



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB5021

Introduced 2/8/2024, by Rep. Janet Yang Rohr

SYNOPSIS AS INTRODUCED:

See Index

Creates the Municipal and Cooperative Electric Utility Planning and Transparency Act. Sets forth legislative findings and objectives. Provides that beginning on November 1, 2024, and every 3 years thereafter on November 1, all electric cooperatives with members in the State, municipal power agencies, and municipalities shall file with the Illinois Power Agency an integrated resource plan. Includes provisions regarding the purposes and available resources for the integrated resource plan and rulemaking powers of the Agency. Requires the Agency to maintain a list of qualified experts or expert consulting firms for the purpose of developing integrated resource plans. Sets forth meeting requirements for an electric cooperative and publishing and posting requirements for specific information related to an electric cooperative. Amends the Open Meetings Act. Provides that a public body may hold closed meetings to consider the operation by a municipality of a municipal utility or the operation of a municipal power agency or municipal natural gas agency when the discussion involves certain topics. Amends the Illinois Municipal Code. Allows any additional municipality which operates an electric utility system to join a municipal power agency consistent with the bylaws of the municipal power agency, and upon payment of any termination obligations. Outlines a number of requirements for a municipal power agency. Makes other changes. Amends the Public Utilities Act. In a provision regarding net electricity metering, defines "electricity provider" and "electric utility". Makes other changes. Amends the Eminent Domain Act. Provides that for all acquisitions where the property, or any right or interest in property, is to be used for utility purposes, and where the condemning authority is an entity required to submit an integrated resource plan under the Municipal and Cooperative Electric Utility Planning and Transparency Act, the rebuttable presumption that such acquisition of that property is primarily for the benefit, use, or enjoyment of the public and necessary for a public purpose shall only apply if the most recent integrated resource plan filed by the condemning authority identified the facility or articulated a need for a facility similar capacity and type to the facility for which the property or right or interest is sought. Effective immediately.

LRB103 36729 LNS 66839 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 1. Short title. This Act may be cited as the
5 Municipal and Cooperative Electric Utility Planning and
6 Transparency Act.

7 Section 5. Legislative findings and objectives. The
8 General Assembly finds:

9 (1) Municipal and cooperative electric utilities
10 provide electricity to more than 1,000,000 State
11 residents.

12 (2) These utilities are managed by elected officials,
13 elected board members, or their appointees. Due to their
14 governance structures, municipal and cooperative electric
15 utilities are exempt from certain regulatory requirements
16 and oversight under State and federal law.

17 (3) State residents who are served by these utilities,
18 and who pay rates for electricity set by these utilities,
19 often lack access to important information about these
20 utilities' generation portfolios, procurement, management
21 practices, and budgets. Because democratic elections by
22 member-ratepayers or customers are the ultimate guarantor
23 of the integrity and cost-effectiveness of these

1 utilities' operations, access to this information is
2 crucial to ensuring management of these utilities is
3 prudent and responsive.

4 (4) Good utility practice entails long-term planning
5 on the part of a utility, including anticipating
6 retirement of existing generation resources, planning new
7 generation build or purchase well in advance of any
8 capacity shortfall, and developing rigorous estimates of
9 future load to inform procurement, construction, and
10 retirement decisions.

11 (5) In many other states, integrated resource planning
12 processes have been used to avoid capacity shortfalls,
13 minimize ratepayer costs, and increase public
14 participation in and knowledge of electric generation
15 portfolio choices, even where the planning utility is not
16 otherwise subject to rate approval by the state.

17 (6) It is in the best interests of State electricity
18 customers and member-ratepayers that electricity is
19 provided by a portfolio of generation and storage
20 resources and demand-side programs that minimizes both
21 cost and environmental impacts and that long-term utility
22 planning can and should facilitate the achievement of such
23 portfolios.

24 (7) With the enactment of the Inflation Reduction Act
25 of 2022, municipal and cooperative electric utilities have
26 access to a variety of federal funding streams designed to

1 facilitate transition from fossil fuel to renewable
2 generation. Consistent with Congress's intent, municipal
3 and cooperative electric utilities should perform a
4 comprehensive analysis of their existing portfolio and
5 have a duty, as utility managers, to identify
6 opportunities to minimize member-ratepayer and customer
7 costs.

8 (8) To ensure utilities minimize ratepayer costs,
9 maximize opportunities for transition from fossil fuels to
10 renewable resources, and to increase transparency and
11 democratic participation, it is important that municipal
12 and cooperative electric utilities participate in an
13 integrated resource planning process with public
14 participation and Illinois Power Agency oversight.

15 Section 10. Definitions. As used in this Act:

16 "Agency" means the Illinois Power Agency.

17 "Demand-side program" means a program implemented by or on
18 behalf of a utility to reduce retail customer consumption
19 (MWh) or shift the time of consumption of energy (MW) from end
20 users, including energy efficiency programs, demand response
21 programs, and programs for the promotion or aggregation of
22 distributed generation.

23 "Electric cooperative" has the meaning given to that term
24 in Section 3-119 of the Public Utilities Act.

25 "Generation resource" means a facility for the generation

1 of electricity.

2 "Municipal power agency" has the meaning given to that
3 term in Section 11-119.1-3 of the Illinois Municipal Code.

4 "Municipality" has the meaning given to that term in
5 Section 11-119.1-3 of the Illinois Municipal Code.

6 "Renewable generation resource" means a resource for
7 generating electricity that uses wind, solar, or geothermal
8 energy.

9 "Storage resource" means a commercially available
10 technology that uses mechanical, chemical, or thermal
11 processes to store energy and deliver the stored energy as
12 electricity for use at a later time and is capable of being
13 controlled by the distribution or transmission entity managing
14 it, to enable and optimize the safe and reliable operation of
15 the electric system.

16 "Utility" means a municipal power agency, municipality, or
17 electric cooperative.

18 Section 15. Purpose and contents of integrated resource
19 plan.

20 (a) Beginning on November 1, 2024, and every 3 years
21 thereafter on November 1, all electric cooperatives with
22 members in this State, municipal power agencies, and
23 municipalities shall file with the Agency an integrated
24 resource plan, except that municipalities and electric
25 cooperatives that are members of, and have a full requirements

1 contract with, a municipal power agency or electric
2 cooperative subject to this Act may file a statement adopting
3 such other utility's integrated resource plan.

4 (b) The purposes of the integrated resource plan are to
5 provide a comprehensive description of the utility's current
6 portfolio of electrical generation, storage, demand-side
7 programs, and transmission resources, to forecast future load
8 changes to facilitate prudent planning with respect to
9 resource procurement and retirement, to determine what
10 resource portfolio will meet ratepayers' needs while
11 minimizing cost and environmental impact, and to articulate
12 steps the utility will take to reduce customer costs and
13 environmental impacts through changes to its current
14 generation portfolio through construction, procurement,
15 retirement, or demand-side programs.

16 (c) As part of the integrated resource plan development
17 process, a utility shall consider all resources reasonably
18 available or reasonably likely to be available during the
19 relevant time period to satisfy the demand for electricity
20 services for a 20-year planning period, taking into account
21 both supply-side and demand-side electric power resources.

22 (d) An integrated resource plan shall include, at a
23 minimum:

24 (1) A list of all electricity generation facilities
25 owned by the utility, in whole or in part. For each such
26 facility, the integrated resource plan shall report:

- 1 (A) general location;
- 2 (B) ownership information, if ownership is shared
3 with another entity;
- 4 (C) type of fuel;
- 5 (D) the date of commercial operation;
- 6 (E) expected useful life;
- 7 (F) expected retirement date for any resource
8 expected to retire within the next 10 years, and an
9 explanation of the reason for the retirement;
- 10 (G) nameplate and peak available capacity;
- 11 (H) total MWh generated at the facility during the
12 previous calendar year;
- 13 (I) the date on which the facility is anticipated
14 to be fully depreciated; and
- 15 (J) any compliance obligations, or compliance
16 obligations expected to apply within the next 10
17 years, and any proposed or anticipated expenditures
18 intended to meet those obligations.
- 19 (2) A list of all power purchase agreements to which
20 the utility is a party, whether as purchaser or seller,
21 including the counterparty, general location and type of
22 generation resource providing power per the agreement,
23 date on which the agreement was entered into, duration of
24 the agreement, and the energy and capacity terms of the
25 agreement.
- 26 (3) A list of any sale transactions of any energy or

1 capacity to any purchaser.

2 (4) A list of any demand-side programs and total
3 distributed generation.

4 (5) A narrative description of all existing
5 transmission facilities owned by the utility, in whole or
6 in part, that identifies any transmission constraints or
7 critical contingencies, and identification of the regional
8 transmission organization, if any, which exercises
9 operational control over the transmission facility.

10 (6) A list of all capital expenditures exceeding
11 \$1,000,000 in the previous calendar year that includes a
12 brief description of the expenditure, the total amount
13 expended, and whether the expenditure was required to
14 conform with State or federal law, rule, or regulation;

15 (7) A description of all transmission costs,
16 disaggregated by expenditure, that identifies all capital
17 expenditures on physical infrastructure and contracts for
18 rights costing greater than \$1,000,000 over the term of
19 the agreement.

20 (8) A copy of the most recent FERC Form 1 filed by the
21 utility. If no such FERC Form 1 has been filed, the utility
22 shall complete a FERC Form 1 for the prior calendar year.

23 (9) A range of load forecasts for the 5-year planning
24 period that includes hourly data representing a high-load,
25 low-load, and expected-load scenario for all retail
26 customers, consistent with the requirements of paragraph

1 (1) of subsection (d) of Section 16-111.5 of the Public
2 Utilities Act and any associated rules or regulations.

3 Such forecasts shall include:

4 (A) all underlying assumptions;

5 (B) an hourly load analysis consistent with the
6 requirements of paragraph (1) of subsection (b) of
7 Section 16-111.5 of the Public Utilities Act;

8 (C) analysis of the impact of any demand-side
9 programs, consistent with paragraph (2) of subsection
10 (b) of Section 16-111.5 of the Public Utilities Act;

11 (D) any reserve margin or other obligations placed
12 on the utility by regional transmission organizations
13 to which it is a member; and

14 (E) to the extent the information is available, an
15 assessment of the accuracy of any past load forecasts
16 submitted pursuant to this Section and an explanation
17 of any deviation of greater than 10% in either
18 direction from the forecasted load.

19 (10) The results of an all-source request for
20 proposals for generation resources and capacity contracts.

21 (11) A 5-year action plan for meeting the forecasted
22 load that minimizes customer cost and adverse
23 environmental impacts. As part of the action plan, the
24 utility shall:

25 (A) Identify any generation or storage resources
26 anticipated to be removed from service in the 5 years

1 following the date on which the integrated resource
2 plan is submitted.

3 (B) Determine whether given forecasted load growth
4 or unit retirements, or both, the utility will need to
5 procure additional capacity and energy, and provide a
6 quantitative estimate of any such gap between
7 forecasted load and supply-side resources.

8 (C) Provide a narrative description of the
9 utility's process for evaluating possible resources to
10 secure this additional capacity and energy.

11 (D) Provide a narrative description of the
12 utility's processes for assessing the present economic
13 value of existing generation and state whether,
14 consistent with this methodology, any currently
15 operating units, if any, could be replaced by other
16 resources at lower cost to ratepayers.

17 (E) Identify a preferred portfolio of generation,
18 storage, and demand-side programs that, in the
19 utility's judgment, meets its forecasted load while
20 minimizing the ratepayer cost and environmental
21 impacts to the extent reasonably achievable in the 5
22 years covered by the action plan. The portfolio shall
23 incorporate any capacity or other reliability
24 requirements of any regional transmission organization
25 of which the utility is a member.

26 (F) If the preferred portfolio includes the

1 construction of new generation or storage resources or
2 transmission facilities, identify the preferred site
3 for all new construction of generation, storage, or
4 transmission facilities.

