



Rep. Dave Vella

**Filed: 4/15/2026**

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LRB104 16923 AAS 36827 a

1 AMENDMENT TO HOUSE BILL 4803

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 4803, AS AMENDED,  
3 by replacing everything after the enacting clause with the  
4 following:

5 "Section 1. Short title. This Act may be cited as the  
6 Electric Transmission Highway Colocation Act.

7 Section 5. Definitions. As used in this Section:

8 "Agency" means the Department of Transportation or the  
9 Illinois State Toll Highway Authority, depending on which  
10 entity a public utility is seeking a right-of-way from.

11 "Authority" means the Illinois State Toll Highway  
12 Authority.

13 "Department" means the Illinois Department of  
14 Transportation.

15 "Highway" has the meaning given to that term in Section  
16 2-202 of the Illinois Highway Code.

1 "High-voltage electric service line" has the meaning given  
2 to that term in Section 8-406 of the Public Utilities Act.

3 "High-voltage transmission infrastructure" means poles,  
4 wires, cable, or any physical infrastructure associated with a  
5 high-voltage electric service line.

6 "Public utility" has the meaning given to that term in  
7 Section 3-105 of the Public Utilities Act.

8 "Secretary" means the Secretary of Transportation.

9 Section 10. High-voltage transmission line colocation  
10 requests.

11 (a) A public utility may construct, place, or maintain a  
12 high-voltage electric service line on a public right-of-way or  
13 along a highway if (i) the public utility submits to the  
14 Secretary or the Authority a colocation request for the  
15 high-voltage electric service line, (ii) the Secretary or the  
16 Authority reviews and approves the colocation request, and  
17 (iii) the Federal Highway Administration does not express  
18 objection to the request.

19 (b) The Secretary or the Authority may deny a colocation  
20 request under this Section if the Secretary or the Authority  
21 determines that the construction, placement, or maintenance of  
22 a high-voltage electric service line on a public right-of-way  
23 or along a highway would endanger public safety, would  
24 decrease the efficacy or efficiency of the State's  
25 transportation network, would prevent possible system

1 expansion, would interfere with other public assets, would  
2 interfere with the optimal function of the highway, or would  
3 interfere with any current or future Agency project.

4 (c) If the Secretary or the Authority denies a colocation  
5 request under this Section, the Secretary or the Authority  
6 shall submit the reasons for the denial to the Director of the  
7 Environmental Protection Agency, the Executive Director of the  
8 Commission, and the Director of Commerce and Economic  
9 Opportunity within 90 days after the issuance of the denial.

10 Section 15. Consultation and constructability report.

11 (a) A public utility may submit a written request, signed  
12 by a professional engineer who is qualified to perform  
13 engineering design with the Agency, to the Department or the  
14 Authority for an evaluation of corridors for possible  
15 locations for a high-voltage electric service line. The Agency  
16 shall evaluate each request and respond to the applicable  
17 public utility.

18 (b) The Department or the Authority shall inform a public  
19 utility about any of the Department's or the Authority's  
20 current plans or projects that could impact the public  
21 utility's potential construction or placement of a  
22 high-voltage electric service line within a corridor.

23 (c) After an evaluation under subsection (a) identifies an  
24 acceptable location within a corridor, a public utility, in  
25 consultation with the Department or the Authority, shall

1 develop a constructability report. The public utility shall be  
2 assisted by a professional engineer who is qualified to  
3 perform engineering design with the Agency. The  
4 constructability report shall include (i) the terms and  
5 conditions for the siting of the high-voltage electric service  
6 line to account for the safety, operability, and maintenance  
7 of highways operated by the Department and the Authority, (ii)  
8 a plan for addressing and mitigating the impacts of induced  
9 voltage, and (iii) a plan for the maintenance of the  
10 high-voltage transmission infrastructure, including access,  
11 traffic control, vegetation control, and restoration of the  
12 right-of-way. The Department or the Authority shall issue a  
13 permit to the public utility for the use of a public  
14 right-of-way within the corridor for the siting of a  
15 high-voltage electric service line only after a  
16 constructability report is approved by the Department or the  
17 Authority and the public utility.

18 (d) A public utility and the Agency shall follow the terms  
19 and conditions of the approved constructability report during  
20 the planning and approval process for the siting of a  
21 high-voltage electric service line.

22 Section 20. Relocation and removal. If at any point the  
23 Agency finds that a public utility is not meeting prescribed  
24 standards set out in a constructability report, the public  
25 utility must take corrective action within a timely manner, as

1 set out in the constructability report. If the Agency is not  
2 satisfied with the public utility's corrective action and  
3 progress, the Agency may revoke the permit provided to the  
4 public utility and any operation of the high-voltage  
5 transmission infrastructure must cease.

6 Section 25. Project labor agreements. High-voltage  
7 electric service lines and related facilities constructed or  
8 placed on a public right-of-way or along a highway in  
9 accordance with this Act shall be built by general contractors  
10 who have entered into a project labor agreement prior to  
11 construction.

12 Section 30. Rules. The Department and the Authority may  
13 adopt rules for the implementation of this Act.

14 Section 35. The Public Utilities Act is amended by  
15 changing Sections 8-406 and 8-406.1 as follows:

16 (220 ILCS 5/8-406) (from Ch. 111 2/3, par. 8-406)

17 (Text of Section before amendment by P.A. 104-458)

18 Sec. 8-406. Certificate of public convenience and  
19 necessity.

20 (a) No public utility not owning any city or village  
21 franchise nor engaged in performing any public service or in  
22 furnishing any product or commodity within this State as of

1 July 1, 1921 and not possessing a certificate of public  
2 convenience and necessity from the Illinois Commerce  
3 Commission, the State Public Utilities Commission, or the  
4 Public Utilities Commission, at the time Public Act 84-617  
5 goes into effect (January 1, 1986), shall transact any  
6 business in this State until it shall have obtained a  
7 certificate from the Commission that public convenience and  
8 necessity require the transaction of such business. A  
9 certificate of public convenience and necessity requiring the  
10 transaction of public utility business in any area of this  
11 State shall include authorization to the public utility  
12 receiving the certificate of public convenience and necessity  
13 to construct such plant, equipment, property, or facility as  
14 is provided for under the terms and conditions of its tariff  
15 and as is necessary to provide utility service and carry out  
16 the transaction of public utility business by the public  
17 utility in the designated area.

