



93RD GENERAL ASSEMBLY

State of Illinois

2003 and 2004

Introduced 2/6/2004, by Tom Cross

SYNOPSIS AS INTRODUCED:

220 ILCS 5/16-125

Amends the Public Utilities Act. Makes a technical change in a Section concerning reliability of transmission and distribution systems.

LRB093 19294 AMC 45029 b

1 AN ACT in relation to public utilities.

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

4 Section 5. The Public Utilities Act is amended by changing
5 Section 16-125 as follows:

6 (220 ILCS 5/16-125)

7 Sec. 16-125. Transmission and distribution reliability
8 requirements.

9 (a) To assure the reliable delivery of electricity to all
10 customers in this State and the effective implementation of the
11 provisions of this Article, the Commission shall, within 180
12 days of the effective date of this Article, adopt rules and
13 regulations for assessing and assuring the reliability of the
14 transmission and distribution systems and facilities that are
15 under the Commission's jurisdiction.

16 (b) These rules and regulations shall require an ~~each~~
17 electric utility or alternative retail electric supplier
18 owning, controlling, or operating transmission and
19 distribution facilities and equipment subject to the
20 Commission's jurisdiction, referred to in this Section as
21 "jurisdictional entities", to adopt and implement procedures
22 for restoring transmission and distribution services to
23 customers after transmission or distribution outages on a
24 nondiscriminatory basis without regard to whether a customer
25 has chosen the electric utility, an affiliate of the electric
26 utility, or another entity as its provider of electric power
27 and energy. These rules and regulations shall also, at a
28 minimum, specifically require each jurisdictional entity to
29 submit annually to the Commission.

30 (1) the number and duration of planned and unplanned
31 outages during the prior year and their impacts on
32 customers;

1 (2) outages that were controllable and outages that
2 were exacerbated in scope or duration by the condition of
3 facilities, equipment or premises or by the actions or
4 inactions of operating personnel or agents;

5 (3) customer service interruptions that were due
6 solely to the actions or inactions of an alternative retail
7 electric supplier or a public utility in supplying power or
8 energy;

9 (4) a detailed report of the age, current condition,
10 reliability and performance of the jurisdictional entity's
11 existing transmission and distribution facilities, which
12 shall include, without limitation, the following data:

13 (i) a summary of the jurisdictional entity's
14 outages and voltage variances reportable under the
15 Commission's rules;

16 (ii) the jurisdictional entity's expenditures for
17 transmission construction and maintenance, the ratio
18 of those expenditures to the jurisdictional entity's
19 transmission investment, and the average remaining
20 depreciation lives of the entity's transmission
21 facilities, expressed as a percentage of total
22 depreciation lives;

23 (iii) the jurisdictional entity's expenditures for
24 distribution construction and maintenance, the ratio
25 of those expenditures to the jurisdictional entity's
26 distribution investment, and the average remaining
27 depreciation lives of the entity's distribution
28 facilities, expressed as a percentage of total
29 depreciation lives;

30 (iv) a customer satisfaction survey covering,
31 among other areas identified in Commission rules,
32 reliability, customer service, and understandability
33 of the jurisdictional entity's services and prices;
34 and

35 (v) the corresponding information, in the same
36 format, for the previous 3 years, if available;

1 (5) a plan for future investment and reliability
2 improvements for the jurisdictional entity's transmission
3 and distribution facilities that will ensure continued
4 reliable delivery of energy to customers and provide the
5 delivery reliability needed for fair and open competition;
6 and

7 (6) a report of the jurisdictional entity's
8 implementation of its plan filed pursuant to subparagraph
9 (5) for the previous reporting period.

10 (c) The Commission rules shall set forth the criteria that
11 will be used to assess each jurisdictional entity's annual
12 report and evaluate its reliability performance. Such criteria
13 must take into account, at a minimum: the items required to be
14 reported in subsection (b); the relevant characteristics of the
15 area served; the age and condition of the system's equipment
16 and facilities; good engineering practices; the costs of
17 potential actions; and the benefits of avoiding the risks of
18 service disruption.

19 (d) At least every 3 years, beginning in the year the
20 Commission issues the rules required by subsection (a) or the
21 following year if the rules are issued after June 1, the
22 Commission shall assess the annual report of each
23 jurisdictional entity and evaluate its reliability
24 performance. The Commission's evaluation shall include
25 specific identification of, and recommendations concerning,
26 any potential reliability problems that it has identified as a
27 result of its evaluation.

