-5) of Section 1-75 of the Illinois Power
12 Agency Act. If the Commission approves modifications
13 to such contracts that are in an amount that reduces
14 the quantities to be procured under such contracts by
15 more than 7%, then the supplier shall have the option
16 of accepting the modifications or terminating the
17 modified contract or contracts, subject to the
18 termination requirements and notice provisions set
19 forth in item (i) of subparagraph (B) of paragraph (4)
20 of this Section.

21 (B) If an exceedance is projected during any
22 calendar year during the last 6 years of the 10-year
23 projection, then the utility shall demonstrate in its
24 report submitted under paragraph (1) of this
25 subsection (c) how the utility will reduce the future
26 energy investment costs described in paragraph (1) of

1 subsection (b) of this Section to ensure that the
2 limitation set forth in such paragraph (1) is not
3 exceeded.

4 (3) If the actual average annual increase for
5 commercial and industrial retail customers during a
6 calendar year exceeded the limitation set forth in
7 paragraph (1) of this subsection (c), then the utility
8 shall prepare and file with the Commission, at the time it
9 submits its report under paragraph (1) of this subsection
10 (c), a corrective action plan. The Commission shall
11 initiate an investigation to determine the factors that
12 contributed to the actual average annual increase
13 exceeding such limitation for the applicable calendar
14 year, and shall, after notice and hearing, enter an order
15 approving, or approving with modification, the utility's
16 corrective action plan within 120 days after the utility
17 files such plan. The Commission shall also submit a report
18 to the General Assembly no later than 30 days after it
19 enters such order, and the report shall explain the results
20 of the Commission's investigation and findings and
21 conclusions of its order.

22 (4) If the actual average annual increase for
23 commercial and industrial retail customers during a
24 calendar year exceeds the limitation set forth in paragraph
25 (1) of this subsection (c) for two consecutive years, then
26 the utility shall indicate in its report filed under

1 paragraph (1) of this subsection (c) whether the utility
2 will proceed with or terminate the future energy
3 investments described and authorized under subsection
4 (d-5) of the Illinois Power Agency Act and Sections 8-103B
5 and 16-107.6 of this Act. The utility's election shall be
6 subject to the requirements of subparagraph (A) or (B) of
7 this paragraph (4), as applicable.

8 (A) If the utility elects to proceed with the
9 future energy investments, then it shall be subject to
10 the corrective action plan requirements set forth in
11 paragraph (3) of this subsection (c). In addition, the
12 utility must commit to apply a credit to commercial and
13 industrial retail customers' bills if the actual
14 average annual increase for such customers exceeds the
15 limitation set forth in paragraph (1) of this
16 subsection (c) for the year in which the utility files
17 its corrective action plan, which credit shall be in an
18 amount that equals the portion by which the increase
19 exceeds such limitation. The Commission shall initiate
20 an investigation to determine the factors that
21 contributed to the actual average annual increase
22 exceeding such limitation for the applicable calendar
23 year, including an analysis of the factors
24 contributing to the limitation being exceeded for two
25 consecutive years, and shall, after notice and
26 hearing, enter an order approving, or approving with

1 modification, the utility's corrective action plan
2 within 120 days after the utility files such plan. The
3 Commission shall also submit a supplemental report to
4 the General Assembly no later than 30 days after it
5 enters such order, and the report shall explain the
6 results of the Commission's investigation and findings
7 and conclusions of its order.

8 (B) If the utility elects to terminate future
9 energy investments, then the Commission shall,
10 notwithstanding anything to the contrary:

11 (i) Order the utility to terminate the
12 contract or contracts executed under subsection
13 (d-5) of Section 1-75 of the Illinois Power Agency
14 Act, pursuant to the contract termination
15 provisions set forth in such subsection (d-5),
16 provided that notice of such termination must be
17 made at least 3 years and 75 days prior to the
18 effective date of such termination. In the event
19 that only a portion of the contracts executed under
20 such subsection (d-5) are terminated for a
21 particular zero emission facility, then the zero
22 emission facility may elect to terminate all of the
23 contracts executed for that facility under such
24 subsection (d-5).