18 (b) No public utility shall begin the construction of any  
19 new plant, equipment, property, or facility which is not in  
20 substitution of any existing plant, equipment, property, or  
21 facility, or any extension or alteration thereof or in  
22 addition thereto, unless and until it shall have obtained from  
23 the Commission a certificate that public convenience and  
24 necessity require such construction. Whenever after a hearing  
25 the Commission determines that any new construction or the  
26 transaction of any business by a public utility will promote

1 the public convenience and is necessary thereto, it shall have  
2 the power to issue certificates of public convenience and  
3 necessity. The Commission shall determine that proposed  
4 construction will promote the public convenience and necessity  
5 only if the utility demonstrates: (1) that the proposed  
6 construction is necessary to provide adequate, reliable, and  
7 efficient service to its customers and is the least-cost means  
8 of satisfying the service needs of its customers or that the  
9 proposed construction will promote the development of an  
10 effectively competitive electricity market that operates  
11 efficiently, is equitable to all customers, and is the least  
12 cost means of satisfying those objectives; (2) that the  
13 utility is capable of efficiently managing and supervising the  
14 construction process and has taken sufficient action to ensure  
15 adequate and efficient construction and supervision thereof;  
16 and (3) that the utility is capable of financing the proposed  
17 construction without significant adverse financial  
18 consequences for the utility or its customers.

19 (b-5) As used in this subsection (b-5):

20 "Qualifying direct current applicant" means an entity that  
21 seeks to provide direct current bulk transmission service for  
22 the purpose of transporting electric energy in interstate  
23 commerce.

24 "Qualifying direct current project" means a high voltage  
25 direct current electric service line that crosses at least one  
26 Illinois border, the Illinois portion of which is physically

1 located within the region of the Midcontinent Independent  
2 System Operator, Inc., or its successor organization, and runs  
3 through the counties of Pike, Scott, Greene, Macoupin,  
4 Montgomery, Christian, Shelby, Cumberland, and Clark, is  
5 capable of transmitting electricity at voltages of 345  
6 kilovolts or above, and may also include associated  
7 interconnected alternating current interconnection facilities  
8 in this State that are part of the proposed project and  
9 reasonably necessary to connect the project with other  
10 portions of the grid.

11 Notwithstanding any other provision of this Act, a  
12 qualifying direct current applicant that does not own,  
13 control, operate, or manage, within this State, any plant,  
14 equipment, or property used or to be used for the transmission  
15 of electricity at the time of its application or of the  
16 Commission's order may file an application on or before  
17 December 31, 2023 with the Commission pursuant to this Section  
18 or Section 8-406.1 for, and the Commission may grant, a  
19 certificate of public convenience and necessity to construct,  
20 operate, and maintain a qualifying direct current project. The  
21 qualifying direct current applicant may also include in the  
22 application requests for authority under Section 8-503. The  
23 Commission shall grant the application for a certificate of  
24 public convenience and necessity and requests for authority  
25 under Section 8-503 if it finds that the qualifying direct  
26 current applicant and the proposed qualifying direct current

1 project satisfy the requirements of this subsection and  
2 otherwise satisfy the criteria of this Section or Section  
3 8-406.1 and the criteria of Section 8-503, as applicable to  
4 the application and to the extent such criteria are not  
5 superseded by the provisions of this subsection. The  
6 Commission's order on the application for the certificate of  
7 public convenience and necessity shall also include the  
8 Commission's findings and determinations on the request or  
9 requests for authority pursuant to Section 8-503. Prior to  
10 filing its application under either this Section or Section  
11 8-406.1, the qualifying direct current applicant shall conduct  
12 3 public meetings in accordance with subsection (h) of this  
13 Section. If the qualifying direct current applicant  
14 demonstrates in its application that the proposed qualifying  
15 direct current project is designed to deliver electricity to a  
16 point or points on the electric transmission grid in either or  
17 both the PJM Interconnection, LLC or the Midcontinent  
18 Independent System Operator, Inc., or their respective  
19 successor organizations, the proposed qualifying direct  
20 current project shall be deemed to be, and the Commission  
21 shall find it to be, for public use. If the qualifying direct  
22 current applicant further demonstrates in its application that  
23 the proposed transmission project has a capacity of 1,000  
24 megawatts or larger and a voltage level of 345 kilovolts or  
25 greater, the proposed transmission project shall be deemed to  
26 satisfy, and the Commission shall find that it satisfies, the

1 criteria stated in item (1) of subsection (b) of this Section  
2 or in paragraph (1) of subsection (f) of Section 8-406.1, as  
3 applicable to the application, without the taking of  
4 additional evidence on these criteria. Prior to the transfer  
5 of functional control of any transmission assets to a regional  
6 transmission organization, a qualifying direct current  
7 applicant shall request Commission approval to join a regional  
8 transmission organization in an application filed pursuant to  
9 this subsection (b-5) or separately pursuant to Section 7-102  
10 of this Act. The Commission may grant permission to a  
11 qualifying direct current applicant to join a regional  
12 transmission organization if it finds that the membership, and  
13 associated transfer of functional control of transmission  
14 assets, benefits Illinois customers in light of the attendant  
15 costs and is otherwise in the public interest. Nothing in this  
16 subsection (b-5) requires a qualifying direct current  
17 applicant to join a regional transmission organization.  
18 Nothing in this subsection (b-5) requires the owner or  
19 operator of a high voltage direct current transmission line  
20 that is not a qualifying direct current project to obtain a  
21 certificate of public convenience and necessity to the extent  
22 it is not otherwise required by this Section 8-406 or any other  
23 provision of this Act.

