



Sen. Patrick J. Joyce

Filed: 3/30/2022

10200HB4382sam001

LRB102 21886 AMQ 38300 a

1 AMENDMENT TO HOUSE BILL 4382

2 AMENDMENT NO. _____. Amend House Bill 4382 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Public Utilities Act is amended by
5 changing Sections 2-202, 8-406, and 8-406.1 as follows:

6 (220 ILCS 5/2-202) (from Ch. 111 2/3, par. 2-202)

7 Sec. 2-202. Policy; Public Utility Fund; tax.

8 (a) It is declared to be the public policy of this State
9 that in order to maintain and foster the effective regulation
10 of public utilities under this Act in the interests of the
11 People of the State of Illinois and the public utilities as
12 well, the public utilities subject to regulation under this
13 Act and which enjoy the privilege of operating as public
14 utilities in this State, shall bear the expense of
15 administering this Act by means of a tax on such privilege
16 measured by the annual gross revenue of such public utilities

1 in the manner provided in this Section. For purposes of this
2 Section, "expense of administering this Act" includes any
3 costs incident to studies, whether made by the Commission or
4 under contract entered into by the Commission, concerning
5 environmental pollution problems caused or contributed to by
6 public utilities and the means for eliminating or abating
7 those problems. Such proceeds shall be deposited in the Public
8 Utility Fund in the State treasury.

9 (b) All of the ordinary and contingent expenses of the
10 Commission incident to the administration of this Act shall be
11 paid out of the Public Utility Fund except the compensation of
12 the members of the Commission which shall be paid from the
13 General Revenue Fund. Notwithstanding other provisions of this
14 Act to the contrary, the ordinary and contingent expenses of
15 the Commission incident to the administration of the Illinois
16 Commercial Transportation Law may be paid from appropriations
17 from the Public Utility Fund through the end of fiscal year
18 1986.

19 (c) A tax is imposed upon each public utility subject to
20 the provisions of this Act equal to .08% of its gross revenue
21 for each calendar year commencing with the calendar year
22 beginning January 1, 1982, except that the Commission may, by
23 rule, establish a different rate no greater than 0.1%. For
24 purposes of this Section, "gross revenue" shall not include
25 revenue from the production, transmission, distribution, sale,
26 delivery, or furnishing of electricity. "Gross revenue" shall

1 not include amounts paid by telecommunications retailers under
2 the Telecommunications Infrastructure Maintenance Fee Act.

3 (d) Annual gross revenue returns shall be filed in
4 accordance with paragraph (1) or (2) of this subsection (d).

5 (1) Except as provided in paragraph (2) of this
6 subsection (d), on or before January 10 of each year each
7 public utility subject to the provisions of this Act shall
8 file with the Commission an estimated annual gross revenue
9 return containing an estimate of the amount of its gross
10 revenue for the calendar year commencing January 1 of said
11 year and a statement of the amount of tax due for said
12 calendar year on the basis of that estimate. Public
13 utilities may also file revised returns containing updated
14 estimates and updated amounts of tax due during the
15 calendar year. These revised returns, if filed, shall form
16 the basis for quarterly payments due during the remainder
17 of the calendar year. In addition, on or before March 31 of
18 each year, each public utility shall file an amended
19 return showing the actual amount of gross revenues shown
20 by the company's books and records as of December 31 of the
21 previous year. Forms and instructions for such estimated,
22 revised, and amended returns shall be devised and supplied
23 by the Commission.

24 (2) Beginning with returns due after January 1, 2002,
25 the requirements of paragraph (1) of this subsection (d)
26 shall not apply to any public utility in any calendar year

1 for which the total tax the public utility owes under this
2 Section is less than \$10,000. For such public utilities
3 with respect to such years, the public utility shall file
4 with the Commission, on or before March 31 of the
5 following year, an annual gross revenue return for the
6 year and a statement of the amount of tax due for that year
7 on the basis of such a return. Forms and instructions for
8 such returns and corrected returns shall be devised and
9 supplied by the Commission.