25 (ii) Within 30 days of the utility's report
26 identifying its election to terminate future

1 energy investments, initiate a proceeding to
2 approve the process for terminating future
3 expenditures under Sections 16-107.6 of the Public
4 Utilities Act. The Commission shall, after notice
5 and hearing, enter its order approving such
6 process no later than 120 days after initiating
7 such proceeding.

8 (iii) Within 30 days of the utility's report
9 identifying its election to terminate future
10 energy investments, initiate a proceeding under
11 Section 8-103B of this Act to reduce the cumulative
12 persisting annual savings goals previously
13 approved by the Commission under such Section to
14 ensure just and reasonable rates. The Commission
15 shall, after notice and hearing, enter its order
16 approving such goal reductions no later than 120
17 days after initiating such proceeding.

18 Notwithstanding the termination of future energy
19 investments pursuant to this subparagraph (B), the
20 utility shall be permitted to continue to recover the
21 costs of such investments that were incurred prior to
22 such termination, including but not limited to all
23 costs that are recovered through regulatory assets
24 created under Sections 8-103B and 16-107.6 of this Act.
25 Nothing in this Section shall limit the utility's
26 ability to fully recover such costs. The utility shall

1 also be permitted to continue to recover the costs of
2 all payments made under contracts executed under
3 subsection (d-5) until the effective date of the
4 contract's termination.

5 (5) Notwithstanding anything to the contrary, if,
6 under this Section or subsection (m) of Section 16-108 of
7 this Act, modifications to the contracts executed under
8 subsection (d-5) of Section 1-75 of the Illinois Power
9 Agency Act are, in total, in an amount that reduces the
10 quantities to procured under such contracts by more than
11 10%, then the supplier shall have the option of accepting
12 the modifications or terminating the modified contract or
13 contracts, subject to the termination requirements and
14 notice provisions set forth in item (i) of subparagraph (B)
15 of paragraph (4) of this Section."; and

16 on page 389, line 10, by replacing "one" with "2 ~~one~~"; and

17 on page 428, line 19, by replacing the period with "and, for an
18 electric utility that serves less than 100,000 retail customers
19 in the State, other than the procurement of renewable energy
20 credits for distributed renewable energy generation devices.";
21 and

22 on page 467, immediately below line 3, by inserting the
23 following:

1 "(220 ILCS 5/16-128A)

2 Sec. 16-128A. Certification of installers, maintainers, or
3 repairers.

4 (a) Within 18 months of the effective date of this
5 amendatory Act of the 97th General Assembly, the Commission
6 shall adopt rules, including emergency rules, establishing
7 certification requirements ensuring that entities installing
8 distributed generation facilities are in compliance with the
9 requirements of subsection (a) of Section 16-128 of this Act.

10 For purposes of this Section, the phrase "entities
11 installing distributed generation facilities" shall include,
12 but not be limited to, all entities that are exempt from the
13 definition of "alternative retail electric supplier" under
14 item (v) of Section 16-102 of this Act. For purposes of this
15 Section, the phrase "self-installer" means an individual who
16 (i) leases or purchases a cogeneration facility for his or her
17 own personal use and (ii) installs such cogeneration or
18 self-generation facility on his or her own premises without the
19 assistance of any other person.

20 (b) In addition to any authority granted to the Commission
21 under this Act, the Commission is also authorized to: (1)
22 determine which entities are subject to certification under
23 this Section; (2) impose reasonable certification fees and
24 penalties; (3) adopt disciplinary procedures; (4) investigate
25 any and all activities subject to this Section, including

1 violations thereof; (5) adopt procedures to issue or renew, or
2 to refuse to issue or renew, a certification or to revoke,
3 suspend, place on probation, reprimand, or otherwise
4 discipline a certified entity under this Act or take other
5 enforcement action against an entity subject to this Section;
6 and (6) prescribe forms to be issued for the administration and
7 enforcement of this Section.

8 (c) No electric utility shall provide a retail customer
9 with net metering service related to interconnection of that
10 customer's distributed generation facility unless the customer
11 provides the electric utility with (i) a certification that the
12 customer installing the distributed generation facility was a
13 self-installer or (ii) evidence that the distributed
14 generation facility was installed by an entity certified under
15 this Section that is also in good standing with the Commission.
16 For purposes of this subsection, a retail customer includes
17 that customer's employees, officers, and agents. An electric
18 utility shall file a tariff or tariffs with the Commission
19 setting forth the documentation, as specified by Commission
20 rule, that a retail customer must provide to an electric
21 utility. The provisions of this subsection (c) shall apply on
22 or after the effective date of the Commission's rules
23 prescribed pursuant to subsection (a) of this Section.