24 (c) As used in this subsection (c):

25 "Decommissioning" has the meaning given to that term in  
26 subsection (a) of Section 8-508.1.

1 "Nuclear power reactor" has the meaning given to that term  
2 in Section 8 of the Nuclear Safety Law of 2004.

3 After the effective date of this amendatory Act of the  
4 103rd General Assembly, no construction shall commence on any  
5 new nuclear power reactor with a nameplate capacity of more  
6 than 300 megawatts of electricity to be located within this  
7 State, and no certificate of public convenience and necessity  
8 or other authorization shall be issued therefor by the  
9 Commission, until the Illinois Emergency Management Agency and  
10 Office of Homeland Security, in consultation with the Illinois  
11 Environmental Protection Agency and the Illinois Department of  
12 Natural Resources, finds that the United States Government,  
13 through its authorized agency, has identified and approved a  
14 demonstrable technology or means for the disposal of high  
15 level nuclear waste, or until such construction has been  
16 specifically approved by a statute enacted by the General  
17 Assembly. Beginning January 1, 2026, construction may commence  
18 on a new nuclear power reactor with a nameplate capacity of 300  
19 megawatts of electricity or less within this State if the  
20 entity constructing the new nuclear power reactor has obtained  
21 all permits, licenses, permissions, or approvals governing the  
22 construction, operation, and funding of decommissioning of  
23 such nuclear power reactors required by: (1) this Act; (2) any  
24 rules adopted by the Illinois Emergency Management Agency and  
25 Office of Homeland Security under the authority of this Act;  
26 (3) any applicable federal statutes, including, but not

1 limited to, the Atomic Energy Act of 1954, the Energy  
2 Reorganization Act of 1974, the Low-Level Radioactive Waste  
3 Policy Amendments Act of 1985, and the Energy Policy Act of  
4 1992; (4) any regulations promulgated or enforced by the U.S.  
5 Nuclear Regulatory Commission, including, but not limited to,  
6 those codified at Title X, Parts 20, 30, 40, 50, 70, and 72 of  
7 the Code of Federal Regulations, as from time to time amended;  
8 and (5) any other federal or State statute, rule, or  
9 regulation governing the permitting, licensing, operation, or  
10 decommissioning of such nuclear power reactors. None of the  
11 rules developed by the Illinois Emergency Management Agency  
12 and Office of Homeland Security or any other State agency,  
13 board, or commission pursuant to this Act shall be construed  
14 to supersede the authority of the U.S. Nuclear Regulatory  
15 Commission. The changes made by this amendatory Act of the  
16 103rd General Assembly shall not apply to the uprate, renewal,  
17 or subsequent renewal of any license for an existing nuclear  
18 power reactor that began operation prior to the effective date  
19 of this amendatory Act of the 103rd General Assembly.

20 None of the changes made in this amendatory Act of the  
21 103rd General Assembly are intended to authorize the  
22 construction of nuclear power plants powered by nuclear power  
23 reactors that are not either: (1) small modular nuclear  
24 reactors; or (2) nuclear power reactors licensed by the U.S.  
25 Nuclear Regulatory Commission to operate in this State prior  
26 to the effective date of this amendatory Act of the 103rd

1 General Assembly.

2 (d) In making its determination under subsection (b) of  
3 this Section, the Commission shall attach primary weight to  
4 the cost or cost savings to the customers of the utility. The  
5 Commission may consider any or all factors which will or may  
6 affect such cost or cost savings, including the public  
7 utility's engineering judgment regarding the materials used  
8 for construction.

9 (e) The Commission may issue a temporary certificate which  
10 shall remain in force not to exceed one year in cases of  
11 emergency, to assure maintenance of adequate service or to  
12 serve particular customers, without notice or hearing, pending  
13 the determination of an application for a certificate, and may  
14 by regulation exempt from the requirements of this Section  
15 temporary acts or operations for which the issuance of a  
16 certificate will not be required in the public interest.

17 A public utility shall not be required to obtain but may  
18 apply for and obtain a certificate of public convenience and  
19 necessity pursuant to this Section with respect to any matter  
20 as to which it has received the authorization or order of the  
21 Commission under the Electric Supplier Act, and any such  
22 authorization or order granted a public utility by the  
23 Commission under that Act shall as between public utilities be  
24 deemed to be, and shall have except as provided in that Act the  
25 same force and effect as, a certificate of public convenience  
26 and necessity issued pursuant to this Section.

1           No electric cooperative shall be made or shall become a  
2 party to or shall be entitled to be heard or to otherwise  
3 appear or participate in any proceeding initiated under this  
4 Section for authorization of power plant construction and as  
5 to matters as to which a remedy is available under the Electric  
6 Supplier Act.

7           (f) Such certificates may be altered or modified by the  
8 Commission, upon its own motion or upon application by the  
9 person or corporation affected. Unless exercised within a  
10 period of 2 years from the grant thereof, authority conferred  
11 by a certificate of convenience and necessity issued by the  
12 Commission shall be null and void.

13           No certificate of public convenience and necessity shall  
14 be construed as granting a monopoly or an exclusive privilege,  
15 immunity or franchise.

