



Rep. Nabeela Syed

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10400HB4514ham002

LRB104 17067 AAS 36688 a

1 AMENDMENT TO HOUSE BILL 4514

2 AMENDMENT NO. _____. Amend House Bill 4514 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Public Utilities Act is amended by
5 changing Section 8-306 and by adding Section 9-226.5 as
6 follows:

7 (220 ILCS 5/8-306)

8 Sec. 8-306. Special provisions relating to water and sewer
9 utilities.

10 (a) No later than 120 days after the effective date of this
11 amendatory Act of the 94th General Assembly, the Commission
12 shall prepare, make available to customers upon request, and
13 post on its Internet web site information concerning the
14 service obligations of water and sewer utilities and remedies
15 that a customer may pursue for a violation of the customer's
16 rights. The information shall specifically address the rights

1 of a customer of a water or sewer utility in the following
2 situations:

3 (1) The customer's water meter is replaced.

4 (2) The customer's bill increases by more than 50%
5 within one billing period.

6 (3) The customer's water service is terminated.

7 (4) The customer wishes to complain after receiving a
8 termination of service notice.

9 (5) The customer is unable to make payment on a
10 billing statement.

11 (6) A rate is filed, including without limitation a
12 surcharge or annual reconciliation filing, that will
13 increase the amount billed to the customer.

14 (7) The customer is billed for services provided prior
15 to the date covered by the billing statement.

16 (8) The customer is due to receive a credit.

17 Each billing statement issued by a water or sewer utility
18 shall include an Internet web site address where the customer
19 can view the information required under this subsection (a)
20 and a telephone number that the customer may call to request a
21 copy of the information.

22 (b) A water or sewer utility may discontinue service only
23 after it has mailed or delivered by other means a written
24 notice of discontinuance substantially in the form of Appendix
25 A of 83 Ill. Adm. Code 280. The notice must include the
26 Internet web site address where the customer can view the

1 information required under subsection (a) and a telephone
2 number that the customer may call to request a copy of the
3 information. Any notice required to be delivered or mailed to
4 a customer prior to discontinuance of service shall be
5 delivered or mailed separately from any bill. Service shall
6 not be discontinued until at least 5 days after delivery or 8
7 days after the mailing of this notice. Service shall not be
8 discontinued and shall be restored if discontinued for the
9 reason which is the subject of a dispute or complaint during
10 the pendency of informal or formal complaint procedures of the
11 Illinois Commerce Commission under 83 Ill. Adm. Code 280.160
12 or 280.170, where the customer has complied with those rules.
13 Service shall not be discontinued and shall be restored if
14 discontinued where a customer has established a deferred
15 payment agreement pursuant to 83 Ill. Adm. Code 280.110 and
16 has not defaulted on such agreement. Residential customers who
17 are indebted to a utility for past due utility service shall
18 have the opportunity to make arrangements with the utility to
19 retire the debt by periodic payments, referred to as a
20 deferred payment agreement, unless this customer has failed to
21 make payment under such a plan during the past 12 months. The
22 terms and conditions of a reasonable deferred payment
23 agreement shall be determined by the utility after
24 consideration of the following factors, based upon information
25 available from current utility records or provided by the
26 customer or applicant:

- 1 (1) size of the past due account;
- 2 (2) customer or applicant's ability to pay;
- 3 (3) customer or applicant's payment history;
- 4 (4) reason for the outstanding indebtedness; and
- 5 (5) any other relevant factors relating to the
- 6 circumstances of the customer or applicant's service.

7 A residential customer shall pay a maximum of one-fourth of
8 the amount past due and owing at the time of entering into the
9 deferred payment agreement, and the water or sewer utility
10 shall allow a minimum of 2 months from the date of the
11 agreement and a maximum of 12 months for payment to be made
12 under a deferred payment agreement. Late payment charges may
13 be assessed against the amount owing that is the subject of a
14 deferred payment agreement.