5 (G) If the utility states that it intends to
6 remove a generation resource from service, include in
7 the integrated resource plan a statement describing
8 the utility's plan to minimize economic impacts to
9 workers due to facility retirement. This statement
10 shall include a description of:

11 (i) the utility's efforts to collaborate with
12 the workers and their designated representatives,
13 if any;

14 (ii) a transition timeline or date certain on
15 which such a transition timeline shall be made
16 available to ensure certainty for workers;

17 (iii) the utility's efforts to protect pension
18 benefits and extend or replace health insurance,
19 life insurance, and other employment benefits;

20 (iv) all training and skill development
21 programs to be made available for workers who will
22 see their employment reduced or eliminated as a
23 result of the retirement; and

24 (v) any agreements with local governments
25 regarding continuing tax or other transfer
26 payments following the facility's retirement

1 intended to minimize the impact on local services.

2 (H) Describe any anticipated capital expenditures
3 in excess of \$1,000,000 at existing generation
4 facilities and the reason for such expenditures.

5 (12) A description of all models and methodologies
6 used in performing the integrated resource planning
7 process. The utility shall provide to the Agency, upon
8 request, reasonable access to any computer models used in
9 the analysis and workpapers, in electronic form, relied on
10 in preparation of the report.

11 (e) As part of all integrated resource plans submitted in
12 2024, the utility shall identify all programs, grants, loans,
13 or tax benefits for which the utility is eligible pursuant to
14 the Inflation Reduction Act of 2022, and state whether the
15 utility has applied for or otherwise used the program, grant,
16 loan, or tax benefit. If the utility has not yet applied for or
17 utilized the benefit, the utility shall state whether it
18 intends to do so.

19 (f) Each utility shall submit, as part of its integrated
20 resource plan, a least cost plan for constructing or procuring
21 renewable energy resources to meet a minimum percentage of its
22 load for all retail customers as follows: 25% by June 1, 2026,
23 increasing by at least 3% each delivery year thereafter to at
24 least 40% by the 2030 delivery year, and continuing at no less
25 than 40% for each delivery year thereafter.

26 (g) Beginning in 2031, each utility shall submit, as part

1 of its integrated resource plan, a least cost plan for
2 supplying 100% of its total projected load through renewable
3 generation resources in combination with storage resources and
4 demand-side programs by 2045. This least cost plan shall
5 provide for the retirement of all coal and gas generation
6 resources by January 1, 2045.

7 (h) The Agency may adopt rules establishing additional
8 requirements as to the form and content of integrated resource
9 plans, including, but not limited to, specifying forecast
10 methodologies.

11 Section 20. Stakeholder process. Prior to the submission
12 of an integrated resource plan, a municipality, municipal
13 power agency, or electric cooperative required to submit an
14 integrated resource plan shall hold at least 2 stakeholder
15 meetings open to all ratepayers and members of the public.
16 Notice of the meetings shall be sent to all customers not less
17 than 30 days prior to the meeting. During the meetings the
18 utility shall describe its processes for developing the
19 integrated resource plan and its core assumptions and
20 constraints, present its proposed preferred portfolio, and
21 describe any planned retirements, capital expenditures on
22 existing generation resources likely to exceed \$1,000,000, and
23 planned construction. Each meeting shall allow time for public
24 comment and the utility shall provide attendees with a means
25 of providing public comment in writing following the meeting.

1 Section 25. Procedures for submission of integrated
2 resource plan.

3 (a) Each municipality, municipal power agency, and
4 electric cooperative shall submit its integrated resource
5 plan, as set forth in this Act, to the Agency by October 1 of
6 the calendar year.

7 (b) The Agency may request further information from the
8 utility. Any such requests shall be made in writing. If the
9 Agency requests additional information, the utility shall
10 provide responses no later than 15 days following the request.

11 (c) The Agency shall facilitate public comment on the
12 integrated resource plan, as follows:

13 (1) upon submission of the integrated resource plan,
14 the Agency shall post the integrated resource plan
15 publicly on its website. The plan shall remain publicly
16 accessible for at least 60 days.

17 (2) the utility shall hold at least 2 public meetings,
18 one in person and one remotely, where it shall make a
19 representative available to address questions about the
20 resource plan. The meetings shall be held no sooner than
21 15 days, and no later than 45 days, after the integrated
22 resource plan is made available to the public.

23 (3) the Agency shall accept public comments on the
24 integrated resource plan for 60 days following its public
25 posting via website, email, or mail. The Agency may extend

1 this public comment period by an additional 60 days upon
2 request by members of the public; and

3 (4) after the conclusion of the public comment period,
4 as determined by the Agency, the Agency shall transmit
5 copies of all public comments received to the utility.

6 (d) The utility shall review public comments and provide
7 responses that reasonably address all issues or questions
8 raised by such comments. The utility may modify its integrated
9 resource plan in response to these comments. The utility shall
10 prepare a document with responses to public comments and
11 submit this response document to the Agency no later than 90
12 days after receiving the comments from the agency. This
13 response document shall be posted publicly on the Agency's
14 website along with the original integrated resource plan, as
15 submitted, and any revisions made by the utility in response
16 to public comments.

17 (e) The Agency shall maintain public access to all
18 integrated resource plans submitted pursuant to this Act,
19 accessible through the Agency's website, for no less than 10
20 years following each integrated resource plan's initial
21 submission.

22 Section 30. Use of independent expert.

23 (a) The Agency shall maintain a list of qualified experts
24 or expert consulting firms for the purpose of developing
25 integrated resource plans on behalf of municipalities,

1 municipal power agencies, and cooperatives. In order to
2 qualify an expert or expert consulting firm must have:

3 (1) direct previous experience assembling power supply
4 plans or portfolios for utilities;

5 (2) an advanced degree in economics, mathematics,
6 engineering, risk management, or a related area of study;

7 (3) 10 years of experience in the electricity sector;

8 (4) expertise in wholesale electricity market rules,
9 including those established by the federal Energy
10 Regulatory Commission and regional transmission
11 organizations; and

12 (5) adequate resources to perform and fulfill the
13 required functions and responsibilities.

14 (b) The Agency may assemble the list as part of the process
15 for developing a list of qualified experts for experts to
16 develop procurement plans, as set forth in subsection (a) of
17 Section 1-75 of the Illinois Power Agency Act.

18 (c) The Agency shall provide affected utilities and other
19 interested parties with the lists of qualified experts or
20 expert consulting firms identified through the request for
21 qualifications processes that are under consideration to
22 prepare the integrated resource plan on behalf of the utility.
23 The Agency shall also provide each qualified expert's or
24 expert consulting firm's response to the request for
25 qualifications. A utility shall, within 5 business days,
26 notify the Agency in writing if it objects to any experts or

1 expert consulting firms on the lists. Objections shall be
2 based on:

- 3 (1) the failure to satisfy qualification criteria;
4 (2) the identification of a conflict of interest; or
5 (3) the evidence of inappropriate bias for or against
6 potential bidders or the affected utilities.

7 The Agency shall remove experts or expert consulting firms
8 from the lists within 10 days if there is a reasonable basis
9 for an objection and provide the updated lists to the affected
10 utilities and other interested parties. If the Agency fails to
11 remove an expert or expert consulting firm from the list, the
12 objecting utility may withdraw its application and develop its
13 integrated resource plan without agency assistance.

14 (d) A utility required to submit an integrated resource
15 plan may elect to rely on an expert or expert consulting firm
16 selected by the Agency to develop the plan and conduct
17 stakeholder processes.

18 (e) A utility may submit a request to the Agency, not less
19 than 6 months prior to the date on which the integrated
20 resource plan is due, for such an expert or expert consulting
21 firm.

22 (f) Upon receipt of such a request, the Agency shall issue
23 requests for proposals to the qualified experts on the list
24 assembled as set forth in subsections (a) through (c) to
25 develop an integrated resource plan for that utility. The
26 Agency shall select an expert or expert consulting firm to

1 develop the integrated resource plan on behalf of the utility
2 based on the proposals submitted.

3 (g) Subject to appropriation, if a utility elects to rely
4 on an expert or expert consulting firm selected by the Agency,
5 90% of the costs assessed by the expert for development of the
6 integrated resource plan shall be paid by the Agency, up to
7 \$250,000, and the remainder paid by the utility.

8 Section 35. Electric cooperatives member access.

9 (a) As used in this Section, "meeting" has the meaning
10 given to that term in Section 1.02 of the Open Meetings Act.

11 (b) As used in this Section, except for subsection (j),
12 "member" includes all members of an electric cooperative in
13 accordance with the cooperative's bylaws. Where a generation
14 and transmission electric cooperative's members are electric
15 cooperatives rather than individuals, members of those
16 member-cooperatives are members of the generation and
17 transmission electric cooperative for purposes of this
18 Section. As used in subsection (j), "member" includes only
19 members of an electric cooperative with individual members.

20 (c) All meetings of an electric cooperative shall be open
21 to all members, except that a cooperative, by a two-thirds
22 affirmative vote of the board members present, may go into
23 executive session for consideration of documents or
24 information deemed to be confidential for legal, commercial,
25 or personnel purposes.

1 (1) Before a board of directors convenes in executive
2 session, the board shall announce the general topic of the
3 executive session.

4 (2) Notice of all meetings of an electric cooperative
5 shall be posted on the website of the electric cooperative
6 at least 15 days prior to the meeting. Minutes of all
7 meetings of an electric cooperative shall be posted on the
8 website of the electric cooperative as soon as they have
9 been approved and shall remain posted for at least one
10 year after the date of the meeting. Upon request of a
11 member, the electric cooperative shall make minutes of any
12 meeting held after the effective date of this Act
13 available. Minutes shall include the votes of each member
14 of the board on all items for which approval was not
15 unanimous.

16 (3) At every regular meeting of the governing body of
17 an electric cooperative, members of the cooperative shall
18 be given an opportunity to address the board on any matter
19 concerning the policies and businesses of the cooperative.
20 The board may place reasonable, viewpoint-neutral
21 restrictions on the amount and duration of member comment.

22 (d) Each electric cooperative shall post on its website
23 its current rates. The electric cooperative shall keep and
24 make available to any member, upon request, all financial
25 audits of the electric cooperative conducted in the last 3
26 fiscal years.

1 (e) Each electric cooperative shall adopt and post a
2 written policy governing the election of directors on its
3 website. The electric cooperative shall provide notice of the
4 policy at the time a person becomes a member, as a bill insert
5 at least once per year, and on request. The policy shall
6 contain true and complete information on the following:

7 (1) Who is entitled to vote in an election, including
8 how member-cooperatives may vote.

9 (2) How a member may obtain and cast a ballot.

10 (3) How a member may become a candidate for the board
11 or any other elected leadership positions.

12 (f) At least 60 days before each board election, the
13 electric cooperative shall post a list of candidates and
14 deadline to return ballots on its website and leave the
15 information posted until the election has concluded. The same
16 information shall be included as part of a bill insert for a
17 billing cycle occurring at no more than 60 but no fewer than 15
18 days prior to the deadline to return ballots.

19 (g) Each candidate for a position on the board of
20 directors who has qualified under the electric cooperative's
21 bylaws is entitled to receive a membership list in electronic
22 format upon receipt and verification of any candidacy
23 requirements. The membership list must include the names and
24 addresses of all members as they appear in the electric
25 cooperative's records.

1 Section 40. Conflict of interest disclosures.

2 (a) Each electric cooperative, municipality, and municipal
3 power agency shall adopt, and post publicly on its website,
4 written policies concerning:

5 (1) The compensation provided to a director on the
6 board of directors, including information on any
7 authorized per diem amounts, and the values of other
8 benefits, services, or goods that a director receives.

9 (2) The disclosure of any gifts received by a director
10 in excess of a de minimis amount.

11 (3) The requirements and procedures for a director on
12 the board of directors to disclose in writing any
13 conflicts of interest. At a minimum, the policy must
14 require disclosure when a decision before the board could
15 provide directly and as a proximate result of the decision
16 a financial or other material benefit to:

17 (A) The director, if the benefit is unique to that
18 director and not shared by similarly situated
19 cooperative members.

