



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB2010

Introduced 2/26/2021, by Sen. Thomas Cullerton

SYNOPSIS AS INTRODUCED:

220 ILCS 5/Art. XXIII heading new
220 ILCS 5/23-101 new
220 ILCS 5/23-105 new
220 ILCS 5/23-110 new
220 ILCS 5/23-115 new
220 ILCS 5/23-120 new

Amends the Public Utilities Act. Adds an Article to provide for the divestiture of electrical generating facilities by entities owning multiple electrical generating facilities that also have an ownership stake in an electric utility serving more than 3,000,000 retail customers. Requires divestiture to occur by January 1, 2022. Provides that if divestiture does not occur, the entity is ineligible to recover through tariffed charges all of the costs associated with the purchase of zero emissions credits and that those costs shall be covered from entity profits, returns, or shareholder funds. Defines terms. Effective immediately.

LRB102 16338 JLS 21725 b

FISCAL NOTE ACT
MAY APPLY

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 adding
5 Article XXIII as follows:

6 (220 ILCS 5/Art. XXIII heading new)

7 ARTICLE XXIII.

8 ELECTRIC GENERATION DIVESTITURE LAW

9 (220 ILCS 5/23-101 new)

10 Sec. 23-101. Short title. This Article may be cited as the
11 Electric Generation Divestiture Law.

12 (220 ILCS 5/23-105 new)

13 Sec. 23-105. Legislative findings. The General Assembly
14 finds it necessary to ensure the integrity, reliability, and
15 affordability of electricity in Illinois. The General Assembly
16 finds it to be uncompetitive for an entity owning multiple
17 electrical generating facilities to have an ownership stake in
18 an electric utility serving more than 3,000,000 retail
19 customers. Therefore, the General Assembly finds that
20 divestiture of these interests would provide a significant
21 public benefit.

1 (220 ILCS 5/23-110 new)

2 Sec. 23-110. Definitions. The definitions set forth in
3 Article XVI of the Public Utilities Act apply to this Article
4 XXIII as though fully set forth herein. Additionally, the term
5 "affiliated interests" means:

6 (1) every corporation and person owning or holding,
7 directly or indirectly, 10% or more of the voting capital
8 stock of such public utility;

9 (2) every corporation and person in any chain of
10 successive ownership of 10% or more of voting capital stock;

11 (3) every corporation, 10% or more of whose voting capital
12 stock is owned by any person or corporation owning 10% or more
13 of the voting capital stock of such public utility, or by any
14 person or corporation in any such chain of successive
15 ownership of 10% or more of voting capital stock;

16 (4) every corporation, 10% or more of whose voting
17 securities is owned, directly or indirectly by such public
18 utility;

19 (5) every person who is an elective officer or director of
20 such public utility or of any corporation in any chain of
21 successive ownership of 10% or more of voting capital stock;

22 (6) every corporation which has one or more elective
23 officers or one or more directors in common with such public
24 utility;

25 (7) every corporation or person which the Commission may

1 determine as a matter of fact after investigation and hearing
2 is actually exercising any substantial influence over the
3 policies and actions of such public utility even though such
4 influence is not based upon stock holding, stockholders,
5 directors or officers to the extent specified in this Section;
6 or

7 (8) every person or corporation who or which the
8 Commission may determine as a matter of fact after
9 investigation and hearing is actually exercising such
10 substantial influence over the policies and actions of such
11 public utility in conjunction with one or more other
12 corporations or persons with which or whom they are related by
13 ownership or blood relationship or by action in concert that
14 together they are affiliated with such public utility within
15 the meaning of this Section even though no one of them alone is
16 so affiliated.

17 (220 ILCS 5/23-115 new)

18 Sec. 23-115. Divestiture.

19 (a) An entity owning multiple electrical generating
20 facilities with affiliated interests with an electric utility
21 servicing more than 3,000,000 retail customers must relinquish
22 its ownership interest in the electric utility by January 1,
23 2022.

24 (b) An entity that fails to divest its affiliated
25 interests with an electric utility servicing more than 3,000,000

1 retail customers by January 1, 2022 shall be ineligible to
2 recover through tariffed charges all of the costs associated
3 with the purchase of zero emissions credits from zero emission
4 facilities pursuant to subsection (k) Section 16-108. These
5 costs shall be recovered from profits, returns, or shareholder
6 funds.

7 (c)This Act does not impair the obligations of any zero
8 emission credit procurement contract entered into pursuant to
9 subsection (d-5) of Section 1-75 of the Illinois Power Agency
10 Act.

11 (220 ILCS 5/23-120 new)

12 Sec. 23-120. Primacy of Article. This Article supersedes
13 all other Acts or parts of Acts to the extent that those Acts
14 or parts of Acts are inconsistent with the terms or operation
15 of this Article.

16 Section 99. Effective date. This Act takes effect upon
17 becoming law.