15 (c) A water or sewer utility shall provide notice as
16 required by subsection (a) of Section 9-201 after the filing
17 of each information sheet under a purchased water surcharge,
18 purchased sewage treatment surcharge, or qualifying
19 infrastructure plant surcharge. The utility also shall post
20 notice of the filing in accordance with the requirements of 83
21 Ill. Adm. Code 255. Unless filed as part of a general rate
22 increase, notice of the filing of a purchased water surcharge
23 rider, purchased sewage treatment surcharge rider, or
24 qualifying infrastructure plant surcharge rider also shall be
25 given in the manner required by this subsection (c) for the
26 filing of information sheets.

1 (d) Commission rules pertaining to formal and informal
2 complaints against public utilities shall apply with full and
3 equal force to water and sewer utilities and their customers,
4 including provisions of 83 Ill. Adm. Code 280.170, and the
5 Commission shall respond to each complaint by providing the
6 consumer with a copy of the utility's response to the
7 complaint and a copy of the Commission's review of the
8 complaint and its findings. The Commission shall also provide
9 the consumer with all available options for recourse.

10 (e) Any refund shown on the billing statement of a
11 customer of a water or sewer utility must be itemized and must
12 state if the refund is an adjustment or credit.

13 (f) Water service for building construction purposes. At
14 the request of any municipality or township within the service
15 area of a public utility that provides water service to
16 customers within the municipality or township, a public
17 utility must (1) require all water service used for building
18 construction purposes to be measured by meter and subject to
19 approved rates and charges for metered water service and (2)
20 prohibit the unauthorized use of water taken from hydrants or
21 service lines installed at construction sites.

22 (g) Water meters.

23 (1) Periodic testing. Unless otherwise approved by the
24 Commission, each service water meter shall be periodically
25 inspected and tested in accordance with the schedule
26 specified in 83 Ill. Adm. Code 600.340, or more frequently

1 as the results may warrant, to insure that the meter
2 accuracy is maintained within the limits set out in 83
3 Ill. Adm. Code 600.310.

4 (2) Meter tests requested by customer.

5 (A) Each utility furnishing metered water service
6 shall, without charge, test the accuracy of any meter
7 upon request by the customer served by such meter,
8 provided that the meter in question has not been
9 tested by the utility or by the Commission within 2
10 years previous to such request. The customer or his or
11 her representatives shall have the privilege of
12 witnessing the test at the option of the customer. A
13 written report, giving the results of the test, shall
14 be made to the customer.

15 (B) When a meter that has been in service less than
16 2 years since its last test is found to be accurate
17 within the limits specified in 83 Ill. Adm. Code
18 600.310, the customer shall pay a fee to the utility
19 not to exceed the amounts specified in 83 Ill. Adm.
20 Code 600.350(b). Fees for testing meters not included
21 in this Section or so located that the cost will be out
22 of proportion to the fee specified will be determined
23 by the Commission upon receipt of a complete
24 description of the case.

25 (3) Commission referee tests. Upon written application
26 to the Commission by any customer, a test will be made of

1 the customer's meter by a representative of the
2 Commission. For such a test, a fee as provided for in
3 subsection (g)(2) shall accompany the application. If the
4 meter is found to be registering more than 1.5% fast on the
5 average when tested as prescribed in 83 Ill. Adm. Code
6 600.310, the utility shall refund to the customer the
7 amount of the fee. The utility shall in no way disturb the
8 meter after a customer has made an application for a
9 referee test until authority to do so is given by the
10 Commission or the customer in writing.

11 (h) Water and sewer utilities; low usage. Each public
12 utility that provides water and sewer service must establish a
13 unit sewer rate, subject to review by the Commission, that
14 applies only to those customers who use less than 1,000
15 gallons of water in any billing period.

16 (i) Water and sewer utilities; separate meters. Each
17 public utility that provides water and sewer service must
18 offer separate rates for water and sewer service to any
19 commercial or residential customer who uses separate meters to
20 measure each of those services. In order for the separate rate
21 to apply, a combination of meters must be used to measure the
22 amount of water that reaches the sewer system and the amount of
23 water that does not reach the sewer system.

24 (j) Each water or sewer public utility must disclose on
25 each billing statement any amount billed that is for service
26 provided prior to the date covered by the billing statement.