20 (B) A parent, grandparent, spouse, partner in a
21 civil union, child, or sibling of the director, if the
22 benefit is unique to that director and not shared by
23 similarly situated cooperative members.

24 (C) An entity in which the director is an officer
25 or director or has a financial interest not shared by
26 similarly situated cooperative members.

1 (b) Each electric cooperative shall disclose on its
2 website all lobbying activities as defined by Section 2 of the
3 Lobbyist Registration Act and the amount of expenditures on
4 such activities on an annual basis. Where the electric
5 cooperative is a member of a trade association or other
6 organization that engages in lobbying activities, the electric
7 cooperative shall post the amount of dues or other
8 expenditures paid by the cooperative to such an organization
9 and what percentage of the organization or association's
10 budget is spent on lobbying activities.

11 Section 45. The Open Meetings Act is amended by changing
12 Section 2 as follows:

13 (5 ILCS 120/2) (from Ch. 102, par. 42)

14 Sec. 2. Open meetings.

15 (a) Openness required. All meetings of public bodies shall
16 be open to the public unless excepted in subsection (c) and
17 closed in accordance with Section 2a.

18 (b) Construction of exceptions. The exceptions contained
19 in subsection (c) are in derogation of the requirement that
20 public bodies meet in the open, and therefore, the exceptions
21 are to be strictly construed, extending only to subjects
22 clearly within their scope. The exceptions authorize but do
23 not require the holding of a closed meeting to discuss a
24 subject included within an enumerated exception.

1 (c) Exceptions. A public body may hold closed meetings to
2 consider the following subjects:

3 (1) The appointment, employment, compensation,
4 discipline, performance, or dismissal of specific
5 employees, specific individuals who serve as independent
6 contractors in a park, recreational, or educational
7 setting, or specific volunteers of the public body or
8 legal counsel for the public body, including hearing
9 testimony on a complaint lodged against an employee, a
10 specific individual who serves as an independent
11 contractor in a park, recreational, or educational
12 setting, or a volunteer of the public body or against
13 legal counsel for the public body to determine its
14 validity. However, a meeting to consider an increase in
15 compensation to a specific employee of a public body that
16 is subject to the Local Government Wage Increase
17 Transparency Act may not be closed and shall be open to the
18 public and posted and held in accordance with this Act.

19 (2) Collective negotiating matters between the public
20 body and its employees or their representatives, or
21 deliberations concerning salary schedules for one or more
22 classes of employees.

23 (3) The selection of a person to fill a public office,
24 as defined in this Act, including a vacancy in a public
25 office, when the public body is given power to appoint
26 under law or ordinance, or the discipline, performance or

1 removal of the occupant of a public office, when the
2 public body is given power to remove the occupant under
3 law or ordinance.

4 (4) Evidence or testimony presented in open hearing,
5 or in closed hearing where specifically authorized by law,
6 to a quasi-adjudicative body, as defined in this Act,
7 provided that the body prepares and makes available for
8 public inspection a written decision setting forth its
9 determinative reasoning.

10 (4.5) Evidence or testimony presented to a school
11 board regarding denial of admission to school events or
12 property pursuant to Section 24-24 of the School Code,
13 provided that the school board prepares and makes
14 available for public inspection a written decision setting
15 forth its determinative reasoning.

16 (5) The purchase or lease of real property for the use
17 of the public body, including meetings held for the
18 purpose of discussing whether a particular parcel should
19 be acquired.

20 (6) The setting of a price for sale or lease of
21 property owned by the public body.

22 (7) The sale or purchase of securities, investments,
23 or investment contracts. This exception shall not apply to
24 the investment of assets or income of funds deposited into
25 the Illinois Prepaid Tuition Trust Fund.

26 (8) Security procedures, school building safety and

1 security, and the use of personnel and equipment to
2 respond to an actual, a threatened, or a reasonably
3 potential danger to the safety of employees, students,
4 staff, the public, or public property.

5 (9) Student disciplinary cases.

6 (10) The placement of individual students in special
7 education programs and other matters relating to
8 individual students.

9 (11) Litigation, when an action against, affecting or
10 on behalf of the particular public body has been filed and
11 is pending before a court or administrative tribunal, or
12 when the public body finds that an action is probable or
13 imminent, in which case the basis for the finding shall be
14 recorded and entered into the minutes of the closed
15 meeting.

16 (12) The establishment of reserves or settlement of
17 claims as provided in the Local Governmental and
18 Governmental Employees Tort Immunity Act, if otherwise the
19 disposition of a claim or potential claim might be
20 prejudiced, or the review or discussion of claims, loss or
21 risk management information, records, data, advice or
22 communications from or with respect to any insurer of the
23 public body or any intergovernmental risk management
24 association or self insurance pool of which the public
25 body is a member.

26 (13) Conciliation of complaints of discrimination in

1 the sale or rental of housing, when closed meetings are
2 authorized by the law or ordinance prescribing fair
3 housing practices and creating a commission or
4 administrative agency for their enforcement.

5 (14) Informant sources, the hiring or assignment of
6 undercover personnel or equipment, or ongoing, prior or
7 future criminal investigations, when discussed by a public
8 body with criminal investigatory responsibilities.

9 (15) Professional ethics or performance when
10 considered by an advisory body appointed to advise a
11 licensing or regulatory agency on matters germane to the
12 advisory body's field of competence.

13 (16) Self evaluation, practices and procedures or
14 professional ethics, when meeting with a representative of
15 a statewide association of which the public body is a
16 member.

17 (17) The recruitment, credentialing, discipline or
18 formal peer review of physicians or other health care
19 professionals, or for the discussion of matters protected
20 under the federal Patient Safety and Quality Improvement
21 Act of 2005, and the regulations promulgated thereunder,
22 including 42 C.F.R. Part 3 (73 FR 70732), or the federal
23 Health Insurance Portability and Accountability Act of
24 1996, and the regulations promulgated thereunder,
25 including 45 C.F.R. Parts 160, 162, and 164, by a
26 hospital, or other institution providing medical care,

1 that is operated by the public body.

2 (18) Deliberations for decisions of the Prisoner
3 Review Board.

4 (19) Review or discussion of applications received
5 under the Experimental Organ Transplantation Procedures
6 Act.

7 (20) The classification and discussion of matters
8 classified as confidential or continued confidential by
9 the State Government Suggestion Award Board.

10 (21) Discussion of minutes of meetings lawfully closed
11 under this Act, whether for purposes of approval by the
12 body of the minutes or semi-annual review of the minutes
13 as mandated by Section 2.06.

14 (22) Deliberations for decisions of the State
15 Emergency Medical Services Disciplinary Review Board.

16 (23) The operation by a municipality of a municipal
17 utility or the operation of a municipal power agency or
18 municipal natural gas agency when the discussion involves
19 (i) trade secrets, (ii) ongoing contract negotiations or
20 results of a request for proposals relating to the
21 purchase, sale, or delivery of electricity or natural gas
22 from nonaffiliate entities, or (iii) information
23 prohibited from disclosure by a regional transmission
24 organization to ensure the integrity of competitive
25 markets ~~contracts relating to the purchase, sale, or~~
26 ~~delivery of electricity or natural gas or (ii) the results~~

1 ~~or conclusions of load forecast studies.~~

2 (24) Meetings of a residential health care facility
3 resident sexual assault and death review team or the
4 Executive Council under the Abuse Prevention Review Team
5 Act.

6 (25) Meetings of an independent team of experts under
7 Brian's Law.

8 (26) Meetings of a mortality review team appointed
9 under the Department of Juvenile Justice Mortality Review
10 Team Act.

11 (27) (Blank).

12 (28) Correspondence and records (i) that may not be
13 disclosed under Section 11-9 of the Illinois Public Aid
14 Code or (ii) that pertain to appeals under Section 11-8 of
15 the Illinois Public Aid Code.

16 (29) Meetings between internal or external auditors
17 and governmental audit committees, finance committees, and
18 their equivalents, when the discussion involves internal
19 control weaknesses, identification of potential fraud risk
20 areas, known or suspected frauds, and fraud interviews
21 conducted in accordance with generally accepted auditing
22 standards of the United States of America.

23 (30) Those meetings or portions of meetings of a
24 fatality review team or the Illinois Fatality Review Team
25 Advisory Council during which a review of the death of an
26 eligible adult in which abuse or neglect is suspected,

1 alleged, or substantiated is conducted pursuant to Section
2 15 of the Adult Protective Services Act.

3 (31) Meetings and deliberations for decisions of the
4 Concealed Carry Licensing Review Board under the Firearm
5 Concealed Carry Act.

6 (32) Meetings between the Regional Transportation
7 Authority Board and its Service Boards when the discussion
8 involves review by the Regional Transportation Authority
9 Board of employment contracts under Section 28d of the
10 Metropolitan Transit Authority Act and Sections 3A.18 and
11 3B.26 of the Regional Transportation Authority Act.

12 (33) Those meetings or portions of meetings of the
13 advisory committee and peer review subcommittee created
14 under Section 320 of the Illinois Controlled Substances
15 Act during which specific controlled substance prescriber,
16 dispenser, or patient information is discussed.

17 (34) Meetings of the Tax Increment Financing Reform
18 Task Force under Section 2505-800 of the Department of
19 Revenue Law of the Civil Administrative Code of Illinois.

20 (35) Meetings of the group established to discuss
21 Medicaid capitation rates under Section 5-30.8 of the
22 Illinois Public Aid Code.

23 (36) Those deliberations or portions of deliberations
24 for decisions of the Illinois Gaming Board in which there
25 is discussed any of the following: (i) personal,
26 commercial, financial, or other information obtained from

1 any source that is privileged, proprietary, confidential,
2 or a trade secret; or (ii) information specifically
3 exempted from the disclosure by federal or State law.

4 (37) Deliberations for decisions of the Illinois Law
5 Enforcement Training Standards Board, the Certification
6 Review Panel, and the Illinois State Police Merit Board
7 regarding certification and decertification.

8 (38) Meetings of the Ad Hoc Statewide Domestic
9 Violence Fatality Review Committee of the Illinois
10 Criminal Justice Information Authority Board that occur in
11 closed executive session under subsection (d) of Section
12 35 of the Domestic Violence Fatality Review Act.

13 (39) Meetings of the regional review teams under
14 subsection (a) of Section 75 of the Domestic Violence
15 Fatality Review Act.

16 (40) Meetings of the Firearm Owner's Identification
17 Card Review Board under Section 10 of the Firearm Owners
18 Identification Card Act.

19 (d) Definitions. For purposes of this Section:

20 "Employee" means a person employed by a public body whose
21 relationship with the public body constitutes an
22 employer-employee relationship under the usual common law
23 rules, and who is not an independent contractor.

24 "Public office" means a position created by or under the
25 Constitution or laws of this State, the occupant of which is
26 charged with the exercise of some portion of the sovereign

1 power of this State. The term "public office" shall include
2 members of the public body, but it shall not include
3 organizational positions filled by members thereof, whether
4 established by law or by a public body itself, that exist to
5 assist the body in the conduct of its business.

6 "Quasi-adjudicative body" means an administrative body
7 charged by law or ordinance with the responsibility to conduct
8 hearings, receive evidence or testimony and make
9 determinations based thereon, but does not include local
10 electoral boards when such bodies are considering petition
11 challenges.

12 (e) Final action. No final action may be taken at a closed
13 meeting. Final action shall be preceded by a public recital of
14 the nature of the matter being considered and other
15 information that will inform the public of the business being
16 conducted.

17 (Source: P.A. 102-237, eff. 1-1-22; 102-520, eff. 8-20-21;
18 102-558, eff. 8-20-21; 102-813, eff. 5-13-22; 103-311, eff.
19 7-28-23.)

