

**SB0096**



**94TH GENERAL ASSEMBLY**  
**State of Illinois**  
**2005 and 2006**  
**SB0096**

Introduced 1/26/2005, by Sen. James F. Clayborne, Jr.

**SYNOPSIS AS INTRODUCED:**

220 ILCS 5/3-105

from Ch. 111 2/3, par. 3-105

Amends the Public Utilities Act. Provides that the term "public utility" does not include the ownership or operation of a facility that distributes primarily propane by pipeline and sells it at retail, except in cases where there is no alternative source of propane reasonably available to the customers being served. Effective immediately.

LRB094 06583 MKM 36674 b

**A BILL FOR**

1 AN ACT concerning regulation.

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

4 Section 5. The Public Utilities Act is amended by changing  
5 Section 3-105 as follows:

6 (220 ILCS 5/3-105) (from Ch. 111 2/3, par. 3-105)

7 Sec. 3-105. Public utility. "Public utility" means and  
8 includes, except where otherwise expressly provided in this  
9 Section, every corporation, company, limited liability  
10 company, association, joint stock company or association,  
11 firm, partnership or individual, their lessees, trustees, or  
12 receivers appointed by any court whatsoever that owns,  
13 controls, operates or manages, within this State, directly or  
14 indirectly, for public use, any plant, equipment or property  
15 used or to be used for or in connection with, or owns or  
16 controls any franchise, license, permit or right to engage in:

17 a. the production, storage, transmission, sale,  
18 delivery or furnishing of heat, cold, power, electricity,  
19 water, or light, except when used solely for communications  
20 purposes;

21 b. the disposal of sewerage; or

22 c. the conveyance of oil or gas by pipe line.

23 "Public utility" does not include, however:

24 1. public utilities that are owned and operated by any  
25 political subdivision, public institution of higher  
26 education or municipal corporation of this State, or public  
27 utilities that are owned by such political subdivision,  
28 public institution of higher education, or municipal  
29 corporation and operated by any of its lessees or operating  
30 agents;

31 2. water companies which are purely mutual concerns,  
32 having no rates or charges for services, but paying the

1 operating expenses by assessment upon the members of such a  
2 company and no other person;

3 3. electric cooperatives as defined in Section 3-119;

4 4. residential natural gas cooperatives that are  
5 not-for-profit corporations established for the purpose of  
6 administering and operating, on a cooperative basis, the  
7 furnishing of natural gas to residences for the benefit of  
8 their members who are residential consumers of natural gas.  
9 For entities qualifying as residential natural gas  
10 cooperatives and recognized by the Illinois Commerce  
11 Commission as such, the State shall guarantee legally  
12 binding contracts entered into by residential natural gas  
13 cooperatives for the express purpose of acquiring natural  
14 gas supplies for their members. The Illinois Commerce  
15 Commission shall establish rules and regulations providing  
16 for such guarantees. The total liability of the State in  
17 providing all such guarantees shall not at any time exceed  
18 \$1,000,000, nor shall the State provide such a guarantee to  
19 a residential natural gas cooperative for more than 3  
20 consecutive years;

21 5. sewage disposal companies which provide sewage  
22 disposal services on a mutual basis without establishing  
23 rates or charges for services, but paying the operating  
24 expenses by assessment upon the members of the company and  
25 no others;

26 6. (Blank);

27 7. cogeneration facilities, small power production  
28 facilities, and other qualifying facilities, as defined in  
29 the Public Utility Regulatory Policies Act and regulations  
30 promulgated thereunder, except to the extent State  
31 regulatory jurisdiction and action is required or  
32 authorized by federal law, regulations, regulatory  
33 decisions or the decisions of federal or State courts of  
34 competent jurisdiction;

35 8. the ownership or operation of a facility that sells  
36 compressed natural gas at retail to the public for use only

1 as a motor vehicle fuel and the selling of compressed  
2 natural gas at retail to the public for use only as a motor  
3 vehicle fuel; ~~and~~

4 9. alternative retail electric suppliers as defined in  
5 Article XVI; ~~and-~~

6 10. the ownership or operation of a facility that  
7 distributes primarily propane by pipeline and sells it at  
8 retail, except in cases where there is no alternative  
9 source of propane reasonably available to the customers  
10 being served.

11 (Source: P.A. 89-42, eff. 1-1-96; 90-561, eff. 12-16-97.)

12 Section 99. Effective date. This Act takes effect upon  
13 becoming law.