16           (g) A public utility that undertakes any of the actions  
17 described in items (1) through (3) of this subsection (g) or  
18 that has obtained approval pursuant to Section 8-406.1 of this  
19 Act shall not be required to comply with the requirements of  
20 this Section to the extent such requirements otherwise would  
21 apply. For purposes of this Section and Section 8-406.1 of  
22 this Act, "high voltage electric service line" means an  
23 electric line having a design voltage of 100,000 or more. For  
24 purposes of this subsection (g), a public utility may do any of  
25 the following:

26           (1) replace or upgrade any existing high voltage

1 electric service line and related facilities,  
2 notwithstanding its length;

3 (2) relocate any existing high voltage electric  
4 service line and related facilities, notwithstanding its  
5 length, to accommodate construction or expansion of a  
6 roadway or other transportation infrastructure; or

7 (3) construct a high voltage electric service line and  
8 related facilities that is constructed solely to serve a  
9 single customer's premises or to provide a generator  
10 interconnection to the public utility's transmission  
11 system and that will pass under or over the premises owned  
12 by the customer or generator to be served or under or over  
13 premises for which the customer or generator has secured  
14 the necessary right of way.

15 (h) A public utility seeking to construct a high-voltage  
16 electric service line and related facilities (Project) must  
17 show that the utility has held a minimum of 2 pre-filing public  
18 meetings to receive public comment concerning the Project in  
19 each county where the Project is to be located, no earlier than  
20 6 months prior to filing an application for a certificate of  
21 public convenience and necessity from the Commission. Notice  
22 of the public meeting shall be published in a newspaper of  
23 general circulation within the affected county once a week for  
24 3 consecutive weeks, beginning no earlier than one month prior  
25 to the first public meeting. If the Project traverses 2  
26 contiguous counties and where in one county the transmission

1 line mileage and number of landowners over whose property the  
2 proposed route traverses is one-fifth or less of the  
3 transmission line mileage and number of such landowners of the  
4 other county, then the utility may combine the 2 pre-filing  
5 meetings in the county with the greater transmission line  
6 mileage and affected landowners. All other requirements  
7 regarding pre-filing meetings shall apply in both counties.  
8 Notice of the public meeting, including a description of the  
9 Project, must be provided in writing to the clerk of each  
10 county where the Project is to be located. A representative of  
11 the Commission shall be invited to each pre-filing public  
12 meeting.

13 (h-5) A public utility seeking to construct a high-voltage  
14 electric service line and related facilities must also show  
15 that the Project has complied with training and competence  
16 requirements under subsection (b) of Section 15 of the  
17 Electric Transmission Systems Construction Standards Act.

18 (h-10) A public utility may be permitted to use highway  
19 corridors for the purposes of constructing a high-voltage  
20 electric service line and related facilities.

21 (h-15) A public utility seeking to construct a  
22 high-voltage electric service line and related facilities must  
23 consider corridors of development in the following order of  
24 priority:

25 (1) existing utility corridors, where adding new lines  
26 or making improvements to existing lines can achieve

1 expanded electric capacity at the lowest possible cost;

2 (2) highway corridors; and

3 (3) new utility corridors.

4 Consideration of corridors shall be done, to the greatest  
5 extent possible, in a manner that accounts for economic and  
6 engineering considerations, the reliability of the electric  
7 system, and the protection of the environment.

8 (i) For applications filed after August 18, 2015 (the  
9 effective date of Public Act 99-399), the Commission shall, by  
10 certified mail, notify each owner of record of land, as  
11 identified in the records of the relevant county tax assessor,  
12 included in the right-of-way over which the utility seeks in  
13 its application to construct a high-voltage electric line of  
14 the time and place scheduled for the initial hearing on the  
15 public utility's application. The utility shall reimburse the  
16 Commission for the cost of the postage and supplies incurred  
17 for mailing the notice.

18 (Source: P.A. 102-609, eff. 8-27-21; 102-662, eff. 9-15-21;  
19 102-813, eff. 5-13-22; 102-931, eff. 5-27-22; 103-569, eff.  
20 6-1-24; 103-1066, eff. 2-20-25.)

21 (Text of Section after amendment by P.A. 104-458)

22 Sec. 8-406. Certificate of public convenience and  
23 necessity.

24 (a) No public utility not owning any city or village  
25 franchise nor engaged in performing any public service or in

1 furnishing any product or commodity within this State as of  
2 July 1, 1921 and not possessing a certificate of public  
3 convenience and necessity from the Illinois Commerce  
4 Commission, the State Public Utilities Commission, or the  
5 Public Utilities Commission, at the time Public Act 84-617  
6 goes into effect (January 1, 1986), shall transact any  
7 business in this State until it shall have obtained a  
8 certificate from the Commission that public convenience and  
9 necessity require the transaction of such business. A  
10 certificate of public convenience and necessity requiring the  
11 transaction of public utility business in any area of this  
12 State shall include authorization to the public utility  
13 receiving the certificate of public convenience and necessity  
14 to construct such plant, equipment, property, or facility as  
15 is provided for under the terms and conditions of its tariff  
16 and as is necessary to provide utility service and carry out  
17 the transaction of public utility business by the public  
18 utility in the designated area.

19 (b) No public utility shall begin the construction of any  
20 new plant, equipment, property, or facility which is not in  
21 substitution of any existing plant, equipment, property, or  
22 facility, or any extension or alteration thereof or in  
23 addition thereto, unless and until it shall have obtained from  
24 the Commission a certificate that public convenience and  
25 necessity require such construction. Whenever after a hearing  
26 the Commission determines that any new construction or the

1 transaction of any business by a public utility will promote  
2 the public convenience and is necessary thereto, it shall have  
3 the power to issue certificates of public convenience and  
4 necessity. The Commission shall determine that proposed  
5 construction will promote the public convenience and necessity  
6 only if the utility demonstrates: (1) that the proposed  
7 construction is necessary to provide adequate, reliable, and  
8 efficient service to its customers and is the least-cost means  
9 of satisfying the service needs of its customers or that the  
10 proposed construction will promote the development of an  
11 effectively competitive electricity market that operates  
12 efficiently, is equitable to all customers, and is the  
13 least-cost means of satisfying those objectives; (2) that the  
14 utility is capable of efficiently managing and supervising the  
15 construction process and has taken sufficient action to ensure  
16 adequate and efficient construction and supervision thereof;  
17 and (3) that the utility is capable of financing the proposed  
18 construction without significant adverse financial  
19 consequences for the utility or its customers.