20 Section 50. The Illinois Municipal Code is amended by
21 changing Sections 11-119.1-4 and 11-119.1-10 and by adding
22 Section 11-119.1-5.5 as follows:

23 (65 ILCS 5/11-119.1-4) (from Ch. 24, par. 11-119.1-4)

24 Sec. 11-119.1-4. Municipal Power Agencies.

1 A. Any 2 or more municipalities, contiguous or
2 noncontiguous, and which operate an electric utility system,
3 may form a municipal power agency by the execution of an agency
4 agreement authorized by an ordinance adopted by the governing
5 body of each municipality. The agency agreement may state:

6 (1) that the municipal power agency is created and
7 incorporated under the provisions of this Division as a
8 body politic and corporate, municipal corporation and unit
9 of local government of the State of Illinois;

10 (2) the name of the agency and the date of its
11 establishment;

12 (3) that names of the municipalities which have
13 adopted the agency agreement and constitute the initial
14 members of the municipal power agency;

15 (4) the names and addresses of the persons initially
16 appointed in the ordinances adopting the agency agreement
17 to serve on the Board of Directors and act as the
18 representatives of the municipalities, respectively, in
19 the exercise of their powers as members;

20 (5) the limitations, if any, upon the terms of office
21 of the directors, provided that such directors shall
22 always be selected and vacancies in their offices declared
23 and filled by ordinances adopted by the governing body of
24 the respective municipalities;

25 (6) the location by city, village or incorporated town
26 in the State of Illinois of the principal office of the

1 municipal power agency;

2 (7) provisions for the disposition, division or
3 distribution of obligations, property and assets of the
4 municipal power agency upon dissolution; and

5 (8) any other provisions for regulating the business
6 of the municipal power agency or the conduct of its
7 affairs which may be agreed to by the member
8 municipalities, consistent with this Division, including,
9 without limitation, any provisions for weighted voting
10 among the member municipalities or by the directors.

11 B. The presiding officer of the Board of Directors of any
12 municipal power agency established pursuant to this Division
13 or such other officer selected by the Board of Directors,
14 within 3 months after establishment, shall file a certified
15 copy of the agency agreement and a list of the municipalities
16 which have adopted the agreement with the recorder of deeds of
17 the county in which the principal office is located. The
18 recorder of deeds shall record this certified copy and list
19 and shall immediately transmit the certified copy and list to
20 the Secretary of State, together with his certificate of
21 recordation. The Secretary of State shall file these documents
22 and issue his certificate of approval over his signature and
23 the Great Seal of the State. The Secretary of State shall make
24 and keep a register of municipal power agencies established
25 under this Division.

26 C. Each municipality which becomes a member of the

1 municipal power agency shall appoint a representative to serve
2 on the Board of Directors, which representative may be a
3 member of the governing body of the municipality. Each
4 appointment shall be made by the mayor, or president, subject
5 to the confirmation of the governing body. The directors so
6 appointed shall hold office for a term of 3 years, or until a
7 successor has been duly appointed and qualified, except that
8 the directors first appointed shall determine by lot at their
9 initial meeting the respective directors which shall serve for
10 a term of one, 2 or 3 years from the date of that meeting. A
11 vacancy shall be filled for the balance of the unexpired term
12 in the same manner as the original appointment.

13 The Board of Directors is the corporate authority of the
14 municipal power agency and shall exercise all the powers and
15 manage and control all of the affairs and property of the
16 agency. The Board of Directors shall have full power to pass
17 all necessary ordinances, resolutions, rules and regulations
18 for the proper management and conduct of the business of the
19 board, and for carrying into effect the objects for which the
20 agency was established.

21 At the initial meeting of the Board of Directors to be held
22 within 30 days after the date of establishment of the
23 municipal power agency, the directors shall elect from their
24 members a presiding officer to preside over the meetings of
25 the Board of Directors and an alternative presiding officer
26 and may elect an executive board. The Board of Directors shall

1 determine and designate in the agency's bylaws the titles for
2 the presiding officers. The directors shall also elect a
3 secretary and treasurer, who need not be directors. The board
4 may select such other officers, employees and agents as deemed
5 to be necessary, who need not be directors or residents of any
6 of the municipalities which are members of the municipal power
7 agency. The board may designate appropriate titles for all
8 other officers, employees, and agents. All persons selected by
9 the board shall hold their respective offices during the
10 pleasure of the board, and give such bond as may be required by
11 the board.

12 D. The bylaws of the municipal power agency, and any
13 amendments thereto, shall be adopted by the Board of Directors
14 by a majority vote (adjusted for weighted voting, if provided
15 in the Agency Agreement) to provide the following:

16 (1) the conditions and obligations of membership, if
17 any;

18 (2) the manner and time of calling regular and special
19 meetings of the Board of Directors;

20 (3) the procedural rules of the Board of Directors;

21 (4) the composition, powers and responsibilities of
22 any committee or executive board;

23 (5) the rights and obligations of new members,
24 conditions for the termination of membership, including a
25 formula for the determination of required termination
26 payments, if any, and the disposition of rights and

1 obligations upon termination of membership; and

2 (6) such other rules or provisions for regulating the
3 affairs of the municipal power agency as the board shall
4 determine to be necessary.

5 E. Every municipal power agency shall maintain an office
6 in the State of Illinois to be known as its principal office.
7 When a municipal power agency desires to change the location
8 of such office, it shall file with the Secretary of State a
9 certificate of change of location, stating the new address and
10 the effective date of change. Meetings of the Board of
11 Directors may be held at any place within the State of
12 Illinois, designated by the Board of Directors, after notice.
13 Unless otherwise provided by the bylaws, an act of the
14 majority of the directors present at a meeting at which a
15 quorum is present is the act of the Board of Directors.

16 F. The Board of Directors shall hold at least one meeting
17 each year for the election of officers and for the transaction
18 of any other business. Special meetings of the Board of
19 Directors may be called for any purpose upon written request
20 to the presiding officer of the Board of Directors or
21 secretary to call the meeting. Such officer shall give notice
22 of the meeting to be held not less than 10 days and not more
23 than 60 days after receipt of such request. Unless the bylaws
24 provide for a different percentage, a quorum for a meeting of
25 the Board of Directors is a majority of all members then in
26 office. All meetings of the board shall be held in compliance

1 with the provisions of "An Act in relation to meetings",
2 approved July 11, 1957, as amended.

3 G. The agency agreement may be amended as proposed at any
4 meeting of the Board of Directors for which notice, stating
5 the purpose, shall be given to each director and, unless the
6 bylaws prescribe otherwise, such amendment shall become
7 effective when ratified by ordinances adopted by a majority of
8 the governing bodies of the member municipalities. Each
9 amendment, duly certified, shall be recorded and filed in the
10 same manner as for the original agreement.

11 H. Each member municipality shall have full power and
12 authority, subject to the provisions of its charter and laws
13 regarding local finance, to appropriate money for the payment
14 of the expenses of the municipal power agency and of its
15 representative in exercising its functions as a member of the
16 municipal power agency.

17 I. Any additional municipality which operates an electric
18 utility system may join the municipal power agency, or any
19 member municipality may withdraw therefrom consistent with the
20 bylaws of the municipal power agency, and upon payment of any
21 termination obligations as described in subsection D ~~upon the~~
22 ~~approval by ordinance adopted by the governing body of the~~
23 ~~majority of the municipalities which are then members of the~~
24 ~~municipal power agency.~~ Any new member shall agree to assume
25 its proportionate share of the outstanding obligations of the
26 municipal power agency and any member permitted to withdraw

1 shall remain obligated to make payments under any outstanding
2 contract or agreement with the municipal power agency or to
3 comply with any exit or early termination provisions set forth
4 in that contract or agreement. Any such change in membership
5 shall be recorded and filed in the same manner as for the
6 original agreement.

7 J. Any 2 or more municipal power agencies organized
8 pursuant to this Division may consolidate to form a new
9 municipal power agency when approved by ordinance adopted by
10 the governing body of each municipality which is a member of
11 the respective municipal power agency and by the execution of
12 an agency agreement as provided in this Section.

13 (Source: P.A. 96-204, eff. 1-1-10.)

14 (65 ILCS 5/11-119.1-5.5 new)

15 Sec. 11-119.1-5.5. Agency records, budgets, and quarterly
16 reports.

17 (a) A municipal power agency shall keep accurate accounts
18 and records of its assets, liabilities, revenues, and
19 expenditures in accordance with generally accepted accounting
20 principles. Such accounts and records shall include, but are
21 not limited to, depreciation, operating and maintenance
22 expenses for all generation and transmission assets, fuel
23 costs, cost and revenue from the purchase or sale of
24 environmental compliance credits, revenue from energy,
25 capacity, and ancillary market sales, all payments received

1 from member municipalities, membership dues or other payments
2 made to trade associations or industry organizations, and
3 lobbying expenditures. Such records shall be audited on an
4 annual basis by an independent auditor using generally
5 accepted auditing standards and shall include contents as set
6 forth in Section 8-8-5, and shall be filed with the
7 Comptroller as described by Section 8-8-7.

8 (b) A municipal power agency shall, on an annual basis,
9 prepare one-year and 5-year budgets that include all revenues
10 and expenses, including, but not limited to, those categories
11 described in subsection (a). As part of each one-year budget,
12 the municipal power agency shall include a report identifying
13 and explaining any variance from the previous annual budget of
14 5% or greater in any expenditure or revenue line item. Such
15 budgets shall be provided to member municipalities no less
16 than 60 days prior to any meeting of the municipal power agency
17 during which action on the budget is or will be part of the
18 agency agenda.

19 (c) The municipal power agency shall post, on a publicly
20 available website, all one-year and 5-year budgets required
21 under subsection (b) and the annual audited financial
22 statements required under subsection (a).

23 (d) The municipal power agency shall make available, upon
24 request to any of its member municipalities, access to all
25 municipal power agency all records and accounts and all
26 financial information relating to ownership and operation of

1 agency assets and the generation, procurement, and delivery of
2 electricity to which the agency has access, including, but not
3 limited to, unit scheduling information, market revenue and
4 off-system sales data, and fuel and other variable cost
5 information. Such information shall be provided in a timely
6 manner and through reasonable means, and members shall be
7 permitted to make copies of any documents retained solely by
8 the agency. Such access shall be provided without regard to
9 any nondisclosure agreement that has been or may be adopted by
10 the municipal power agency.

11 (e) The municipal power agency shall prepare, on a
12 quarterly basis, a report to its member municipalities
13 describing all expenditures made for the purpose of lobbying,
14 as both terms are defined by Section 2 of the Lobbyist
15 Registration Act, and a brief summary of the topics and
16 positions on which lobbying activities were undertaken. Where
17 the municipal power agency is a member of an organization or
18 trade association that expends some or all of membership dues
19 on lobbying activities, the municipal power agency shall
20 include in this report the amount of those membership dues,
21 what proportion of those dues were spent on lobbying
22 activities, and the topics and positions on which lobbying
23 activities were undertaken by the organization or trade
24 association of which the municipal power agency is a member.

1 Sec. 11-119.1-10. Exercise of powers. A municipal power
2 agency may exercise any and all of the powers enumerated in
3 this Division, except the power of eminent domain, without the
4 consent and approval of the Illinois Commerce Commission. The
5 exercise of the power of eminent domain by a municipal power
6 agency shall be subject to the consent and approval of the
7 Illinois Commerce Commission in the same manner and to the
8 same extent as public utilities under the Public Utilities
9 Act, including the issuance of a certificate of public
10 convenience and necessity as provided for in Section 8-406 of
11 that Act. During the consideration of any petition for
12 authority to exercise the power of eminent domain the Illinois
13 Commerce Commission shall evaluate and give due consideration
14 to whether the project for which eminent domain is sought is
15 part of the preferred portfolio as described in subsection (d)
16 of Section 15 of the Municipal and Cooperative Electric
17 Utility Planning and Transparency Act, or least cost plans for
18 procuring renewable resources as described in subsections (f)
19 and (g) of Section 20 of the Municipal and Cooperative
20 Electric Utility Planning and Transparency Act and to the
21 impact of the acquisition on farmlands in the State with the
22 goal of preserving the land to the fullest extent reasonably
23 possible.

24 (Source: P.A. 90-416, eff. 1-1-98.)