24 (d) Within 180 days after the effective date of this
25 amendatory Act of the 97th General Assembly, the Commission
26 shall initiate a rulemaking proceeding to establish

1 certification requirements that shall be applicable to persons
2 or entities that install, maintain, or repair electric vehicle
3 charging stations. The notification and certification
4 requirements of this Section shall only be applicable to
5 individuals or entities that perform work on or within an
6 electric vehicle charging station, including, but not limited
7 to, connection of power to an electric vehicle charging
8 station.

9 For the purposes of this Section "electric vehicle charging
10 station" means any facility or equipment that is used to charge
11 a battery or other energy storage device of an electric
12 vehicle.

13 Rules regulating the installation, maintenance, or repair
14 of electric vehicle charging stations, in which the Commission
15 may establish separate requirements based upon the
16 characteristics of electric vehicle charging stations, so long
17 as it is in accordance with the requirements of subsection (a)
18 of Section 16-128 and Section 16-128A of this Act, shall:

19 (1) establish a certification process for persons or
20 entities that install, maintain, or repair of electric
21 vehicle charging stations;

22 (2) require persons or entities that install,
23 maintain, or repair electric vehicle stations to be
24 certified to do business and to be bonded in the State;

25 (3) ensure that persons or entities that install,
26 maintain, or repair electric vehicle charging stations

1 have the requisite knowledge, skills, training,
2 experience, and competence to perform functions in a safe
3 and reliable manner as required under subsection (a) of
4 Section 16-128 of this Act;

5 (4) impose reasonable certification fees and penalties
6 on persons or entities that install, maintain, or repair of
7 electric vehicle charging stations for noncompliance of
8 the rules adopted under this subsection;

9 (5) ensure that all persons or entities that install,
10 maintain, or repair electric vehicle charging stations
11 conform to applicable building and electrical codes;

12 (6) ensure that all electric vehicle charging stations
13 meet recognized industry standards as the Commission deems
14 appropriate, such as the National Electric Code (NEC) and
15 standards developed or created by the Institute of
16 Electrical and Electronics Engineers (IEEE), the Electric
17 Power Research Institute (EPRI), the Detroit Edison
18 Institute (DTE), the Underwriters Laboratory (UL), the
19 Society of Automotive Engineers (SAE), and the National
20 Institute of Standards and Technology (NIST);

21 (7) include any additional requirements that the
22 Commission deems reasonable to ensure that persons or
23 entities that install, maintain, or repair electric
24 vehicle charging stations meet adequate training,
25 financial, and competency requirements;

26 (8) ensure that the obligations required under this

1 Section and subsection (a) of Section 16-128 of this Act
2 are met prior to the interconnection of any electric
3 vehicle charging station;

4 (9) ensure electric vehicle charging stations
5 installed by a self-installer are not used for any
6 commercial purpose;

7 (10) establish an inspection procedure for the
8 conversion of electric vehicle charging stations installed
9 by a self-installer if it is determined that the
10 self-installed electric vehicle charging station is being
11 used for commercial purposes;

12 (11) establish the requirement that all persons or
13 entities that install electric vehicle charging stations
14 shall notify the servicing electric utility in writing of
15 plans to install an electric vehicle charging station and
16 shall notify the servicing electric utility in writing when
17 installation is complete;

18 (12) ensure that all persons or entities that install,
19 maintain, or repair electric vehicle charging stations
20 obtain certificates of insurance in sufficient amounts and
21 coverages that the Commission so determines and, if
22 necessary as determined by the Commission, names the
23 affected public utility as an additional insured; and

24 (13) identify and determine the training or other
25 programs by which persons or entities may obtain the
26 requisite training, skills, or experience necessary to

1 achieve and maintain compliance with the requirements set
2 forth in this subsection and subsection (a) of Section
3 16-128 to install, maintain, or repair electric vehicle
4 charging stations.