20 (b-5) As used in this subsection (b-5):

21 "Qualifying direct current applicant" means an entity that  
22 seeks to provide direct current bulk transmission service for  
23 the purpose of transporting electric energy in interstate  
24 commerce.

25 "Qualifying direct current project" means a high voltage  
26 direct current electric service line that crosses at least one

1 Illinois border, the Illinois portion of which is physically  
2 located within the region of the Midcontinent Independent  
3 System Operator, Inc., or its successor organization, and runs  
4 through the counties of Pike, Scott, Greene, Macoupin,  
5 Montgomery, Christian, Shelby, Cumberland, and Clark, is  
6 capable of transmitting electricity at voltages of 345  
7 kilovolts or above, and may also include associated  
8 interconnected alternating current interconnection facilities  
9 in this State that are part of the proposed project and  
10 reasonably necessary to connect the project with other  
11 portions of the grid.

12 Notwithstanding any other provision of this Act, a  
13 qualifying direct current applicant that does not own,  
14 control, operate, or manage, within this State, any plant,  
15 equipment, or property used or to be used for the transmission  
16 of electricity at the time of its application or of the  
17 Commission's order may file an application on or before  
18 December 31, 2023 with the Commission pursuant to this Section  
19 or Section 8-406.1 for, and the Commission may grant, a  
20 certificate of public convenience and necessity to construct,  
21 operate, and maintain a qualifying direct current project. The  
22 qualifying direct current applicant may also include in the  
23 application requests for authority under Section 8-503. The  
24 Commission shall grant the application for a certificate of  
25 public convenience and necessity and requests for authority  
26 under Section 8-503 if it finds that the qualifying direct

1 current applicant and the proposed qualifying direct current  
2 project satisfy the requirements of this subsection and  
3 otherwise satisfy the criteria of this Section or Section  
4 8-406.1 and the criteria of Section 8-503, as applicable to  
5 the application and to the extent such criteria are not  
6 superseded by the provisions of this subsection. The  
7 Commission's order on the application for the certificate of  
8 public convenience and necessity shall also include the  
9 Commission's findings and determinations on the request or  
10 requests for authority pursuant to Section 8-503. Prior to  
11 filing its application under either this Section or Section  
12 8-406.1, the qualifying direct current applicant shall conduct  
13 3 public meetings in accordance with subsection (h) of this  
14 Section. If the qualifying direct current applicant  
15 demonstrates in its application that the proposed qualifying  
16 direct current project is designed to deliver electricity to a  
17 point or points on the electric transmission grid in either or  
18 both the PJM Interconnection, LLC or the Midcontinent  
19 Independent System Operator, Inc., or their respective  
20 successor organizations, the proposed qualifying direct  
21 current project shall be deemed to be, and the Commission  
22 shall find it to be, for public use. If the qualifying direct  
23 current applicant further demonstrates in its application that  
24 the proposed transmission project has a capacity of 1,000  
25 megawatts or larger and a voltage level of 345 kilovolts or  
26 greater, the proposed transmission project shall be deemed to

1 satisfy, and the Commission shall find that it satisfies, the  
2 criteria stated in item (1) of subsection (b) of this Section  
3 or in paragraph (1) of subsection (f) of Section 8-406.1, as  
4 applicable to the application, without the taking of  
5 additional evidence on these criteria. Prior to the transfer  
6 of functional control of any transmission assets to a regional  
7 transmission organization, a qualifying direct current  
8 applicant shall request Commission approval to join a regional  
9 transmission organization in an application filed pursuant to  
10 this subsection (b-5) or separately pursuant to Section 7-102  
11 of this Act. The Commission may grant permission to a  
12 qualifying direct current applicant to join a regional  
13 transmission organization if it finds that the membership, and  
14 associated transfer of functional control of transmission  
15 assets, benefits Illinois customers in light of the attendant  
16 costs and is otherwise in the public interest. Nothing in this  
17 subsection (b-5) requires a qualifying direct current  
18 applicant to join a regional transmission organization.  
19 Nothing in this subsection (b-5) requires the owner or  
20 operator of a high voltage direct current transmission line  
21 that is not a qualifying direct current project to obtain a  
22 certificate of public convenience and necessity to the extent  
23 it is not otherwise required by this Section 8-406 or any other  
24 provision of this Act.

25 (c) As used in this subsection (c):

26 "Decommissioning" has the meaning given to that term in

1 subsection (a) of Section 8-508.1.

2 "Nuclear power reactor" has the meaning given to that term  
3 in Section 8 of the Nuclear Safety Law of 2004.

4 Beginning January 1, 2026, construction may commence on a  
5 new nuclear power reactor within this State if the entity  
6 constructing the new nuclear power reactor has obtained all  
7 permits, licenses, permissions, or approvals governing the  
8 construction, operation, and funding of decommissioning of  
9 such nuclear power reactors required by: (1) this Act; (2) any  
10 rules adopted by the Illinois Emergency Management Agency and  
11 Office of Homeland Security under the authority of this Act;  
12 (3) any applicable federal statutes, including, but not  
13 limited to, the Atomic Energy Act of 1954, the Energy  
14 Reorganization Act of 1974, the Low-Level Radioactive Waste  
15 Policy Amendments Act of 1985, and the Energy Policy Act of  
16 1992; (4) any regulations promulgated or enforced by the U.S.  
17 Nuclear Regulatory Commission, including, but not limited to,  
18 those codified at Title X, Parts 20, 30, 40, 50, 70, and 72 of  
19 the Code of Federal Regulations, as from time to time amended;  
20 and (5) any other federal or State statute, rule, or  
21 regulation governing the permitting, licensing, operation, or  
22 decommissioning of such nuclear power reactors. None of the  
23 rules developed by the Illinois Emergency Management Agency  
24 and Office of Homeland Security or any other State agency,  
25 board, or commission pursuant to this Act shall be construed  
26 to supersede the authority of the U.S. Nuclear Regulatory

1 Commission. The changes made by this amendatory Act of the  
2 103rd General Assembly shall not apply to the uprate, renewal,  
3 or subsequent renewal of any license for an existing nuclear  
4 power reactor that began operation prior to the effective date  
5 of this amendatory Act of the 103rd General Assembly.