25 Section 55. The Public Utilities Act is amended by

1 changing Sections 16-107.5 and 17-500 as follows:

2 (220 ILCS 5/16-107.5)

3 Sec. 16-107.5. Net electricity metering.

4 (a) The General Assembly finds and declares that a program
5 to provide net electricity metering, as defined in this
6 Section, for eligible customers can encourage private
7 investment in renewable energy resources, stimulate economic
8 growth, enhance the continued diversification of Illinois'
9 energy resource mix, and protect the Illinois environment.
10 Further, to achieve the goals of this Act that robust options
11 for customer-site distributed generation continue to thrive in
12 Illinois, the General Assembly finds that a predictable
13 transition must be ensured for customers between full net
14 metering at the retail electricity rate to the distribution
15 generation rebate described in Section 16-107.6.

16 (b) As used in this Section, (i) "community renewable
17 generation project" shall have the meaning set forth in
18 Section 1-10 of the Illinois Power Agency Act; (ii) "eligible
19 customer" means a retail customer that owns, hosts, or
20 operates, including any third-party owned systems, a solar,
21 wind, or other eligible renewable electrical generating
22 facility that is located on the customer's premises or
23 customer's side of the billing meter and is intended primarily
24 to offset the customer's own current or future electrical
25 requirements; (iii) "electricity provider" means an electric

1 utility or alternative retail electric supplier; (iv)
2 "eligible renewable electrical generating facility" means a
3 generator, which may include the co-location of an energy
4 storage system, that is interconnected under rules adopted by
5 the Commission and is powered by solar electric energy, wind,
6 dedicated crops grown for electricity generation, agricultural
7 residues, untreated and unadulterated wood waste, livestock
8 manure, anaerobic digestion of livestock or food processing
9 waste, fuel cells or microturbines powered by renewable fuels,
10 or hydroelectric energy; (v) "net electricity metering" (or
11 "net metering") means the measurement, during the billing
12 period applicable to an eligible customer, of the net amount
13 of electricity supplied by an electricity provider to the
14 customer or provided to the electricity provider by the
15 customer or subscriber; (vi) "subscriber" shall have the
16 meaning as set forth in Section 1-10 of the Illinois Power
17 Agency Act; (vii) "subscription" shall have the meaning set
18 forth in Section 1-10 of the Illinois Power Agency Act; (viii)
19 "energy storage system" means commercially available
20 technology that is capable of absorbing energy and storing it
21 for a period of time for use at a later time, including, but
22 not limited to, electrochemical, thermal, and
23 electromechanical technologies, and may be interconnected
24 behind the customer's meter or interconnected behind its own
25 meter; ~~and~~ (ix) "future electrical requirements" means modeled
26 electrical requirements upon occupation of a new or vacant

1 property, and other reasonable expectations of future
2 electrical use, as well as, for occupied properties, a
3 reasonable approximation of the annual load of 2 electric
4 vehicles and, for non-electric heating customers, a reasonable
5 approximation of the incremental electric load associated with
6 fuel switching. The approximations shall be applied to the
7 appropriate net metering tariff and do not need to be unique to
8 each individual eligible customer. The utility shall submit
9 these approximations to the Commission for review,
10 modification, and approval; and (x) "electricity provider" and
11 "electric utility" includes municipalities and municipal power
12 agencies as defined in Section 11-119.3-1 of the Illinois
13 Municipal Code and electric cooperatives as defined in Section
14 3-119 of this Act.

15 (c) A net metering facility shall be equipped with
16 metering equipment that can measure the flow of electricity in
17 both directions at the same rate.

18 (1) For eligible customers whose electric service has
19 not been declared competitive pursuant to Section 16-113
20 of this Act as of July 1, 2011 and whose electric delivery
21 service is provided and measured on a kilowatt-hour basis
22 and electric supply service is not provided based on
23 hourly pricing, this shall typically be accomplished
24 through use of a single, bi-directional meter. If the
25 eligible customer's existing electric revenue meter does
26 not meet this requirement, the electricity provider shall

1 arrange for the local electric utility or a meter service
2 provider to install and maintain a new revenue meter at
3 the electricity provider's expense, which may be the smart
4 meter described by subsection (b) of Section 16-108.5 of
5 this Act.

6 (2) For eligible customers whose electric service has
7 not been declared competitive pursuant to Section 16-113
8 of this Act as of July 1, 2011 and whose electric delivery
9 service is provided and measured on a kilowatt demand
10 basis and electric supply service is not provided based on
11 hourly pricing, this shall typically be accomplished
12 through use of a dual channel meter capable of measuring
13 the flow of electricity both into and out of the
14 customer's facility at the same rate and ratio. If such
15 customer's existing electric revenue meter does not meet
16 this requirement, then the electricity provider shall
17 arrange for the local electric utility or a meter service
18 provider to install and maintain a new revenue meter at
19 the electricity provider's expense, which may be the smart
20 meter described by subsection (b) of Section 16-108.5 of
21 this Act.

22 (3) For all other eligible customers, until such time
23 as the local electric utility installs a smart meter, as
24 described by subsection (b) of Section 16-108.5 of this
25 Act, the electricity provider may arrange for the local
26 electric utility or a meter service provider to install

1 and maintain metering equipment capable of measuring the
2 flow of electricity both into and out of the customer's
3 facility at the same rate and ratio, typically through the
4 use of a dual channel meter. If the eligible customer's
5 existing electric revenue meter does not meet this
6 requirement, then the costs of installing such equipment
7 shall be paid for by the customer.

8 (d) An electricity provider shall measure and charge or
9 credit for the net electricity supplied to eligible customers
10 or provided by eligible customers whose electric service has
11 not been declared competitive pursuant to Section 16-113 of
12 this Act as of July 1, 2011 and whose electric delivery service
13 is provided and measured on a kilowatt-hour basis and electric
14 supply service is not provided based on hourly pricing in the
15 following manner:

16 (1) If the amount of electricity used by the customer
17 during the billing period exceeds the amount of
18 electricity produced by the customer, the electricity
19 provider shall charge the customer for the net electricity
20 supplied to and used by the customer as provided in
21 subsection (e-5) of this Section.

22 (2) If the amount of electricity produced by a
23 customer during the billing period exceeds the amount of
24 electricity used by the customer during that billing
25 period, the electricity provider supplying that customer
26 shall apply a 1:1 kilowatt-hour credit to a subsequent

1 bill for service to the customer for the net electricity
2 supplied to the electricity provider. The electricity
3 provider shall continue to carry over any excess
4 kilowatt-hour credits earned and apply those credits to
5 subsequent billing periods to offset any
6 customer-generator consumption in those billing periods
7 until all credits are used or until the end of the
8 annualized period.

9 (3) At the end of the year or annualized over the
10 period that service is supplied by means of net metering,
11 or in the event that the retail customer terminates
12 service with the electricity provider prior to the end of
13 the year or the annualized period, any remaining credits
14 in the customer's account shall expire.

15 (d-5) An electricity provider shall measure and charge or
16 credit for the net electricity supplied to eligible customers
17 or provided by eligible customers whose electric service has
18 not been declared competitive pursuant to Section 16-113 of
19 this Act as of July 1, 2011 and whose electric delivery service
20 is provided and measured on a kilowatt-hour basis and electric
21 supply service is provided based on hourly pricing or
22 time-of-use rates in the following manner:

23 (1) If the amount of electricity used by the customer
24 during any hourly period or time-of-use period exceeds the
25 amount of electricity produced by the customer, the
26 electricity provider shall charge the customer for the net

1 electricity supplied to and used by the customer according
2 to the terms of the contract or tariff to which the same
3 customer would be assigned to or be eligible for if the
4 customer was not a net metering customer.

5 (2) If the amount of electricity produced by a
6 customer during any hourly period or time-of-use period
7 exceeds the amount of electricity used by the customer
8 during that hourly period or time-of-use period, the
9 energy provider shall apply a credit for the net
10 kilowatt-hours produced in such period. The credit shall
11 consist of an energy credit and a delivery service credit.
12 The energy credit shall be valued at the same price per
13 kilowatt-hour as the electric service provider would
14 charge for kilowatt-hour energy sales during that same
15 hourly period or time-of-use period. The delivery credit
16 shall be equal to the net kilowatt-hours produced in such
17 hourly period or time-of-use period times a credit that
18 reflects all kilowatt-hour based charges in the customer's
19 electric service rate, excluding energy charges.

20 (e) An electricity provider shall measure and charge or
21 credit for the net electricity supplied to eligible customers
22 whose electric service has not been declared competitive
23 pursuant to Section 16-113 of this Act as of July 1, 2011 and
24 whose electric delivery service is provided and measured on a
25 kilowatt demand basis and electric supply service is not
26 provided based on hourly pricing in the following manner:

1 (1) If the amount of electricity used by the customer
2 during the billing period exceeds the amount of
3 electricity produced by the customer, then the electricity
4 provider shall charge the customer for the net electricity
5 supplied to and used by the customer as provided in
6 subsection (e-5) of this Section. The customer shall
7 remain responsible for all taxes, fees, and utility
8 delivery charges that would otherwise be applicable to the
9 net amount of electricity used by the customer.

10 (2) If the amount of electricity produced by a
11 customer during the billing period exceeds the amount of
12 electricity used by the customer during that billing
13 period, then the electricity provider supplying that
14 customer shall apply a 1:1 kilowatt-hour credit that
15 reflects the kilowatt-hour based charges in the customer's
16 electric service rate to a subsequent bill for service to
17 the customer for the net electricity supplied to the
18 electricity provider. The electricity provider shall
19 continue to carry over any excess kilowatt-hour credits
20 earned and apply those credits to subsequent billing
21 periods to offset any customer-generator consumption in
22 those billing periods until all credits are used or until
23 the end of the annualized period.

24 (3) At the end of the year or annualized over the
25 period that service is supplied by means of net metering,
26 or in the event that the retail customer terminates

1 service with the electricity provider prior to the end of
2 the year or the annualized period, any remaining credits
3 in the customer's account shall expire.

4 (e-5) An electricity provider shall provide electric
5 service to eligible customers who utilize net metering at
6 non-discriminatory rates that are identical, with respect to
7 rate structure, retail rate components, and any monthly
8 charges, to the rates that the customer would be charged if not
9 a net metering customer. An electricity provider shall not
10 charge net metering customers any fee or charge or require
11 additional equipment, insurance, or any other requirements not
12 specifically authorized by interconnection standards
13 authorized by the Commission, unless the fee, charge, or other
14 requirement would apply to other similarly situated customers
15 who are not net metering customers. The customer will remain
16 responsible for all taxes, fees, and utility delivery charges
17 that would otherwise be applicable to the net amount of
18 electricity used by the customer. Subsections (c) through (e)
19 of this Section shall not be construed to prevent an
20 arms-length agreement between an electricity provider and an
21 eligible customer that sets forth different prices, terms, and
22 conditions for the provision of net metering service,
23 including, but not limited to, the provision of the
24 appropriate metering equipment for non-residential customers.

25 (f) Notwithstanding the requirements of subsections (c)
26 through (e-5) of this Section, an electricity provider must

1 require dual-channel metering for customers operating eligible
2 renewable electrical generating facilities to whom the
3 provisions of neither subsection (d), (d-5), nor (e) of this
4 Section apply. In such cases, electricity charges and credits
5 shall be determined as follows:

6 (1) The electricity provider shall assess and the
7 customer remains responsible for all taxes, fees, and
8 utility delivery charges that would otherwise be
9 applicable to the gross amount of kilowatt-hours supplied
10 to the eligible customer by the electricity provider.

11 (2) Each month that service is supplied by means of
12 dual-channel metering, the electricity provider shall
13 compensate the eligible customer for any excess
14 kilowatt-hour credits at the electricity provider's
15 avoided cost of electricity supply over the monthly period
16 or as otherwise specified by the terms of a power-purchase
17 agreement negotiated between the customer and electricity
18 provider.

