

HB4390



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB4390

Introduced 1/21/2022, by Rep. Marcus C. Evans, Jr.

SYNOPSIS AS INTRODUCED:

220 ILCS 5/16-108.30

Amends the Public Utilities Act. Provides that the energy transition assistance charge shall not exceed 1.3% of the amount paid per kilowatthour by eligible retail customers during the year ending May 31, 2009.

LRB102 23430 SPS 32599 b

A BILL FOR

1 AN ACT concerning regulation.

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

4 Section 5. The Public Utilities Act is amended by changing
5 Section 16-108.30 as follows:

6 (220 ILCS 5/16-108.30)

7 Sec. 16-108.30. Energy Transition Assistance Fund.

8 (a) The Energy Transition Assistance Fund is hereby
9 created as a special fund in the State Treasury. The Energy
10 Transition Assistance Fund is authorized to receive moneys
11 collected pursuant to this Section. Subject to appropriation,
12 the Department of Commerce and Economic Opportunity shall use
13 moneys from the Energy Transition Assistance Fund consistent
14 with the purposes of this Act.

15 (b) An electric utility serving more than 500,000
16 customers in the State shall assess an energy transition
17 assistance charge on all its retail customers for the Energy
18 Transition Assistance Fund. The utility's total charge shall
19 be set based upon the value determined by the Department of
20 Commerce and Economic Opportunity pursuant to subsection (d)
21 or (e), as applicable, of Section 605-1075 of the Department
22 of Commerce and Economic Opportunity Law of the Civil
23 Administrative Code of Illinois. For each utility, the charge

1 shall be recovered through a single, uniform cents per
2 kilowatt-hour charge applicable to all retail customers. For
3 each utility, the charge shall not exceed 1.3% of the amount
4 paid per kilowatthour by eligible retail ~~these~~ customers
5 during the year ending May 31, 2009.

6 (c) Within 75 days of the effective date of this
7 amendatory Act of the 102nd General Assembly, each electric
8 utility serving more than 500,000 customers in the State shall
9 file with the Illinois Commerce Commission tariffs
10 incorporating the energy transition assistance charge in other
11 charges stated in such tariffs, which energy transition
12 assistance charges shall become effective no later than the
13 beginning of the first billing cycle that begins on or after
14 January 1, 2022. Each electric utility serving more than
15 500,000 customers in the State shall, prior to the beginning
16 of each calendar year starting with calendar year 2023, file
17 with the Illinois Commerce Commission tariff revisions to
18 incorporate annual revisions to the energy transition
19 assistance charge as prescribed by the Department of Commerce
20 and Economic Opportunity pursuant to Section 605-1075 of the
21 Department of Commerce and Economic Opportunity Law of the
22 Civil Administrative Code of Illinois so that such revision
23 becomes effective no later than the beginning of the first
24 billing cycle in each respective year.

25 (d) The energy transition assistance charge shall be
26 considered a charge for public utility service.

1 (e) By the 20th day of the month following the month in
2 which the charges imposed by this Section were collected, each
3 electric utility serving more than 500,000 customers in the
4 State shall remit to Department of Revenue all moneys received
5 as payment of the energy transition assistance charge on a
6 return prescribed and furnished by the Department of Revenue
7 showing such information as the Department of Revenue may
8 reasonably require. If a customer makes a partial payment, a
9 public utility may apply such partial payments first to
10 amounts owed to the utility. No customer may be subjected to
11 disconnection of his or her utility service for failure to pay
12 the energy transition assistance charge.

13 If any payment provided for in this subsection exceeds the
14 electric utility's liabilities under this Act, as shown on an
15 original return, the Department may authorize the electric
16 utility to credit such excess payment against liability
17 subsequently to be remitted to the Department under this Act,
18 in accordance with reasonable rules adopted by the Department.

19 All the provisions of Sections 4, 5, 5a, 5b, 5c, 5d, 5e,
20 5f, 5g, 5i, 5j, 6, 6a, 6b, 6c, 7, 8, 9, 10, 11, 11a, 12, and 13
21 of the Retailers' Occupation Tax Act that are not inconsistent
22 with this Act apply, as far as practicable, to the charge
23 imposed by this Act to the same extent as if those provisions
24 were included in this Act. References in the incorporated
25 Sections of the Retailers' Occupation Tax Act to retailers, to
26 sellers, or to persons engaged in the business of selling

1 tangible personal property mean persons required to remit the
2 charge imposed under this Act.

3 (f) The Department of Revenue shall deposit into the
4 Energy Transition Assistance Fund all moneys remitted to it in
5 accordance with this Section.

6 (g) The Department of Revenue may establish such rules as
7 it deems necessary to implement this Section.

8 (h) The Department of Commerce and Economic Opportunity
9 may establish such rules as it deems necessary to implement
10 this Section.

11 (Source: P.A. 102-662, eff. 9-15-21.)