6 None of the changes made in this amendatory Act of the  
7 104th General Assembly are intended to authorize the  
8 construction of nuclear power plants powered by nuclear power  
9 reactors that are not nuclear power reactors licensed by the  
10 U.S. Nuclear Regulatory Commission to operate in this State.

11 (d) In making its determination under subsection (b) of  
12 this Section, the Commission shall attach primary weight to  
13 the cost or cost savings to the customers of the utility. The  
14 Commission may consider any or all factors which will or may  
15 affect such cost or cost savings, including the public  
16 utility's engineering judgment regarding the materials used  
17 for construction.

18 (e) The Commission may issue a temporary certificate which  
19 shall remain in force not to exceed one year in cases of  
20 emergency, to assure maintenance of adequate service or to  
21 serve particular customers, without notice or hearing, pending  
22 the determination of an application for a certificate, and may  
23 by regulation exempt from the requirements of this Section  
24 temporary acts or operations for which the issuance of a  
25 certificate will not be required in the public interest.

26 A public utility shall not be required to obtain but may

1 apply for and obtain a certificate of public convenience and  
2 necessity pursuant to this Section with respect to any matter  
3 as to which it has received the authorization or order of the  
4 Commission under the Electric Supplier Act, and any such  
5 authorization or order granted a public utility by the  
6 Commission under that Act shall as between public utilities be  
7 deemed to be, and shall have except as provided in that Act the  
8 same force and effect as, a certificate of public convenience  
9 and necessity issued pursuant to this Section.

10 No electric cooperative shall be made or shall become a  
11 party to or shall be entitled to be heard or to otherwise  
12 appear or participate in any proceeding initiated under this  
13 Section for authorization of power plant construction and as  
14 to matters as to which a remedy is available under the Electric  
15 Supplier Act.

16 (f) Such certificates may be altered or modified by the  
17 Commission, upon its own motion or upon application by the  
18 person or corporation affected. Unless exercised within a  
19 period of 2 years from the grant thereof, authority conferred  
20 by a certificate of convenience and necessity issued by the  
21 Commission shall be null and void.

22 No certificate of public convenience and necessity shall  
23 be construed as granting a monopoly or an exclusive privilege,  
24 immunity or franchise.

25 (g) A public utility that undertakes any of the actions  
26 described in items (1) through (3) of this subsection (g) or

1 that has obtained approval pursuant to Section 8-406.1 of this  
2 Act shall not be required to comply with the requirements of  
3 this Section to the extent such requirements otherwise would  
4 apply. For purposes of this Section and Section 8-406.1 of  
5 this Act, "high voltage electric service line" means an  
6 electric line having a design voltage of 69,000 or more. For  
7 purposes of this subsection (g), a public utility may do any of  
8 the following:

9 (1) replace or upgrade any existing high voltage  
10 electric service line and related facilities,  
11 notwithstanding its length or, subject to applicable  
12 Article VII requirements, ownership;

13 (2) relocate any existing high voltage electric  
14 service line and related facilities, notwithstanding its  
15 length, to accommodate construction or expansion of a  
16 roadway or other transportation infrastructure; or

17 (3) construct a high voltage electric service line and  
18 related facilities that is constructed solely to serve a  
19 single customer's premises or to provide a generator  
20 interconnection to the public utility's transmission  
21 system and that will (i) pass under or over the premises  
22 owned by the customer or generator to be served; (ii) pass  
23 under or over premises for which the customer or generator  
24 has secured the necessary right-of-way; or (iii) be  
25 multi-circuited with the facilities of the public utility.

26 (h) A public utility seeking to construct a high-voltage

1 electric service line and related facilities (Project) must  
2 show that the utility has held a minimum of 2 pre-filing public  
3 meetings to receive public comment concerning the Project in  
4 each county where the Project is to be located, no earlier than  
5 6 months prior to filing an application for a certificate of  
6 public convenience and necessity from the Commission. Notice  
7 of the public meeting shall be published in a newspaper of  
8 general circulation within the affected county once a week for  
9 3 consecutive weeks, beginning no earlier than one month prior  
10 to the first public meeting. If the Project traverses 2  
11 contiguous counties and where in one county the transmission  
12 line mileage and number of landowners over whose property the  
13 proposed route traverses is one-fifth or less of the  
14 transmission line mileage and number of such landowners of the  
15 other county, then the utility may combine the 2 pre-filing  
16 meetings in the county with the greater transmission line  
17 mileage and affected landowners. All other requirements  
18 regarding pre-filing meetings shall apply in both counties.  
19 Notice of the public meeting, including a description of the  
20 Project, must be provided in writing to the clerk of each  
21 county where the Project is to be located. A representative of  
22 the Commission shall be invited to each pre-filing public  
23 meeting.

24 (h-5) A public utility seeking to construct a high-voltage  
25 electric service line and related facilities must also show  
26 that the Project has complied with training and competence

1 requirements under subsection (b) of Section 15 of the  
2 Electric Transmission Systems Construction Standards Act.