10 (e) All returns submitted to the Commission by a public
11 utility as provided in this subsection (e) or subsection (d)
12 of this Section shall contain or be verified by a written
13 declaration by an appropriate officer of the public utility
14 that the return is made under the penalties of perjury. The
15 Commission may audit each such return submitted and may, under
16 the provisions of Section 5-101 of this Act, take such
17 measures as are necessary to ascertain the correctness of the
18 returns submitted. The Commission has the power to direct the
19 filing of a corrected return by any utility which has filed an
20 incorrect return and to direct the filing of a return by any
21 utility which has failed to submit a return. A taxpayer's
22 signing a fraudulent return under this Section is perjury, as
23 defined in Section 32-2 of the Criminal Code of 2012.

24 (f) (1) For all public utilities subject to paragraph (1)
25 of subsection (d), at least one quarter of the annual amount of
26 tax due under subsection (c) shall be paid to the Commission on

1 or before the tenth day of January, April, July, and October of
2 the calendar year subject to tax. In the event that an
3 adjustment in the amount of tax due should be necessary as a
4 result of the filing of an amended or corrected return under
5 subsection (d) or subsection (e) of this Section, the amount
6 of any deficiency shall be paid by the public utility together
7 with the amended or corrected return and the amount of any
8 excess shall, after the filing of a claim for credit by the
9 public utility, be returned to the public utility in the form
10 of a credit memorandum in the amount of such excess or be
11 refunded to the public utility in accordance with the
12 provisions of subsection (k) of this Section. However, if such
13 deficiency or excess is less than \$1, then the public utility
14 need not pay the deficiency and may not claim a credit.

15 (2) Any public utility subject to paragraph (2) of
16 subsection (d) shall pay the amount of tax due under
17 subsection (c) on or before March 31 next following the end of
18 the calendar year subject to tax. In the event that an
19 adjustment in the amount of tax due should be necessary as a
20 result of the filing of a corrected return under subsection
21 (e), the amount of any deficiency shall be paid by the public
22 utility at the time the corrected return is filed. Any excess
23 tax payment by the public utility shall be returned to it after
24 the filing of a claim for credit, in the form of a credit
25 memorandum in the amount of the excess. However, if such
26 deficiency or excess is less than \$1, the public utility need

1 not pay the deficiency and may not claim a credit.

2 (g) Each installment or required payment of the tax
3 imposed by subsection (c) becomes delinquent at midnight of
4 the date that it is due. Failure to make a payment as required
5 by this Section shall result in the imposition of a late
6 payment penalty, an underestimation penalty, or both, as
7 provided by this subsection. The late payment penalty shall be
8 the greater of:

9 (1) \$25 for each month or portion of a month that the
10 installment or required payment is unpaid or

11 (2) an amount equal to the difference between what
12 should have been paid on the due date, based upon the most
13 recently filed estimated, annual, or amended return, and
14 what was actually paid, times 1%, for each month or
15 portion of a month that the installment or required
16 payment goes unpaid. This penalty may be assessed as soon
17 as the installment or required payment becomes delinquent.

18 The underestimation penalty shall apply to those public
19 utilities subject to paragraph (1) of subsection (d) and shall
20 be calculated after the filing of the amended return. It shall
21 be imposed if the amount actually paid on any of the dates
22 specified in subsection (f) is not equal to at least
23 one-fourth of the amount actually due for the year, and shall
24 equal the greater of:

25 (1) \$25 for each month or portion of a month that the
26 amount due is unpaid or