28 (e) In the event that more than 30,000 customers of an
29 electric utility are subjected to a continuous power
30 interruption of 4 hours or more that results in the
31 transmission of power at less than 50% of the standard voltage,
32 or that results in the total loss of power transmission, the
33 utility shall be responsible for compensating customers
34 affected by that interruption for 4 hours or more for all
35 actual damages, which shall not include consequential damages,
36 suffered as a result of the power interruption. The utility

1 shall also reimburse the affected municipality, county, or
2 other unit of local government in which the power interruption
3 has taken place for all emergency and contingency expenses
4 incurred by the unit of local government as a result of the
5 interruption. A waiver of the requirements of this subsection
6 may be granted by the Commission in instances in which the
7 utility can show that the power interruption was a result of
8 any one or more of the following causes:

9 (1) Unpreventable damage due to weather events or
10 conditions.

11 (2) Customer tampering.

12 (3) Unpreventable damage due to civil or international
13 unrest or animals.

14 (4) Damage to utility equipment or other actions by a
15 party other than the utility, its employees, agents, or
16 contractors.

17 Loss of revenue and expenses incurred in complying with this
18 subsection may not be recovered from ratepayers.

19 (f) In the event of a power surge or other fluctuation that
20 causes damage and affects more than 30,000 customers, the
21 electric utility shall pay to affected customers the
22 replacement value of all goods damaged as a result of the power
23 surge or other fluctuation unless the utility can show that the
24 power surge or other fluctuation was due to one or more of the
25 following causes:

26 (1) Unpreventable damage due to weather events or
27 conditions.

28 (2) Customer tampering.

29 (3) Unpreventable damage due to civil or international
30 unrest or animals.

31 (4) Damage to utility equipment or other actions by a
32 party other than the utility, its employees, agents, or
33 contractors.

34 Loss of revenue and expenses incurred in complying with this
35 subsection may not be recovered from ratepayers. Customers with
36 respect to whom a waiver has been granted by the Commission

1 pursuant to subparagraphs (1)-(4) of subsections (e) and (f)
2 shall not count toward the 30,000 customers required therein.

3 (g) Whenever an electric utility must perform planned or
4 routine maintenance or repairs on its equipment that will
5 result in transmission of power at less than 50% of the
6 standard voltage, loss of power, or power fluctuation (as
7 defined in subsection (f)), the utility shall make reasonable
8 efforts to notify potentially affected customers no less than
9 24 hours in advance of performance of the repairs or
10 maintenance.

11 (h) Remedies provided for under this Section may be sought
12 exclusively through the Illinois Commerce Commission as
13 provided under Section 10-109 of this Act. Damages awarded
14 under this Section for a power interruption shall be limited to
15 actual damages, which shall not include consequential damages,
16 and litigation costs. Damage awards may not be paid out of
17 utility rate funds.

18 (i) The provisions of this Section shall not in any way
19 diminish or replace other civil or administrative remedies
20 available to a customer or a class of customers.

21 (j) The Commission shall by rule require an electric
22 utility to maintain service records detailing information on
23 each instance of transmission of power at less than 50% of the
24 standard voltage, loss of power, or power fluctuation (as
25 defined in subsection (f)), that affects 10 or more customers.
26 Occurrences that are momentary shall not be required to be
27 recorded or reported. The service record shall include, for
28 each occurrence, the following information:

- 29 (1) The date.
- 30 (2) The time of occurrence.
- 31 (3) The duration of the incident.
- 32 (4) The number of customers affected.
- 33 (5) A description of the cause.
- 34 (6) The geographic area affected.
- 35 (7) The specific equipment involved in the fluctuation
36 or interruption.

1 (8) A description of measures taken to restore service.

2 (9) A description of measures taken to remedy the cause
3 of the power interruption or fluctuation.

4 (10) A description of measures taken to prevent future
5 occurrence.

6 (11) The amount of remuneration, if any, paid to
7 affected customers.

8 (12) A statement of whether the fixed charge was waived
9 for affected customers.

10 Copies of the records containing this information shall be
11 available for public inspection at the utility's offices, and
12 copies thereof may be obtained upon payment of a fee not
13 exceeding the reasonable cost of reproduction. A copy of each
14 record shall be filed with the Commission and shall be
15 available for public inspection. Copies of the records may be
16 obtained upon payment of a fee not exceeding the reasonable
17 cost of reproduction.

18 (k) The requirements of subsections (e) through (j) of this
19 Section shall apply only to an electric public utility having
20 1,000,000 or more customers.

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