3 (h-10) A public utility may be permitted to use highway  
4 corridors for the purposes of constructing a high-voltage  
5 electric service line and related facilities.

6 (h-15) A public utility seeking to construct a  
7 high-voltage electric service line and related facilities must  
8 consider corridors of development in the following order of  
9 priority:

10 (1) existing utility corridors, where adding new lines  
11 or making improvements to existing lines can achieve  
12 expanded electric capacity at the lowest possible cost;

13 (2) highway corridors; and

14 (3) new utility corridors.

15 Consideration of corridors shall be done, to the greatest  
16 extent possible, in a manner that accounts for economic and  
17 engineering considerations, the reliability of the electric  
18 system, and the protection of the environment.

19 (i) For applications filed after August 18, 2015 (the  
20 effective date of Public Act 99-399), the Commission shall, by  
21 certified mail, notify each owner of record of land, as  
22 identified in the records of the relevant county tax assessor,  
23 included in the right-of-way over which the utility seeks in  
24 its application to construct a high-voltage electric line of  
25 the time and place scheduled for the initial hearing on the  
26 public utility's application. The utility shall reimburse the

1 Commission for the cost of the postage and supplies incurred  
2 for mailing the notice.

3 (j) In determining whether to issue a certificate of  
4 public convenience for a new electric generation facility to a  
5 municipal power agency that is required to obtain such a  
6 certificate to exercise its power of eminent domain pursuant  
7 to Section 11-119.1-10 of the Illinois Municipal Code, the  
8 Commission shall give due consideration to whether a  
9 generation unit of similar size and type is part of the  
10 municipal power agency's preferred portfolio or least-cost  
11 plan for achieving renewable energy goals in its most recent  
12 integrated resource plan, as described in subsection (d) of  
13 Section 1-15 of the Municipal and Cooperative Electric Utility  
14 Transparent Planning Act.

15 (Source: P.A. 103-569, eff. 6-1-24; 103-1066, eff. 2-20-25;  
16 104-458, eff. 6-1-26.)

17 (220 ILCS 5/8-406.1)

18 Sec. 8-406.1. Certificate of public convenience and  
19 necessity; expedited procedure.

20 (a) A public utility may apply for a certificate of public  
21 convenience and necessity pursuant to this Section for the  
22 construction of any new high voltage electric service line and  
23 related facilities (Project). To facilitate the expedited  
24 review process of an application filed pursuant to this  
25 Section, an application shall include all of the following:

1           (1) Information in support of the application that  
2 shall include the following:

3           (A) A detailed description of the Project,  
4 including location maps and plot plans to scale  
5 showing all major components.

6           (B) The following engineering data:

7           (i) a detailed Project description including:

8               (I) name and destination of the Project;

9               (II) design voltage rating (kV);

10              (III) operating voltage rating (kV); and

11              (IV) normal peak operating current rating;

12           (ii) a conductor, structures, and substations  
13 description including:

14               (I) conductor size and type;

15               (II) type of structures;

16               (III) height of typical structures;

17               (IV) an explanation why these structures  
18 were selected;

19               (V) dimensional drawings of the typical  
20 structures to be used in the Project; and

21               (VI) a list of the names of all new (and  
22 existing if applicable) substations or  
23 switching stations that will be associated  
24 with the proposed new high voltage electric  
25 service line;

26           (iii) the location of the site and

1 right-of-way including:

2 (I) miles of right-of-way;

3 (II) miles of circuit;

4 (III) width of the right-of-way; and

5 (IV) a brief description of the area  
6 traversed by the proposed high voltage  
7 electric service line, including a description  
8 of the general land uses in the area and the  
9 type of terrain crossed by the proposed line;

10 (iv) assumptions, bases, formulae, and methods  
11 used in the development and preparation of the  
12 diagrams and accompanying data, and a technical  
13 description providing the following information:

14 (I) number of circuits, with  
15 identification as to whether the circuit is  
16 overhead or underground;

17 (II) the operating voltage and frequency;  
18 and

19 (III) conductor size and type and number  
20 of conductors per phase;

21 (v) if the proposed interconnection is an  
22 overhead line, the following additional  
23 information also must be provided:

24 (I) the wind and ice loading design  
25 parameters;

26 (II) a full description and drawing of a

1 typical supporting structure, including  
2 strength specifications;

3 (III) structure spacing with typical  
4 ruling and maximum spans;

5 (IV) conductor (phase) spacing; and

6 (V) the designed line-to-ground and  
7 conductor-side clearances;

8 (vi) if an underground or underwater  
9 interconnection is proposed, the following  
10 additional information also must be provided:

11 (I) burial depth;

12 (II) type of cable and a description of  
13 any required supporting equipment, such as  
14 insulation medium pressurizing or forced  
15 cooling;

16 (III) cathodic protection scheme; and

17 (IV) type of dielectric fluid and  
18 safeguards used to limit potential spills in  
19 waterways;

20 (vii) technical diagrams that provide  
21 clarification of any item under this item (1)  
22 should be included; and

23 (viii) applicant shall provide and identify a  
24 primary right-of-way and one or more alternate  
25 rights-of-way for the Project as part of the  
26 filing. To the extent applicable, for each

1 right-of-way, an applicant shall provide the  
2 information described in this subsection (a). Upon  
3 a showing of good cause in its filing, an  
4 applicant may be excused from providing and  
5 identifying alternate rights-of-way.

6 (2) An application fee of \$100,000, which shall be  
7 paid into the Public Utility Fund at the time the Chief  
8 Clerk of the Commission deems it complete and accepts the  
9 filing.