1 (2) an amount equal to the difference between what
2 should have been paid, based on the amended return, and
3 what was actually paid as of the date specified in
4 subsection (f), times a percentage equal to 1/12 of the
5 sum of 10% and the percentage most recently established by
6 the Commission for interest to be paid on customer
7 deposits under 83 Ill. Adm. Code 280.70(e)(1), for each
8 month or portion of a month that the amount due goes
9 unpaid, except that no underestimation penalty shall be
10 assessed if the amount actually paid on or before each of
11 the dates specified in subsection (f) was based on an
12 estimate of gross revenues at least equal to the actual
13 gross revenues for the previous year. The Commission may
14 enforce the collection of any delinquent installment or
15 payment, or portion thereof by legal action or in any
16 other manner by which the collection of debts due the
17 State of Illinois may be enforced under the laws of this
18 State. The executive director or his designee may excuse
19 the payment of an assessed penalty or a portion of an
20 assessed penalty if he determines that enforced collection
21 of the penalty as assessed would be unjust.

22 (h) All sums collected by the Commission under the
23 provisions of this Section shall be paid promptly after the
24 receipt of the same, accompanied by a detailed statement
25 thereof, into the Public Utility Fund in the State treasury.

26 (i) During the month of October of each odd-numbered year

1 the Commission shall:

2 (1) determine the amount of all moneys deposited in
3 the Public Utility Fund during the preceding fiscal
4 biennium plus the balance, if any, in that fund at the
5 beginning of that biennium;

6 (2) determine the sum total of the following items:

7 (A) all moneys expended or obligated against
8 appropriations made from the Public Utility Fund during
9 the preceding fiscal biennium, plus (B) the sum of the
10 credit memoranda then outstanding against the Public
11 Utility Fund, if any; and

12 (3) determine the amount, if any, by which the sum
13 determined as provided in item (1) exceeds the amount
14 determined as provided in item (2).

15 If the amount determined as provided in item (3) of this
16 subsection exceeds 50% of the previous fiscal year's
17 appropriation level, the Commission shall then compute the
18 proportionate amount, if any, which (x) the tax paid hereunder
19 by each utility during the preceding biennium, and (y) the
20 amount paid into the Public Utility Fund during the preceding
21 biennium by the Department of Revenue pursuant to Sections 2-9
22 and 2-11 of the Electricity Excise Tax Law, bears to the
23 difference between the amount determined as provided in item
24 (3) of this subsection (i) and 50% of the previous fiscal
25 year's appropriation level. The Commission shall cause the
26 proportionate amount determined with respect to payments made

1 under the Electricity Excise Tax Law to be transferred into
2 the General Revenue Fund in the State Treasury, and notify
3 each public utility that it may file during the 3 month period
4 after the date of notification a claim for credit for the
5 proportionate amount determined with respect to payments made
6 hereunder by the public utility. If the proportionate amount
7 is less than \$10, no notification will be sent by the
8 Commission, and no right to a claim exists as to that amount.
9 Upon the filing of a claim for credit within the period
10 provided, the Commission shall issue a credit memorandum in
11 such amount to such public utility. Any claim for credit filed
12 after the period provided for in this Section is void.

13 (i-5) During the month of June ~~October~~ of each year the
14 Commission shall:

15 (1) determine the amount of all moneys expected to be
16 deposited in the Public Utility Fund during the next
17 ~~current~~ fiscal year, plus the balance, if any, in that
18 fund at the beginning of that year;

19 (2) determine the total of all moneys expected to be
20 expended or obligated against appropriations made from the
21 Public Utility Fund during the next ~~current~~ fiscal year;
22 and

23 (3) determine the amount, if any, by which the amount
24 determined in paragraph (2) exceeds the amount determined
25 as provided in paragraph (1).

26 If the amount determined as provided in paragraph (3) of

1 this subsection (i-5) results in a deficit, the Commission may
2 assess electric utilities and gas utilities for the difference
3 between the amount appropriated for the ordinary and
4 contingent expenses of the Commission and the amount derived
5 under paragraph (1) of this subsection (i-5). Such proceeds
6 shall be deposited in the Public Utility Fund in the State
7 treasury. The Commission shall apportion that difference among
8 those public utilities on the basis of each utility's share of
9 the total intrastate gross revenues of the utilities subject
10 to this subsection (i-5). Payments required under this
11 subsection (i-5) shall be made in the time and manner directed
12 by the Commission. The Commission shall permit utilities to
13 recover Illinois Commerce Commission assessments effective
14 pursuant to this subsection through an automatic adjustment
15 mechanism that is incorporated into an existing tariff that
16 recovers costs associated with this Section, or through a
17 supplemental customer charge.