19 (3) For all eligible net metering customers taking
20 service from an electricity provider under contracts or
21 tariffs employing hourly or time-of-use rates, any monthly
22 consumption of electricity shall be calculated according
23 to the terms of the contract or tariff to which the same
24 customer would be assigned to or be eligible for if the
25 customer was not a net metering customer. When those same
26 customer-generators are net generators during any discrete

1 hourly or time-of-use period, the net kilowatt-hours
2 produced shall be valued at the same price per
3 kilowatt-hour as the electric service provider would
4 charge for retail kilowatt-hour sales during that same
5 time-of-use period.

6 (g) For purposes of federal and State laws providing
7 renewable energy credits or greenhouse gas credits, the
8 eligible customer shall be treated as owning and having title
9 to the renewable energy attributes, renewable energy credits,
10 and greenhouse gas emission credits related to any electricity
11 produced by the qualified generating unit. The electricity
12 provider may not condition participation in a net metering
13 program on the signing over of a customer's renewable energy
14 credits; provided, however, this subsection (g) shall not be
15 construed to prevent an arms-length agreement between an
16 electricity provider and an eligible customer that sets forth
17 the ownership or title of the credits.

18 (h) Within 120 days after the effective date of this
19 amendatory Act of the 95th General Assembly, the Commission
20 shall establish standards for net metering and, if the
21 Commission has not already acted on its own initiative,
22 standards for the interconnection of eligible renewable
23 generating equipment to the utility system. The
24 interconnection standards shall address any procedural
25 barriers, delays, and administrative costs associated with the
26 interconnection of customer-generation while ensuring the

1 safety and reliability of the units and the electric utility
2 system. The Commission shall consider the Institute of
3 Electrical and Electronics Engineers (IEEE) Standard 1547 and
4 the issues of (i) reasonable and fair fees and costs, (ii)
5 clear timelines for major milestones in the interconnection
6 process, (iii) nondiscriminatory terms of agreement, and (iv)
7 any best practices for interconnection of distributed
8 generation.

9 (h-5) Within 90 days after the effective date of this
10 amendatory Act of the 102nd General Assembly, the Commission
11 shall:

12 (1) establish an Interconnection Working Group. The
13 working group shall include representatives from electric
14 utilities, developers of renewable electric generating
15 facilities, other industries that regularly apply for
16 interconnection with the electric utilities,
17 representatives of distributed generation customers, the
18 Commission Staff, and such other stakeholders with a
19 substantial interest in the topics addressed by the
20 Interconnection Working Group. The Interconnection Working
21 Group shall address at least the following issues:

22 (A) cost and best available technology for
23 interconnection and metering, including the
24 standardization and publication of standard costs;

25 (B) transparency, accuracy and use of the
26 distribution interconnection queue and hosting

1 capacity maps;

2 (C) distribution system upgrade cost avoidance
3 through use of advanced inverter functions;

4 (D) predictability of the queue management process
5 and enforcement of timelines;

6 (E) benefits and challenges associated with group
7 studies and cost sharing;

8 (F) minimum requirements for application to the
9 interconnection process and throughout the
10 interconnection process to avoid queue clogging
11 behavior;

12 (G) process and customer service for
13 interconnecting customers adopting distributed energy
14 resources, including energy storage;

15 (H) options for metering distributed energy
16 resources, including energy storage;

17 (I) interconnection of new technologies, including
18 smart inverters and energy storage;

19 (J) collect, share, and examine data on Level 1
20 interconnection costs, including cost and type of
21 upgrades required for interconnection, and use this
22 data to inform the final standardized cost of Level 1
23 interconnection; and

24 (K) such other technical, policy, and tariff
25 issues related to and affecting interconnection
26 performance and customer service as determined by the

1 Interconnection Working Group.

2 The Commission may create subcommittees of the
3 Interconnection Working Group to focus on specific issues
4 of importance, as appropriate. The Interconnection Working
5 Group shall report to the Commission on recommended
6 improvements to interconnection rules and tariffs and
7 policies as determined by the Interconnection Working
8 Group at least every 6 months. Such reports shall include
9 consensus recommendations of the Interconnection Working
10 Group and, if applicable, additional recommendations for
11 which consensus was not reached. The Commission shall use
12 the report from the Interconnection Working Group to
13 determine whether processes should be commenced to
14 formally codify or implement the recommendations;

15 (2) create or contract for an Ombudsman to resolve
16 interconnection disputes through non-binding arbitration.
17 The Ombudsman may be paid in full or in part through fees
18 levied on the initiators of the dispute; and

19 (3) determine a single standardized cost for Level 1
20 interconnections, which shall not exceed \$200.

21 (i) All electricity providers shall begin to offer net
22 metering no later than April 1, 2008.

23 (j) An electricity provider shall provide net metering to
24 eligible customers according to subsections (d), (d-5), and
25 (e). Eligible renewable electrical generating facilities for
26 which eligible customers registered for net metering before

1 January 1, 2025 shall continue to receive net metering
2 services according to subsections (d), (d-5), and (e) of this
3 Section for the lifetime of the system, regardless of whether
4 those retail customers change electricity providers or whether
5 the retail customer benefiting from the system changes. On and
6 after January 1, 2025, any eligible customer that applies for
7 net metering and previously would have qualified under
8 subsections (d), (d-5), or (e) shall only be eligible for net
9 metering as described in subsection (n).

10 (k) Each electricity provider shall maintain records and
11 report annually to the Commission the total number of net
12 metering customers served by the provider, as well as the
13 type, capacity, and energy sources of the generating systems
14 used by the net metering customers. Nothing in this Section
15 shall limit the ability of an electricity provider to request
16 the redaction of information deemed by the Commission to be
17 confidential business information.

18 (l)(1) Notwithstanding the definition of "eligible
19 customer" in item (ii) of subsection (b) of this Section, each
20 electricity provider shall allow net metering as set forth in
21 this subsection (l) and for the following projects, provided
22 that only electric utilities serving more than 200,000
23 customers as of January 1, 2021 shall provide net metering for
24 projects that are eligible for subparagraph (C) of this
25 paragraph (1) and have energized after the effective date of
26 this amendatory Act of the 102nd General Assembly:

1 (A) properties owned or leased by multiple customers
2 that contribute to the operation of an eligible renewable
3 electrical generating facility through an ownership or
4 leasehold interest of at least 200 watts in such facility,
5 such as a community-owned wind project, a community-owned
6 biomass project, a community-owned solar project, or a
7 community methane digester processing livestock waste from
8 multiple sources, provided that the facility is also
9 located within the utility's service territory;

10 (B) individual units, apartments, or properties
11 located in a single building that are owned or leased by
12 multiple customers and collectively served by a common
13 eligible renewable electrical generating facility, such as
14 an office or apartment building, a shopping center or
15 strip mall served by photovoltaic panels on the roof; and

16 (C) subscriptions to community renewable generation
17 projects, including community renewable generation
18 projects on the customer's side of the billing meter of a
19 host facility and partially used for the customer's own
20 load.

21 In addition, the nameplate capacity of the eligible
22 renewable electric generating facility that serves the demand
23 of the properties, units, or apartments identified in
24 paragraphs (1) and (2) of this subsection (1) shall not exceed
25 5,000 kilowatts in nameplate capacity in total. Any eligible
26 renewable electrical generating facility or community

1 renewable generation project that is powered by photovoltaic
2 electric energy and installed after the effective date of this
3 amendatory Act of the 99th General Assembly must be installed
4 by a qualified person in compliance with the requirements of
5 Section 16-128A of the Public Utilities Act and any rules or
6 regulations adopted thereunder.

7 (2) Notwithstanding anything to the contrary, an
8 electricity provider shall provide credits for the electricity
9 produced by the projects described in paragraph (1) of this
10 subsection (1). The electricity provider shall provide credits
11 that include at least energy supply, capacity, transmission,
12 and, if applicable, the purchased energy adjustment on the
13 subscriber's monthly bill equal to the subscriber's share of
14 the production of electricity from the project, as determined
15 by paragraph (3) of this subsection (1). For customers with
16 transmission or capacity charges not charged on a
17 kilowatt-hour basis, the electricity provider shall prepare a
18 reasonable approximation of the kilowatt-hour equivalent value
19 and provide that value as a monetary credit. The electricity
20 provider shall submit these approximation methodologies to the
21 Commission for review, modification, and approval.
22 Notwithstanding anything to the contrary, customers on payment
23 plans or participating in budget billing programs shall have
24 credits applied on a monthly basis.

25 (3) Notwithstanding anything to the contrary and
26 regardless of whether a subscriber to an eligible community

1 renewable generation project receives power and energy service
2 from the electric utility or an alternative retail electric
3 supplier, for projects eligible under paragraph (C) of
4 subparagraph (1) of this subsection (1), electric utilities
5 serving more than 200,000 customers as of January 1, 2021
6 shall provide the monetary credits to a subscriber's
7 subsequent bill for the electricity produced by community
8 renewable generation projects. The electric utility shall
9 provide monetary credits to a subscriber's subsequent bill at
10 the utility's total price to compare equal to the subscriber's
11 share of the production of electricity from the project, as
12 determined by paragraph (5) of this subsection (1). For the
13 purposes of this subsection, "total price to compare" means
14 the rate or rates published by the Illinois Commerce
15 Commission for energy supply for eligible customers receiving
16 supply service from the electric utility, and shall include
17 energy, capacity, transmission, and the purchased energy
18 adjustment. Notwithstanding anything to the contrary,
19 customers on payment plans or participating in budget billing
20 programs shall have credits applied on a monthly basis. Any
21 applicable credit or reduction in load obligation from the
22 production of the community renewable generating projects
23 receiving a credit under this subsection shall be credited to
24 the electric utility to offset the cost of providing the
25 credit. To the extent that the credit or load obligation
26 reduction does not completely offset the cost of providing the

1 credit to subscribers of community renewable generation
2 projects as described in this subsection, the electric utility
3 may recover the remaining costs through its Multi-Year Rate
4 Plan. All electric utilities serving 200,000 or fewer
5 customers as of January 1, 2021 shall only provide the
6 monetary credits to a subscriber's subsequent bill for the
7 electricity produced by community renewable generation
8 projects if the subscriber receives power and energy service
9 from the electric utility. Alternative retail electric
10 suppliers providing power and energy service to a subscriber
11 located within the service territory of an electric utility
12 not subject to Sections 16-108.18 and 16-118 shall provide the
13 monetary credits to the subscriber's subsequent bill for the
14 electricity produced by community renewable generation
15 projects.

16 (4) If requested by the owner or operator of a community
17 renewable generating project, an electric utility serving more
18 than 200,000 customers as of January 1, 2021 shall enter into a
19 net crediting agreement with the owner or operator to include
20 a subscriber's subscription fee on the subscriber's monthly
21 electric bill and provide the subscriber with a net credit
22 equivalent to the total bill credit value for that generation
23 period minus the subscription fee, provided the subscription
24 fee is structured as a fixed percentage of bill credit value.
25 The net crediting agreement shall set forth payment terms from
26 the electric utility to the owner or operator of the community

1 renewable generating project, and the electric utility may
2 charge a net crediting fee to the owner or operator of a
3 community renewable generating project that may not exceed 2%
4 of the bill credit value. Notwithstanding anything to the
5 contrary, an electric utility serving 200,000 customers or
6 fewer as of January 1, 2021 shall not be obligated to enter
7 into a net crediting agreement with the owner or operator of a
8 community renewable generating project.

9 (5) For the purposes of facilitating net metering, the
10 owner or operator of the eligible renewable electrical
11 generating facility or community renewable generation project
12 shall be responsible for determining the amount of the credit
13 that each customer or subscriber participating in a project
14 under this subsection (1) is to receive in the following
15 manner:

16 (A) The owner or operator shall, on a monthly basis,
17 provide to the electric utility the kilowatthours of
18 generation attributable to each of the utility's retail
19 customers and subscribers participating in projects under
20 this subsection (1) in accordance with the customer's or
21 subscriber's share of the eligible renewable electric
22 generating facility's or community renewable generation
23 project's output of power and energy for such month. The
24 owner or operator shall electronically transmit such
25 calculations and associated documentation to the electric
26 utility, in a format or method set forth in the applicable

1 tariff, on a monthly basis so that the electric utility
2 can reflect the monetary credits on customers' and
3 subscribers' electric utility bills. The electric utility
4 shall be permitted to revise its tariffs to implement the
5 provisions of this amendatory Act of the 102nd General
6 Assembly. The owner or operator shall separately provide
7 the electric utility with the documentation detailing the
8 calculations supporting the credit in the manner set forth
9 in the applicable tariff.