10 (3) Information showing that the utility has held a  
11 minimum of 3 pre-filing public meetings to receive public  
12 comment concerning the Project in each county where the  
13 Project is to be located, no earlier than 6 months prior to  
14 the filing of the application. Notice of the public  
15 meeting shall be published in a newspaper of general  
16 circulation within the affected county once a week for 3  
17 consecutive weeks, beginning no earlier than one month  
18 prior to the first public meeting. If the Project  
19 traverses 2 contiguous counties and where in one county  
20 the transmission line mileage and number of landowners  
21 over whose property the proposed route traverses is 1/5 or  
22 less of the transmission line mileage and number of such  
23 landowners of the other county, then the utility may  
24 combine the 3 pre-filing meetings in the county with the  
25 greater transmission line mileage and affected landowners.  
26 All other requirements regarding pre-filing meetings shall

1 apply in both counties. Notice of the public meeting,  
2 including a description of the Project, must be provided  
3 in writing to the clerk of each county where the Project is  
4 to be located. A representative of the Commission shall be  
5 invited to each pre-filing public meeting.

6 For applications filed after the effective date of this  
7 amendatory Act of the 99th General Assembly, the Commission  
8 shall, by certified mail, notify each owner of record of the  
9 land, as identified in the records of the relevant county tax  
10 assessor, included in the primary or alternate rights-of-way  
11 identified in the utility's application of the time and place  
12 scheduled for the initial hearing upon the public utility's  
13 application. The utility shall reimburse the Commission for  
14 the cost of the postage and supplies incurred for mailing the  
15 notice.

16 (b) At the first status hearing the administrative law  
17 judge shall set a schedule for discovery that shall take into  
18 consideration the expedited nature of the proceeding.

19 (c) Nothing in this Section prohibits a utility from  
20 requesting, or the Commission from approving, protection of  
21 confidential or proprietary information under applicable law.  
22 The public utility may seek confidential protection of any of  
23 the information provided pursuant to this Section, subject to  
24 Commission approval.

25 (d) The public utility shall publish notice of its  
26 application in the official State newspaper within 10 days

1 following the date of the application's filing.

2 (e) The public utility shall establish a dedicated website  
3 for the Project 3 weeks prior to the first public meeting and  
4 maintain the website until construction of the Project is  
5 complete. The website address shall be included in all public  
6 notices.

7 (f) The Commission shall, after notice and hearing, grant  
8 a certificate of public convenience and necessity filed in  
9 accordance with the requirements of this Section if, based  
10 upon the application filed with the Commission and the  
11 evidentiary record, it finds the Project will promote the  
12 public convenience and necessity and that all of the following  
13 criteria are satisfied:

14 (1) That the Project is necessary to provide adequate,  
15 reliable, and efficient service to the public utility's  
16 customers and is the least-cost means of satisfying the  
17 service needs of the public utility's customers or that  
18 the Project will promote the development of an effectively  
19 competitive electricity market that operates efficiently,  
20 is equitable to all customers, and is the least cost means  
21 of satisfying those objectives.

22 (2) That the public utility is capable of efficiently  
23 managing and supervising the construction process and has  
24 taken sufficient action to ensure adequate and efficient  
25 construction and supervision of the construction.

26 (3) That the public utility is capable of financing

1 the proposed construction without significant adverse  
2 financial consequences for the utility or its customers.

3 (4) That the Project has complied with training and  
4 competence and Diversity Plan requirements under  
5 subsections (b) and (d) of Section 15 of the Electric  
6 Transmission Systems Construction Standards Act.

7 (g) The Commission shall issue its decision with findings  
8 of fact and conclusions of law granting or denying the  
9 application no later than 150 days after the application is  
10 filed. The Commission may extend the 150-day deadline upon  
11 notice by an additional 75 days if, on or before the 30th day  
12 after the filing of the application, the Commission finds that  
13 good cause exists to extend the 150-day period.

14 (h) In the event the Commission grants a public utility's  
15 application for a certificate pursuant to this Section, the  
16 public utility shall pay a one-time construction fee to each  
17 county in which the Project is constructed within 30 days  
18 after the completion of construction. The construction fee  
19 shall be \$20,000 per mile of high voltage electric service  
20 line constructed in that county, or a proportionate fraction  
21 of that fee. The fee shall be in lieu of any permitting fees  
22 that otherwise would be imposed by a county. Counties  
23 receiving a payment under this subsection (h) may distribute  
24 all or portions of the fee to local taxing districts in that  
25 county.

26 (i) Notwithstanding any other provisions of this Act, a

1 decision granting a certificate under this Section shall  
2 include an order pursuant to Section 8-503 of this Act  
3 authorizing or directing the construction of the high voltage  
4 electric service line and related facilities as approved by  
5 the Commission, in the manner and within the time specified in  
6 said order.

7 (j) A public utility may be permitted to use highway  
8 corridors for the purposes of constructing a high-voltage  
9 electric service line and related facilities for the purposes  
10 of this Section.

11 (j-5) A public utility seeking to construct a high-voltage  
12 electric service line and related facilities must consider  
13 corridors of development in the following order of priority:

14 (1) existing utility corridors, where adding new lines  
15 or making improvements to existing lines can achieve  
16 expanded electric capacity at the lowest possible cost;

17 (2) highway corridors; and

18 (3) new utility corridors.

19 Consideration of corridors shall be done, to the greatest  
20 extent possible, in a manner that accounts for economic and  
21 engineering considerations, the reliability of the electric  
22 system, and the protection of the environment.

23 (Source: P.A. 102-931, eff. 5-27-22; 103-1066, eff. 2-20-25.)

24 Section 95. No acceleration or delay. Where this Act makes  
25 changes in a statute that is represented in this Act by text

1 that is not yet or no longer in effect (for example, a Section  
2 represented by multiple versions), the use of that text does  
3 not accelerate or delay the taking effect of (i) the changes  
4 made by this Act or (ii) provisions derived from any other  
5 Public Act.

6 Section 99. Effective date. This Act takes effect upon  
7 becoming law.".