18 Within 6 months after the first time assessments are made
19 under this subsection (i-5), the Commission shall initiate a
20 docketed proceeding in which it shall consider, in addition to
21 assessments from electric and gas utilities subject to this
22 subsection, the raising of assessments from, or the payment of
23 fees by, water and sewer utilities, entities possessing
24 certificates of service authority as alternative retail
25 electric suppliers under Section 16-115 of this Act, entities
26 possessing certificates of service authority as alternative

1 gas suppliers under Section 19-110 of this Act, and
2 telecommunications carriers providing local exchange
3 telecommunications service or interexchange
4 telecommunications service under Sections 13-204 or 13-205 of
5 this Act. The amounts so determined shall be based on the costs
6 to the agency of the exercise of its regulatory and
7 supervisory functions with regard to the different industries
8 and service providers subject to the proceeding. No less often
9 than every 3 years after the end of a proceeding under this
10 subsection (i-5), the Commission shall initiate another
11 proceeding for that purpose.

12 The Commission may use this apportionment method until the
13 docketed proceeding in which the Commission considers the
14 raising of assessments from other entities subject to its
15 jurisdiction under this Act has concluded. No credit memoranda
16 shall be issued pursuant to subsection (i) if the amount
17 determined as provided in paragraph (3) of this subsection
18 (i-5) results in a deficit.

19 (j) Credit memoranda issued pursuant to subsection (f) and
20 credit memoranda issued after notification and filing pursuant
21 to subsection (i) may be applied for the 2 year period from the
22 date of issuance, against the payment of any amount due during
23 that period under the tax imposed by subsection (c), or,
24 subject to reasonable rule of the Commission including
25 requirement of notification, may be assigned to any other
26 public utility subject to regulation under this Act. Any

1 application of credit memoranda after the period provided for
2 in this Section is void.

3 (k) The chairman or executive director may make refund of
4 fees, taxes or other charges whenever he shall determine that
5 the person or public utility will not be liable for payment of
6 such fees, taxes or charges during the next 24 months and he
7 determines that the issuance of a credit memorandum would be
8 unjust.

9 (Source: P.A. 99-906, eff. 6-1-17.)

10 (220 ILCS 5/8-406) (from Ch. 111 2/3, par. 8-406)

11 Sec. 8-406. Certificate of public convenience and
12 necessity.

13 (a) No public utility not owning any city or village
14 franchise nor engaged in performing any public service or in
15 furnishing any product or commodity within this State as of
16 July 1, 1921 and not possessing a certificate of public
17 convenience and necessity from the Illinois Commerce
18 Commission, the State Public Utilities Commission, or the
19 Public Utilities Commission, at the time Public Act 84-617
20 ~~this amendatory Act of 1985~~ goes into effect (January 1,
21 1986), shall transact any business in this State until it
22 shall have obtained a certificate from the Commission that
23 public convenience and necessity require the transaction of
24 such business. A certificate of public convenience and
25 necessity requiring the transaction of public utility business

1 in any area of this State shall include authorization to the
2 public utility receiving the certificate of public convenience
3 and necessity to construct such plant, equipment, property, or
4 facility as is provided for under the terms and conditions of
5 its tariff and as is necessary to provide utility service and
6 carry out the transaction of public utility business by the
7 public utility in the designated area.