10 (B) For those participating customers and subscribers
11 who receive their energy supply from an alternative retail
12 electric supplier, the electric utility shall remit to the
13 applicable alternative retail electric supplier the
14 information provided under subparagraph (A) of this
15 paragraph (3) for such customers and subscribers in a
16 manner set forth in such alternative retail electric
17 supplier's net metering program, or as otherwise agreed
18 between the utility and the alternative retail electric
19 supplier. The alternative retail electric supplier shall
20 then submit to the utility the amount of the charges for
21 power and energy to be applied to such customers and
22 subscribers, including the amount of the credit associated
23 with net metering.

24 (C) A participating customer or subscriber may provide
25 authorization as required by applicable law that directs
26 the electric utility to submit information to the owner or

1 operator of the eligible renewable electrical generating
2 facility or community renewable generation project to
3 which the customer or subscriber has an ownership or
4 leasehold interest or a subscription. Such information
5 shall be limited to the components of the net metering
6 credit calculated under this subsection (l), including the
7 bill credit rate, total kilowatthours, and total monetary
8 credit value applied to the customer's or subscriber's
9 bill for the monthly billing period.

10 (l-5) Within 90 days after the effective date of this
11 amendatory Act of the 102nd General Assembly, each electric
12 utility subject to this Section shall file a tariff or tariffs
13 to implement the provisions of subsection (l) of this Section,
14 which shall, consistent with the provisions of subsection (l),
15 describe the terms and conditions under which owners or
16 operators of qualifying properties, units, or apartments may
17 participate in net metering. The Commission shall approve, or
18 approve with modification, the tariff within 120 days after
19 the effective date of this amendatory Act of the 102nd General
20 Assembly.

21 (m) Nothing in this Section shall affect the right of an
22 electricity provider to continue to provide, or the right of a
23 retail customer to continue to receive service pursuant to a
24 contract for electric service between the electricity provider
25 and the retail customer in accordance with the prices, terms,
26 and conditions provided for in that contract. Either the

1 electricity provider or the customer may require compliance
2 with the prices, terms, and conditions of the contract.

3 (n) On and after January 1, 2025, the net metering
4 services described in subsections (d), (d-5), and (e) of this
5 Section shall no longer be offered, except as to those
6 eligible renewable electrical generating facilities for which
7 retail customers are receiving net metering service under
8 these subsections at the time the net metering services under
9 those subsections are no longer offered; those systems shall
10 continue to receive net metering services described in
11 subsections (d), (d-5), and (e) of this Section for the
12 lifetime of the system, regardless of if those retail
13 customers change electricity providers or whether the retail
14 customer benefiting from the system changes. The electric
15 utility serving more than 200,000 customers as of January 1,
16 2021 is responsible for ensuring the billing credits continue
17 without lapse for the lifetime of systems, as required in
18 subsection (o). Those retail customers that begin taking net
19 metering service after the date that net metering services are
20 no longer offered under such subsections shall be subject to
21 the provisions set forth in the following paragraphs (1)
22 through (3) of this subsection (n):

23 (1) An electricity provider shall charge or credit for
24 the net electricity supplied to eligible customers or
25 provided by eligible customers whose electric supply
26 service is not provided based on hourly pricing in the

1 following manner:

2 (A) If the amount of electricity used by the
3 customer during the monthly billing period exceeds the
4 amount of electricity produced by the customer, then
5 the electricity provider shall charge the customer for
6 the net kilowatt-hour based electricity charges
7 reflected in the customer's electric service rate
8 supplied to and used by the customer as provided in
9 paragraph (3) of this subsection (n).

10 (B) If the amount of electricity produced by a
11 customer during the monthly billing period exceeds the
12 amount of electricity used by the customer during that
13 billing period, then the electricity provider
14 supplying that customer shall apply a 1:1
15 kilowatt-hour energy or monetary credit kilowatt-hour
16 supply charges to the customer's subsequent bill. The
17 customer shall choose between 1:1 kilowatt-hour or
18 monetary credit at the time of application. For the
19 purposes of this subsection, "kilowatt-hour supply
20 charges" means the kilowatt-hour equivalent values for
21 energy, capacity, transmission, and the purchased
22 energy adjustment, if applicable. Notwithstanding
23 anything to the contrary, customers on payment plans
24 or participating in budget billing programs shall have
25 credits applied on a monthly basis. The electricity
26 provider shall continue to carry over any excess

1 kilowatt-hour or monetary energy credits earned and
2 apply those credits to subsequent billing periods. For
3 customers with transmission or capacity charges not
4 charged on a kilowatt-hour basis, the electricity
5 provider shall prepare a reasonable approximation of
6 the kilowatt-hour equivalent value and provide that
7 value as a monetary credit. The electricity provider
8 shall submit these approximation methodologies to the
9 Commission for review, modification, and approval.

10 (C) (Blank).

11 (2) An electricity provider shall charge or credit for
12 the net electricity supplied to eligible customers or
13 provided by eligible customers whose electric supply
14 service is provided based on hourly pricing in the
15 following manner:

16 (A) If the amount of electricity used by the
17 customer during any hourly period exceeds the amount
18 of electricity produced by the customer, then the
19 electricity provider shall charge the customer for the
20 net electricity supplied to and used by the customer
21 as provided in paragraph (3) of this subsection (n).

22 (B) If the amount of electricity produced by a
23 customer during any hourly period exceeds the amount
24 of electricity used by the customer during that hourly
25 period, the energy provider shall calculate an energy
26 credit for the net kilowatt-hours produced in such

1 period, and shall apply that credit as a monetary
2 credit to the customer's subsequent bill. The value of
3 the energy credit shall be calculated using the same
4 price per kilowatt-hour as the electric service
5 provider would charge for kilowatt-hour energy sales
6 during that same hourly period and shall also include
7 values for capacity and transmission. For customers
8 with transmission or capacity charges not charged on a
9 kilowatt-hour basis, the electricity provider shall
10 prepare a reasonable approximation of the
11 kilowatt-hour equivalent value and provide that value
12 as a monetary credit. The electricity provider shall
13 submit these approximation methodologies to the
14 Commission for review, modification, and approval.
15 Notwithstanding anything to the contrary, customers on
16 payment plans or participating in budget billing
17 programs shall have credits applied on a monthly
18 basis.

19 (3) An electricity provider shall provide electric
20 service to eligible customers who utilize net metering at
21 non-discriminatory rates that are identical, with respect
22 to rate structure, retail rate components, and any monthly
23 charges, to the rates that the customer would be charged
24 if not a net metering customer. An electricity provider
25 shall charge the customer for the net electricity supplied
26 to and used by the customer according to the terms of the

1 contract or tariff to which the same customer would be
2 assigned or be eligible for if the customer was not a net
3 metering customer. An electricity provider shall not
4 charge net metering customers any fee or charge or require
5 additional equipment, insurance, or any other requirements
6 not specifically authorized by interconnection standards
7 authorized by the Commission, unless the fee, charge, or
8 other requirement would apply to other similarly situated
9 customers who are not net metering customers. The customer
10 remains responsible for the gross amount of delivery
11 services charges, supply-related charges that are kilowatt
12 based, and all taxes and fees related to such charges. The
13 customer also remains responsible for all taxes and fees
14 that would otherwise be applicable to the net amount of
15 electricity used by the customer. Paragraphs (1) and (2)
16 of this subsection (n) shall not be construed to prevent
17 an arms-length agreement between an electricity provider
18 and an eligible customer that sets forth different prices,
19 terms, and conditions for the provision of net metering
20 service, including, but not limited to, the provision of
21 the appropriate metering equipment for non-residential
22 customers. Nothing in this paragraph (3) shall be
23 interpreted to mandate that a utility that is only
24 required to provide delivery services to a given customer
25 must also sell electricity to such customer.

26 (o) Within 90 days after the effective date of this

1 amendatory Act of the 102nd General Assembly, each electric
2 utility subject to this Section shall file a tariff, which
3 shall, consistent with the provisions of this Section, propose
4 the terms and conditions under which a customer may
5 participate in net metering. The tariff for electric utilities
6 serving more than 200,000 customers as of January 1, 2021
7 shall also provide a streamlined and transparent bill
8 crediting system for net metering to be managed by the
9 electric utilities. The terms and conditions shall include,
10 but are not limited to, that an electric utility shall manage
11 and maintain billing of net metering credits and charges
12 regardless of if the eligible customer takes net metering
13 under an electric utility or alternative retail electric
14 supplier. The electric utility serving more than 200,000
15 customers as of January 1, 2021 shall process and approve all
16 net metering applications, even if an eligible customer is
17 served by an alternative retail electric supplier; and the
18 utility shall forward application approval to the appropriate
19 alternative retail electric supplier. Eligibility for net
20 metering shall remain with the owner of the utility billing
21 address such that, if an eligible renewable electrical
22 generating facility changes ownership, the net metering
23 eligibility transfers to the new owner. The electric utility
24 serving more than 200,000 customers as of January 1, 2021
25 shall manage net metering billing for eligible customers to
26 ensure full crediting occurs on electricity bills, including,

1 but not limited to, ensuring net metering crediting begins
2 upon commercial operation date, net metering billing transfers
3 immediately if an eligible customer switches from an electric
4 utility to alternative retail electric supplier or vice versa,
5 and net metering billing transfers between ownership of a
6 valid billing address. All transfers referenced in the
7 preceding sentence shall include transfer of all banked
8 credits. All electric utilities serving 200,000 or fewer
9 customers as of January 1, 2021 shall manage net metering
10 billing for eligible customers receiving power and energy
11 service from the electric utility to ensure full crediting
12 occurs on electricity bills, ensuring net metering crediting
13 begins upon commercial operation date, net metering billing
14 transfers immediately if an eligible customer switches from an
15 electric utility to alternative retail electric supplier or
16 vice versa, and net metering billing transfers between
17 ownership of a valid billing address. Alternative retail
18 electric suppliers providing power and energy service to
19 eligible customers located within the service territory of an
20 electric utility serving 200,000 or fewer customers as of
21 January 1, 2021 shall manage net metering billing for eligible
22 customers to ensure full crediting occurs on electricity
23 bills, including, but not limited to, ensuring net metering
24 crediting begins upon commercial operation date, net metering
25 billing transfers immediately if an eligible customer switches
26 from an electric utility to alternative retail electric

1 supplier or vice versa, and net metering billing transfers
2 between ownership of a valid billing address.

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

4 (220 ILCS 5/17-500)

5 Sec. 17-500. Jurisdiction. Except as provided in the
6 Electric Supplier Act, the Illinois Municipal Code, the
7 Municipal and Cooperative Electric Utility Planning and
8 Transparency Act, and this Article XVII, the Commission, or
9 any other agency or subdivision thereof of the State of
10 Illinois or any private entity shall have no jurisdiction over
11 any electric cooperative or municipal system regardless of
12 whether any election or elections as provided for herein have
13 been made, and all control regarding an electric cooperative
14 or municipal system shall be vested in the electric
15 cooperative's board of directors or trustees or the applicable
16 governing body of the municipal system.

17 (Source: P.A. 90-561, eff. 12-16-97.)

18 Section 60. The Eminent Domain Act is amended by changing
19 Section 5-5-5 as follows:

20 (735 ILCS 30/5-5-5)

21 Sec. 5-5-5. Exercise of the power of eminent domain;
22 public use; blight.

23 (a) In addition to all other limitations and requirements,

1 a condemning authority may not take or damage property by the
2 exercise of the power of eminent domain unless it is for a
3 public use, as set forth in this Section.