1 The disclosure must include the dates for which the prior
2 service is being billed. Each billing statement that includes
3 an amount billed for service provided prior to the date
4 covered by the billing statement must disclose the dates for
5 which that amount is billed and must include a copy of the
6 document created under subsection (a) and a statement of
7 current Commission rules concerning unbilled or misbilled
8 service.

9 (k) When the customer is due a refund resulting from
10 payment of an overcharge, the utility shall credit the
11 customer in the amount of overpayment with interest from the
12 date of overpayment by the customer. The rate for interest
13 shall be at the appropriate rate determined by the Commission
14 under 83 Ill. Adm. Code 280.70.

15 (l) Water and sewer public utilities; subcontractors. The
16 Commission shall adopt rules for water and sewer public
17 utilities to provide notice to the customers of the proper
18 kind of identification that a subcontractor must present to
19 the customer, to prohibit a subcontractor from soliciting or
20 receiving payment of any kind for any service provided by the
21 water or sewer public utility or the subcontractor, and to
22 establish sanctions for violations.

23 (m) Water and sewer public utilities; unaccounted-for
24 water. By December 31, 2006, each water public utility shall
25 file tariffs with the Commission to establish the maximum
26 percentage of unaccounted-for water that would be considered

1 in the determination of any rates or surcharges. The rates or
2 surcharges approved for a water public utility shall not
3 include charges for unaccounted-for water in excess of this
4 maximum percentage without well-documented support and
5 justification for the Commission to consider in any request to
6 recover charges in excess of the tariffed maximum percentage.

7 (n) (Blank). ~~Rate increases; public forums. When any~~
8 ~~public utility providing water or sewer service proposes a~~
9 ~~general rate increase, in addition to other notice~~
10 ~~requirements, the water or sewer public utility must notify~~
11 ~~its customers of their right to request a public forum. A~~
12 ~~customer or group of customers must make written request to~~
13 ~~the Commission for a public forum and must also provide~~
14 ~~written notification of the request to the customer's~~
15 ~~municipal or, for unincorporated areas, township government.~~
16 ~~The Commission, at its discretion, may schedule the public~~
17 ~~forum. If it is determined that public forums are required for~~
18 ~~multiple municipalities or townships, the Commission shall~~
19 ~~schedule these public forums, in locations within~~
20 ~~approximately 45 minutes drive time of the municipalities or~~
21 ~~townships for which the public forums have been scheduled. The~~
22 ~~public utility must provide advance notice of 30 days for each~~
23 ~~public forum to the governing bodies of those units of local~~
24 ~~government affected by the increase. The day of each public~~
25 ~~forum shall be selected so as to encourage the greatest public~~
26 ~~participation. Each public forum will begin at 7:00 p.m.~~

1 ~~Reports and comments made during or as a result of each public~~
2 ~~forum must be made available to the hearing officials and~~
3 ~~reviewed when drafting a recommended or tentative decision,~~
4 ~~finding or order pursuant to Section 10-111 of this Act.~~

5 (Source: P.A. 94-950, eff. 6-27-06.)

6 (220 ILCS 5/9-226.5 new)

7 Sec. 9-226.5. General rate increases; public forums. When
8 any public utility providing electric, gas, water, or sewer
9 service proposes a general rate increase, in addition to other
10 notice requirements, the public utility must notify its
11 customers of their right to request a public forum. A customer
12 or group of customers must make a written request to the
13 Commission for the public forum. The Commission, at its
14 discretion, shall schedule the public forum unless it is
15 determined that the Commission does not have adequate staff or
16 financial resources or that the public forum cannot be
17 convened in a timely manner. The public utility must provide
18 advance notice of 30 days for each public forum to the
19 governing bodies of any units of local government affected by
20 the proposed general rate increase. The day and location of
21 each public forum shall be selected so as to encourage the
22 greatest public participation. Reports and comments made
23 during or as a result of each public forum must be made
24 available to the hearing officials and reviewed when drafting
25 a recommended or tentative decision, finding, or order.

1 Failure to comply with this Section shall not render invalid
2 or otherwise affect the validity of any order entered by the
3 Commission in a general rate proceeding."