8 (b) No public utility shall begin the construction of any
9 new plant, equipment, property, or facility which is not in
10 substitution of any existing plant, equipment, property, or
11 facility, or any extension or alteration thereof or in
12 addition thereto, unless and until it shall have obtained from
13 the Commission a certificate that public convenience and
14 necessity require such construction. Whenever after a hearing
15 the Commission determines that any new construction or the
16 transaction of any business by a public utility will promote
17 the public convenience and is necessary thereto, it shall have
18 the power to issue certificates of public convenience and
19 necessity. The Commission shall determine that proposed
20 construction will promote the public convenience and necessity
21 only if the utility demonstrates: (1) that the proposed
22 construction is necessary to provide adequate, reliable, and
23 efficient service to its customers and is the least-cost means
24 of satisfying the service needs of its customers or that the
25 proposed construction will promote the development of an
26 effectively competitive electricity market that operates

1 efficiently, is equitable to all customers, and is the least
2 cost means of satisfying those objectives; (2) that the
3 utility is capable of efficiently managing and supervising the
4 construction process and has taken sufficient action to ensure
5 adequate and efficient construction and supervision thereof;
6 and (3) that the utility is capable of financing the proposed
7 construction without significant adverse financial
8 consequences for the utility or its customers.

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

10 "Qualifying direct current applicant" means an entity that
11 seeks to provide direct current bulk transmission service for
12 the purpose of transporting electric energy in interstate
13 commerce.

14 "Qualifying direct current project" means a high voltage
15 direct current electric service line that crosses at least one
16 Illinois border, the Illinois portion of which is physically
17 located within the region of the Midcontinent Independent
18 System Operator, Inc., or its successor organization, and runs
19 through the counties of Pike, Scott, Greene, Macoupin,
20 Montgomery, Christian, Shelby, Cumberland, and Clark, is
21 capable of transmitting electricity at voltages of 345
22 kilovolts ~~345kv~~ or above, and may also include associated
23 interconnected alternating current interconnection facilities
24 in this State that are part of the proposed project and
25 reasonably necessary to connect the project with other
26 portions of the grid.

1 Notwithstanding any other provision of this Act, a
2 qualifying direct current applicant that does not own,
3 control, operate, or manage, within this State, any plant,
4 equipment, or property used or to be used for the transmission
5 of electricity at the time of its application or of the
6 Commission's order may file an application on or before
7 December 31, 2023 with the Commission pursuant to this Section
8 or Section 8-406.1 for, and the Commission may grant, a
9 certificate of public convenience and necessity to construct,
10 operate, and maintain a qualifying direct current project. The
11 qualifying direct current applicant may also include in the
12 application requests for authority under Section 8-503. The
13 Commission shall grant the application for a certificate of
14 public convenience and necessity and requests for authority
15 under Section 8-503 if it finds that the qualifying direct
16 current applicant and the proposed qualifying direct current
17 project satisfy the requirements of this subsection and
18 otherwise satisfy the criteria of this Section or Section
19 8-406.1 and the criteria of Section 8-503, as applicable to
20 the application and to the extent such criteria are not
21 superseded by the provisions of this subsection. The
22 Commission's order on the application for the certificate of
23 public convenience and necessity shall also include the
24 Commission's findings and determinations on the request or
25 requests for authority pursuant to Section 8-503. Prior to
26 filing its application under either this Section or Section

1 8-406.1, the qualifying direct current applicant shall conduct
2 3 public meetings in accordance with subsection (h) of this
3 Section. If the qualifying direct current applicant
4 demonstrates in its application that the proposed qualifying
5 direct current project is designed to deliver electricity to a
6 point or points on the electric transmission grid in either or
7 both the PJM Interconnection, LLC or the Midcontinent
8 Independent System Operator, Inc., or their respective
9 successor organizations, the proposed qualifying direct
10 current project shall be deemed to be, and the Commission
11 shall find it to be, for public use. If the qualifying direct
12 current applicant further demonstrates in its application that
13 the proposed transmission project has a capacity of 1,000
14 megawatts or larger and a voltage level of 345 kilovolts or
15 greater, the proposed transmission project shall be deemed to
16 satisfy, and the Commission shall find that it satisfies, the
17 criteria stated in item (1) of subsection (b) of this Section
18 or in paragraph (1) of subsection (f) of Section 8-406.1, as
19 applicable to the application, without the taking of
20 additional evidence on these criteria. Prior to the transfer
21 of functional control of any transmission assets to a regional
22 transmission organization, a qualifying direct current
23 applicant shall request Commission approval to join a regional
24 transmission organization in an application filed pursuant to
25 this subsection (b-5) or separately pursuant to Section 7-102
26 of this Act. The Commission may grant permission to a