5 Within 18 months after the effective date of this
6 amendatory Act of the 97th General Assembly, the Commission
7 shall adopt rules, and may, if it deems necessary, adopt
8 emergency rules, for the installation, maintenance, or repair
9 of electric vehicle charging stations.

10 All retail customers who own, maintain, or repair an
11 electric vehicle charging station shall provide the servicing
12 electric utility (i) a certification that the customer
13 installing the electric vehicle charging station was a
14 self-installer or (ii) evidence that the electric vehicle
15 charging station was installed by an entity certified under
16 this subsection (d) that is also in good standing with the
17 Commission. For purposes of this subsection (d), a retail
18 customer includes that retail customer's employees, officers,
19 and agents. If the electric vehicle charging station was not
20 installed by a self-installer, then the person or entity that
21 plans to install the electric vehicle charging station shall
22 provide notice to the servicing electric utility prior to
23 installation and when installation is complete and provide any
24 other information required by the Commission's rules
25 established under subsection (d) of this Section. An electric
26 utility shall file a tariff or tariffs with the Commission

1 setting forth the documentation, as specified by Commission
2 rule, that a retail customer who owns, uses, operates, or
3 maintains an electric vehicle charging station must provide to
4 an electric utility.

5 For the purposes of this subsection, an electric vehicle
6 charging station shall constitute a distribution facility or
7 equipment as that term is used in subsection (a) of Section
8 16-128 of this Act. The phrase "self-installer" means an
9 individual who (i) leases or purchases an electric vehicle
10 charging station for his or her own personal use and (ii)
11 installs an electric vehicle charging station on his or her own
12 premises without the assistance of any other person.

13 (e) Fees and penalties collected under this Section shall
14 be deposited into the Public Utility Fund and used to fund the
15 Commission's compliance with the obligations imposed by this
16 Section.

17 (f) The rules established under subsection (d) of this
18 Section shall specify the initial dates for compliance with the
19 rules.

20 (g) Within 18 months of the effective date of this
21 amendatory Act of the 99th General Assembly, the Commission
22 shall adopt rules, including emergency rules, establishing a
23 process for entities installing a new utility-scale wind
24 project or a new utility-scale solar project to certify
25 compliance with the requirements of this Section. For purposes
26 of this Section, the phrase "entities installing a new

1 utility-scale wind project or a new utility-scale solar
2 project" shall include, but is not limited to, any entity
3 installing new wind projects or new photovoltaic projects as
4 such terms are defined in subsection (c) of Section 1-75 of the
5 Illinois Power Agency Act.

6 The process shall include an option to complete the
7 certification electronically by completing forms on-line. An
8 entity installing a new utility-scale wind project or a new
9 utility-scale solar project shall be permitted to complete
10 certification after the subject work has been completed. The
11 Commission shall maintain on its website a list of entities
12 installing new utility-scale wind projects or new
13 utility-scale solar projects measures that have successfully
14 completed the certification process.

15 (h) In addition to any authority granted to the Commission
16 under this Act, the Commission is also authorized to: (1)
17 determine which entities are subject to certification under
18 subsection (g) of this Section; (2) impose reasonable
19 certification fees and penalties; (3) adopt disciplinary
20 procedures; (4) investigate any and all activities subject to
21 subsection (g) or this subsection (h) of this Section,
22 including violations thereof; (5) adopt procedures to issue or
23 renew, or to refuse to issue or renew, a certification or to
24 revoke, suspend, place on probation, reprimand, or otherwise
25 discipline a certified entity under subsection (g) of this
26 Section or take other enforcement action against an entity

1 subject to subsection (g) or this subsection (h) of this
2 Section; (6) prescribe forms to be issued for the
3 administration and enforcement of subsection (g) and this
4 subsection (h) of this Section; and (7) establish requirements
5 to ensure that entities installing a new wind project or a new
6 photovoltaic project have the requisite knowledge, skills,
7 training, experience, and competence to perform in a safe and
8 reliable manner as required by subsection (a) of Section 16-128
9 of this Act.