4 (a-5) Subsections (b), (c), (d), (e), and (f) of this
5 Section do not apply to the acquisition of property under the
6 O'Hare Modernization Act. A condemning authority may exercise
7 the power of eminent domain for the acquisition or damaging of
8 property under the O'Hare Modernization Act as provided for by
9 law in effect prior to the effective date of this Act.

10 (a-10) Subsections (b), (c), (d), (e), and (f) of this
11 Section do not apply to the acquisition or damaging of
12 property in furtherance of the goals and objectives of an
13 existing tax increment allocation redevelopment plan. A
14 condemning authority may exercise the power of eminent domain
15 for the acquisition of property in furtherance of an existing
16 tax increment allocation redevelopment plan as provided for by
17 law in effect prior to the effective date of this Act.

18 As used in this subsection, "existing tax increment
19 allocation redevelopment plan" means a redevelopment plan that
20 was adopted under the Tax Increment Allocation Redevelopment
21 Act (Article 11, Division 74.4 of the Illinois Municipal Code)
22 prior to April 15, 2006 and for which property assembly costs
23 were, before that date, included as a budget line item in the
24 plan or described in the narrative portion of the plan as part
25 of the redevelopment project, but does not include (i) any
26 additional area added to the redevelopment project area on or

1 after April 15, 2006, (ii) any subsequent extension of the
2 completion date of a redevelopment plan beyond the estimated
3 completion date established in that plan prior to April 15,
4 2006, (iii) any acquisition of property in a conservation area
5 for which the condemnation complaint is filed more than 12
6 years after the effective date of this Act, or (iv) any
7 acquisition of property in an industrial park conservation
8 area.

9 As used in this subsection, "conservation area" and
10 "industrial park conservation area" have the same meanings as
11 under Section 11-74.4-3 of the Illinois Municipal Code.

12 (b) If the exercise of eminent domain authority is to
13 acquire property for public ownership and control, then the
14 condemning authority must prove that (i) the acquisition of
15 the property is necessary for a public purpose and (ii) the
16 acquired property will be owned and controlled by the
17 condemning authority or another governmental entity.

18 (c) Except when the acquisition is governed by subsection
19 (b) or is primarily for one of the purposes specified in
20 subsection (d), (e), or (f) and the condemning authority
21 elects to proceed under one of those subsections, if the
22 exercise of eminent domain authority is to acquire property
23 for private ownership or control, or both, then the condemning
24 authority must prove by clear and convincing evidence that the
25 acquisition of the property for private ownership or control
26 is (i) primarily for the benefit, use, or enjoyment of the

1 public and (ii) necessary for a public purpose.

2 An acquisition of property primarily for the purpose of
3 the elimination of blight is rebuttably presumed to be for a
4 public purpose and primarily for the benefit, use, or
5 enjoyment of the public under this subsection.

6 Any challenge to the existence of blighting factors
7 alleged in a complaint to condemn under this subsection shall
8 be raised within 6 months of the filing date of the complaint
9 to condemn, and if not raised within that time the right to
10 challenge the existence of those blighting factors shall be
11 deemed waived.

12 Evidence that the Illinois Commerce Commission has granted
13 a certificate or otherwise made a finding of public
14 convenience and necessity for an acquisition of property (or
15 any right or interest in property) for private ownership or
16 control (including, without limitation, an acquisition for
17 which the use of eminent domain is authorized under the Public
18 Utilities Act, the Telephone Company Act, or the Electric
19 Supplier Act) to be used for utility purposes creates a
20 rebuttable presumption that such acquisition of that property
21 (or right or interest in property) is (i) primarily for the
22 benefit, use, or enjoyment of the public and (ii) necessary
23 for a public purpose.

24 In the case of an acquisition of property (or any right or
25 interest in property) for private ownership or control to be
26 used for utility, pipeline, or railroad purposes for which no

1 certificate or finding of public convenience and necessity by
2 the Illinois Commerce Commission is required, evidence that
3 the acquisition is one for which the use of eminent domain is
4 authorized under one of the following laws creates a
5 rebuttable presumption that the acquisition of that property
6 (or right or interest in property) is (i) primarily for the
7 benefit, use, or enjoyment of the public and (ii) necessary
8 for a public purpose:

9 (1) the Public Utilities Act,

10 (2) the Telephone Company Act,

11 (3) the Electric Supplier Act,

12 (4) the Railroad Terminal Authority Act,

13 (5) the Grand Avenue Railroad Relocation Authority
14 Act,

15 (6) the West Cook Railroad Relocation and Development
16 Authority Act,

17 (7) Section 4-505 of the Illinois Highway Code,

18 (8) Section 17 or 18 of the Railroad Incorporation
19 Act,

20 (9) Section 18c-7501 of the Illinois Vehicle Code.

21 (d) If the exercise of eminent domain authority is to
22 acquire property for private ownership or control and if the
23 primary basis for the acquisition is the elimination of blight
24 and the condemning authority elects to proceed under this
25 subsection, then the condemning authority must: (i) prove by a
26 preponderance of the evidence that acquisition of the property

1 for private ownership or control is necessary for a public
2 purpose; (ii) prove by a preponderance of the evidence that
3 the property to be acquired is located in an area that is
4 currently designated as a blighted area or conservation area
5 under an applicable statute; (iii) if the existence of blight
6 or blighting factors is challenged in an appropriate motion
7 filed within 6 months after the date of filing of the complaint
8 to condemn, prove by a preponderance of the evidence that the
9 required blighting factors existed in the area so designated
10 (but not necessarily in the particular property to be
11 acquired) at the time of the designation under item (ii) or at
12 any time thereafter; and (iv) prove by a preponderance of the
13 evidence at least one of the following:

14 (A) that it has entered into an express written
15 agreement in which a private person or entity agrees to
16 undertake a development project within the blighted area
17 that specifically details the reasons for which the
18 property or rights in that property are necessary for the
19 development project;

20 (B) that the exercise of eminent domain power and the
21 proposed use of the property by the condemning authority
22 are consistent with a regional plan that has been adopted
23 within the past 5 years in accordance with Section 5-14001
24 of the Counties Code or Section 11-12-6 of the Illinois
25 Municipal Code or with a local land resource management
26 plan adopted under Section 4 of the Local Land Resource

1 Management Planning Act; or

2 (C) that (1) the acquired property will be used in the
3 development of a project that is consistent with the land
4 uses set forth in a comprehensive redevelopment plan
5 prepared in accordance with the applicable statute
6 authorizing the condemning authority to exercise the power
7 of eminent domain and is consistent with the goals and
8 purposes of that comprehensive redevelopment plan, and (2)
9 an enforceable written agreement, deed restriction, or
10 similar encumbrance has been or will be executed and
11 recorded against the acquired property to assure that the
12 project and the use of the property remain consistent with
13 those land uses, goals, and purposes for a period of at
14 least 40 years, which execution and recording shall be
15 included as a requirement in any final order entered in
16 the condemnation proceeding.

17 The existence of an ordinance, resolution, or other
18 official act designating an area as blighted is not prima
19 facie evidence of the existence of blight. A finding by the
20 court in a condemnation proceeding that a property or area has
21 not been proven to be blighted does not apply to any other case
22 or undermine the designation of a blighted area or
23 conservation area or the determination of the existence of
24 blight for any other purpose or under any other statute,
25 including without limitation under the Tax Increment
26 Allocation Redevelopment Act (Article 11, Division 74.4 of the

1 Illinois Municipal Code).

2 Any challenge to the existence of blighting factors
3 alleged in a complaint to condemn under this subsection shall
4 be raised within 6 months of the filing date of the complaint
5 to condemn, and if not raised within that time the right to
6 challenge the existence of those blighting factors shall be
7 deemed waived.

8 (e) If the exercise of eminent domain authority is to
9 acquire property for private ownership or control and if the
10 primary purpose of the acquisition is one of the purposes
11 specified in item (iii) of this subsection and the condemning
12 authority elects to proceed under this subsection, then the
13 condemning authority must prove by a preponderance of the
14 evidence that: (i) the acquisition of the property is
15 necessary for a public purpose; (ii) an enforceable written
16 agreement, deed restriction, or similar encumbrance has been
17 or will be executed and recorded against the acquired property
18 to assure that the project and the use of the property remain
19 consistent with the applicable purpose specified in item (iii)
20 of this subsection for a period of at least 40 years, which
21 execution and recording shall be included as a requirement in
22 any final order entered in the condemnation proceeding; and
23 (iii) the acquired property will be one of the following:

24 (1) included in the project site for a residential
25 project, or a mixed-use project including residential
26 units, where not less than 20% of the residential units in

1 the project are made available, for at least 15 years, by
2 deed restriction, long-term lease, regulatory agreement,
3 extended use agreement, or a comparable recorded
4 encumbrance, to low-income households and very low-income
5 households, as defined in Section 3 of the Illinois
6 Affordable Housing Act;

7 (2) used primarily for public airport, road, parking,
8 or mass transportation purposes and sold or leased to a
9 private party in a sale-leaseback, lease-leaseback, or
10 similar structured financing;

11 (3) owned or used by a public utility or electric
12 cooperative for utility purposes;

13 (4) owned or used by a railroad for passenger or
14 freight transportation purposes;

15 (5) sold or leased to a private party that operates a
16 water supply, waste water, recycling, waste disposal,
17 waste-to-energy, or similar facility;

18 (6) sold or leased to a not-for-profit corporation
19 whose purposes include the preservation of open space, the
20 operation of park space, and similar public purposes;

21 (7) used as a library, museum, or related facility, or
22 as infrastructure related to such a facility;

23 (8) used by a private party for the operation of a
24 charter school open to the general public; or

25 (9) a historic resource, as defined in Section 3 of
26 the Illinois State Agency Historic Resources Preservation

1 Act, a landmark designated as such under a local
2 ordinance, or a contributing structure within a local
3 landmark district listed on the National Register of
4 Historic Places, that is being acquired for purposes of
5 preservation or rehabilitation.

6 (f) If the exercise of eminent domain authority is to
7 acquire property for public ownership and private control and
8 if the primary purpose of the acquisition is one of the
9 purposes specified in item (iii) of this subsection and the
10 condemning authority elects to proceed under this subsection,
11 then the condemning authority must prove by a preponderance of
12 the evidence that: (i) the acquisition of the property is
13 necessary for a public purpose; (ii) the acquired property
14 will be owned by the condemning authority or another
15 governmental entity; and (iii) the acquired property will be
16 controlled by a private party that operates a business or
17 facility related to the condemning authority's operation of a
18 university, medical district, hospital, exposition or
19 convention center, mass transportation facility, or airport,
20 including, but not limited to, a medical clinic, research and
21 development center, food or commercial concession facility,
22 social service facility, maintenance or storage facility,
23 cargo facility, rental car facility, bus facility, taxi
24 facility, flight kitchen, fixed based operation, parking
25 facility, refueling facility, water supply facility, and
26 railroad tracks and stations.

1 (f-5) For all acquisitions governed by subsection (c)
2 where the property, or any right or interest in property, is to
3 be used for utility purposes, and where the condemning
4 authority is an entity required to submit an integrated
5 resource plan under the Municipal and Cooperative Electric
6 Utility Planning and Transparency Act, the rebuttable
7 presumption described in subsection (c) shall only apply if
8 the most recent integrated resource plan filed by the
9 condemning authority identified the facility or articulated a
10 need for a facility of similar capacity and type to the
11 facility for which the property or right or interest is
12 sought.

13 (g) This Article is a limitation on the exercise of the
14 power of eminent domain, but is not an independent grant of
15 authority to exercise the power of eminent domain.

16 (Source: P.A. 94-1055, eff. 1-1-07.)

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

1 INDEX

2 Statutes amended in order of appearance

3 New Act

4 5 ILCS 120/2 from Ch. 102, par. 42

5 65 ILCS 5/11-119.1-4 from Ch. 24, par. 11-119.1-4

6 65 ILCS 5/11-119.1-5.5 new

7 65 ILCS 5/11-119.1-10 from Ch. 24, par. 11-119.1-10

8 220 ILCS 5/16-107.5

9 220 ILCS 5/17-500

10 735 ILCS 30/5-5-5