1 qualifying direct current applicant to join a regional
2 transmission organization if it finds that the membership, and
3 associated transfer of functional control of transmission
4 assets, benefits Illinois customers in light of the attendant
5 costs and is otherwise in the public interest. Nothing in this
6 subsection (b-5) requires a qualifying direct current
7 applicant to join a regional transmission organization.
8 Nothing in this subsection (b-5) requires the owner or
9 operator of a high voltage direct current transmission line
10 that is not a qualifying direct current project to obtain a
11 certificate of public convenience and necessity to the extent
12 it is not otherwise required by this Section 8-406 or any other
13 provision of this Act.

14 (c) After September 11, 1987 (the effective date of Public
15 Act 85-377) ~~this amendatory Act of 1987~~, no construction shall
16 commence on any new nuclear power plant to be located within
17 this State, and no certificate of public convenience and
18 necessity or other authorization shall be issued therefor by
19 the Commission, until the Director of the Illinois
20 Environmental Protection Agency finds that the United States
21 Government, through its authorized agency, has identified and
22 approved a demonstrable technology or means for the disposal
23 of high level nuclear waste, or until such construction has
24 been specifically approved by a statute enacted by the General
25 Assembly.

26 As used in this Section, "high level nuclear waste" means

1 those aqueous wastes resulting from the operation of the first
2 cycle of the solvent extraction system or equivalent and the
3 concentrated wastes of the subsequent extraction cycles or
4 equivalent in a facility for reprocessing irradiated reactor
5 fuel and shall include spent fuel assemblies prior to fuel
6 reprocessing.

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

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

22 A public utility shall not be required to obtain but may
23 apply for and obtain a certificate of public convenience and
24 necessity pursuant to this Section with respect to any matter
25 as to which it has received the authorization or order of the
26 Commission under the Electric Supplier Act, and any such

1 authorization or order granted a public utility by the
2 Commission under that Act shall as between public utilities be
3 deemed to be, and shall have except as provided in that Act the
4 same force and effect as, a certificate of public convenience
5 and necessity issued pursuant to this Section.

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

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

18 No certificate of public convenience and necessity shall
19 be construed as granting a monopoly or an exclusive privilege,
20 immunity or franchise.

21 (g) A public utility that undertakes any of the actions
22 described in items (1) through (3) of this subsection (g) or
23 that has obtained approval pursuant to Section 8-406.1 of this
24 Act shall not be required to comply with the requirements of
25 this Section to the extent such requirements otherwise would
26 apply. For purposes of this Section and Section 8-406.1 of

1 this Act, "high voltage electric service line" means an
2 electric line having a design voltage of 100,000 or more. For
3 purposes of this subsection (g), a public utility may do any of
4 the following:

5 (1) replace or upgrade any existing high voltage
6 electric service line and related facilities,
7 notwithstanding its length;

8 (2) relocate any existing high voltage electric
9 service line and related facilities, notwithstanding its
10 length, to accommodate construction or expansion of a
11 roadway or other transportation infrastructure; or

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

20 (h) A public utility seeking to construct a high-voltage
21 electric service line and related facilities (Project) must
22 show that the utility has held a minimum of 2 pre-filing public
23 meetings to receive public comment concerning the Project in
24 each county where the Project is to be located, no earlier than
25 6 months prior to filing an application for a certificate of
26 public convenience and necessity from the Commission. Notice