10 The certification of persons or entities that install,
11 maintain, or repair new wind projects, new photovoltaic
12 projects, distributed generation facilities, and electric
13 vehicle charging stations as set forth in this Section is an
14 exclusive power and function of the State. A home rule unit or
15 other units of local government authority may subject persons
16 or entities that install, maintain, or repair new wind
17 projects, new photovoltaic projects, distributed generation
18 facilities, or electric vehicle charging stations as set forth
19 in this Section to any applicable local licensing, siting, and
20 permitting requirements otherwise permitted under law so long
21 as only Commission-certified persons or entities are
22 authorized to install, maintain, or repair new wind projects,
23 new photovoltaic projects, distributed generation facilities,
24 or electric vehicle charging stations. This Section is a
25 limitation under subsection (h) of Section 6 of Article VII of
26 the Illinois Constitution on the exercise by home rule units of

1 powers and functions exclusively exercised by the State.

2 (Source: P.A. 97-616, eff. 10-26-11; 97-1128, eff. 8-28-12.)

3 (220 ILCS 5/16-128B new)

4 Sec. 16-128B. Qualified energy efficiency installers.

5 (a) Within 18 months after the effective date of this
6 amendatory Act of the 99th General Assembly, the Commission
7 shall adopt rules, including emergency rules, establishing a
8 process for entities installing energy efficiency measures to
9 certify compliance with the requirements of this Section.

10 The process shall include an option to complete the
11 certification electronically by completing forms on-line. An
12 entity installing energy efficiency measures shall be
13 permitted to complete the certification after the subject work
14 has been completed.

15 The Commission shall maintain on its website a list of
16 entities installing energy efficiency measures that have
17 successfully completed the certification process.

18 (b) In addition to any authority granted to the Commission
19 under this Act, the Commission may:

20 (1) determine which entities are subject to
21 certification under this Section;

22 (2) impose reasonable certification fees and
23 penalties;

24 (3) adopt disciplinary procedures;

25 (4) investigate any and all activities subject to this

1 Section, including violations thereof;

2 (5) adopt procedures to issue or renew, or to refuse to
3 issue or renew, a certification or to revoke, suspend,
4 place on probation, reprimand, or otherwise discipline a
5 certified entity under this Act or take other enforcement
6 action against an entity subject to this Section; and

7 (6) prescribe forms to be issued for the administration
8 and enforcement of this Section.

9 (c) An electric utility may not provide a retail customer
10 with a rebate or other energy efficiency incentive for a
11 measure that exceeds a minimal amount determined by the
12 Commission unless the customer provides the electric utility
13 with (1) a certification that the person installing the energy
14 efficiency measure was a self-installer; or (2) evidence that
15 the energy efficiency measure was installed by an entity
16 certified under this Section that is also in good standing with
17 the Commission.

18 (d) The Commission shall:

19 (1) require entities installing energy efficiency
20 measures to be certified to do business and to be bonded in
21 this State;

22 (2) ensure that entities installing energy efficiency
23 measures have the requisite knowledge, skill, training,
24 experience, and competence to perform functions in a safe
25 and reliable manner as required under subsection (a) of
26 Section 16-128 of this Act;

1 (3) ensure that entities installing energy efficiency
2 measures conform to applicable building and electrical
3 codes;

4 (4) ensure that all entities installing energy
5 efficiency measures meet recognized industry standards as
6 the Commission deems appropriate;

7 (5) include any additional requirements that the
8 Commission deems reasonable to ensure that entities
9 installing energy efficiency measures meet adequate
10 training, financial, and competency requirements;

11 (6) ensure that all entities installing energy
12 efficiency measures obtain certificates of insurance in
13 sufficient amounts and coverages that the Commission so
14 determines; and

15 (7) identify and determine the training or other
16 programs by which persons or entities may obtain the
17 requisite training, skill, or experience necessary to
18 achieve and maintain compliance with the requirements of
19 this Section.

20 (e) Fees and penalties collected under this Section shall
21 be deposited into the Public Utility Fund and used to fund the
22 Commission's compliance with the obligations imposed by this
23 Section.

24 (f) The rules adopted under this Section shall specify the
25 initial dates for compliance with the rules.

26 (g) For purposes of this Section, entities installing

1 energy efficiency measures shall endeavor to support the
2 diversity goals of this State by attracting, developing,
3 retaining, and providing opportunities to employees of all
4 backgrounds and by supporting female-owned, minority-owned,
5 veteran-owned, and small businesses."