1 of the public meeting shall be published in a newspaper of
2 general circulation within the affected county once a week for
3 3 consecutive weeks, beginning no earlier than one month prior
4 to the first public meeting. If the Project traverses 2
5 contiguous counties and where in one county the transmission
6 line mileage and number of landowners over whose property the
7 proposed route traverses is one-fifth or less of the
8 transmission line mileage and number of such landowners of the
9 other county, then the utility may combine the 2 pre-filing
10 meetings in the county with the greater transmission line
11 mileage and affected landowners. All other requirements
12 regarding pre-filing meetings shall apply in both counties.
13 Notice of the public meeting, including a description of the
14 Project, must be provided in writing to the clerk of each
15 county where the Project is to be located. A representative of
16 the Commission shall be invited to each pre-filing public
17 meeting.

18 (i) For applications filed after August 18, 2015 (the
19 effective date of Public Act 99-399) ~~this amendatory Act of~~
20 ~~the 99th General Assembly~~, the Commission shall, by certified
21 mail, ~~registered 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 (Source: P.A. 102-609, eff. 8-27-21; 102-662, eff. 9-15-21;
4 revised 10-21-21.)

5 (220 ILCS 5/8-406.1)

6 Sec. 8-406.1. Certificate of public convenience and
7 necessity; expedited procedure.

8 (a) A public utility may apply for a certificate of public
9 convenience and necessity pursuant to this Section for the
10 construction of any new high voltage electric service line and
11 related facilities (Project). To facilitate the expedited
12 review process of an application filed pursuant to this
13 Section, an application shall include all of the following:

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

16 (A) A detailed description of the Project,
17 including location maps and plot plans to scale
18 showing all major components.

19 (B) The following engineering data:

20 (i) a detailed Project description including:

21 (I) name and destination of the Project;

22 (II) design voltage rating (kV);

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

24 (IV) normal peak operating current rating;

25 (ii) a conductor, structures, and substations

1 description including:

2 (I) conductor size and type;

3 (II) type of structures;

4 (III) height of typical structures;

5 (IV) an explanation why these structures
6 were selected;

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

9 (VI) a list of the names of all new (and
10 existing if applicable) substations or
11 switching stations that will be associated
12 with the proposed new high voltage electric
13 service line;

14 (iii) the location of the site and
15 right-of-way including:

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

17 (II) miles of circuit;

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

19 (IV) a brief description of the area
20 traversed by the proposed high voltage
21 electric service line, including a description
22 of the general land uses in the area and the
23 type of terrain crossed by the proposed line;

24 (iv) assumptions, bases, formulae, and methods
25 used in the development and preparation of the
26 diagrams and accompanying data, and a technical

1 description providing the following information:

2 (I) number of circuits, with
3 identification as to whether the circuit is
4 overhead or underground;

5 (II) the operating voltage and frequency;
6 and

7 (III) conductor size and type and number
8 of conductors per phase;

9 (v) if the proposed interconnection is an
10 overhead line, the following additional
11 information also must be provided:

12 (I) the wind and ice loading design
13 parameters;

14 (II) a full description and drawing of a
15 typical supporting structure, including
16 strength specifications;

17 (III) structure spacing with typical
18 ruling and maximum spans;

19 (IV) conductor (phase) spacing; and

20 (V) the designed line-to-ground and
21 conductor-side clearances;

22 (vi) if an underground or underwater
23 interconnection is proposed, the following
24 additional information also must be provided:

25 (I) burial depth;

26 (II) type of cable and a description of

1 any required supporting equipment, such as
2 insulation medium pressurizing or forced
3 cooling;

4 (III) cathodic protection scheme; and

5 (IV) type of dielectric fluid and
6 safeguards used to limit potential spills in
7 waterways;

8 (vii) technical diagrams that provide
9 clarification of any item under this item (1)
10 should be included; and

11 (viii) applicant shall provide and identify a
12 primary right-of-way and one or more alternate
13 rights-of-way for the Project as part of the
14 filing. To the extent applicable, for each
15 right-of-way, an applicant shall provide the
16 information described in this subsection (a). Upon
17 a showing of good cause in its filing, an
18 applicant may be excused from providing and
19 identifying alternate rights-of-way.

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

24 (3) Information showing that the utility has held a
25 minimum of 3 pre-filing public meetings to receive public
26 comment concerning the Project in each county where the

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

20 For applications filed after the effective date of this
21 amendatory Act of the 99th General Assembly, the Commission
22 shall, by certified mail, ~~registered mail~~ notify each owner of
23 record of the land, as identified in the records of the
24 relevant county tax assessor, included in the primary or
25 alternate rights-of-way identified in the utility's
26 application of the time and place scheduled for the initial

1 hearing upon the public utility's application. The utility
2 shall reimburse the Commission for the cost of the postage and
3 supplies incurred for mailing the notice.

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

7 (c) Nothing in this Section prohibits a utility from
8 requesting, or the Commission from approving, protection of
9 confidential or proprietary information under applicable law.
10 The public utility may seek confidential protection of any of
11 the information provided pursuant to this Section, subject to
12 Commission approval.

13 (d) The public utility shall publish notice of its
14 application in the official State newspaper within 10 days
15 following the date of the application's filing.

16 (e) The public utility shall establish a dedicated website
17 for the Project 3 weeks prior to the first public meeting and
18 maintain the website until construction of the Project is
19 complete. The website address shall be included in all public
20 notices.

21 (f) The Commission shall, after notice and hearing, grant
22 a certificate of public convenience and necessity filed in
23 accordance with the requirements of this Section if, based
24 upon the application filed with the Commission and the
25 evidentiary record, it finds the Project will promote the
26 public convenience and necessity and that all of the following

1 criteria are satisfied:

2 (1) That the Project is necessary to provide adequate,
3 reliable, and efficient service to the public utility's
4 customers and is the least-cost means of satisfying the
5 service needs of the public utility's customers or that
6 the Project will promote the development of an effectively
7 competitive electricity market that operates efficiently,
8 is equitable to all customers, and is the least cost means
9 of satisfying those objectives.

10 (2) That the public utility is capable of efficiently
11 managing and supervising the construction process and has
12 taken sufficient action to ensure adequate and efficient
13 construction and supervision of the construction.

14 (3) That the public utility is capable of financing
15 the proposed construction without significant adverse
16 financial consequences for the utility or its customers.

17 (g) The Commission shall issue its decision with findings
18 of fact and conclusions of law granting or denying the
19 application no later than 150 days after the application is
20 filed. The Commission may extend the 150-day deadline upon
21 notice by an additional 75 days if, on or before the 30th day
22 after the filing of the application, the Commission finds that
23 good cause exists to extend the 150-day period.

24 (h) In the event the Commission grants a public utility's
25 application for a certificate pursuant to this Section, the
26 public utility shall pay a one-time construction fee to each

1 county in which the Project is constructed within 30 days
2 after the completion of construction. The construction fee
3 shall be \$20,000 per mile of high voltage electric service
4 line constructed in that county, or a proportionate fraction
5 of that fee. The fee shall be in lieu of any permitting fees
6 that otherwise would be imposed by a county. Counties
7 receiving a payment under this subsection (h) may distribute
8 all or portions of the fee to local taxing districts in that
9 county.

10 (i) Notwithstanding any other provisions of this Act, a
11 decision granting a certificate under this Section shall
12 include an order pursuant to Section 8-503 of this Act
13 authorizing or directing the construction of the high voltage
14 electric service line and related facilities as approved by
15 the Commission, in the manner and within the time specified in
16 said order.

17 (Source: P.A. 99-399, eff. 8-18-15.)

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