



Sen. James F. Clayborne Jr.

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09400SB1998sam001

LRB094 11736 MKM 43712 a

1 AMENDMENT TO SENATE BILL 1998

2 AMENDMENT NO. _____. Amend Senate Bill 1998 by replacing
3 everything after the enacting clause with the following:

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 ~~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 each electric
17 utility or alternative retail electric supplier owning,
18 controlling, or operating transmission and distribution
19 facilities and equipment subject to the Commission's
20 jurisdiction, referred to in this Section as "jurisdictional
21 entities", to adopt and implement procedures for restoring
22 transmission and distribution services to customers after
23 transmission or distribution outages on a nondiscriminatory
24 basis without regard to whether a customer has chosen the

1 electric utility, an affiliate of the electric utility, or
2 another entity as its provider of electric power and energy.
3 These rules and regulations shall also, at a minimum,
4 specifically require each jurisdictional entity to submit
5 annually to the Commission.

6 (1) the number and duration of planned and unplanned
7 outages during the prior year and their impacts on
8 customers;

9 (2) outages that were controllable and outages that
10 were exacerbated in scope or duration by the condition of
11 facilities, equipment or premises or by the actions or
12 inactions of operating personnel or agents;

13 (3) customer service interruptions that were due
14 solely to the actions or inactions of an alternative retail
15 electric supplier or a public utility in supplying power or
16 energy;

17 (4) a detailed report of the age, current condition,
18 reliability and performance of the jurisdictional entity's
19 existing transmission and distribution facilities, which
20 shall include, without limitation, the following data:

21 (i) a summary of the jurisdictional entity's
22 outages and voltage variances reportable under the
23 Commission's rules;

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

31 (iii) the jurisdictional entity's expenditures for
32 distribution construction and maintenance, the ratio
33 of those expenditures to the jurisdictional entity's
34 distribution investment, and the average remaining

1 depreciation lives of the entity's distribution
2 facilities, expressed as a percentage of total
3 depreciation lives;

4 (iv) a customer satisfaction survey covering,
5 among other areas identified in Commission rules,
6 reliability, customer service, and understandability
7 of the jurisdictional entity's services and prices;
8 and

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

11 (5) a plan for future investment and reliability
12 improvements for the jurisdictional entity's transmission
13 and distribution facilities that will ensure continued
14 reliable delivery of energy to customers and provide the
15 delivery reliability needed for fair and open competition;
16 and

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

20 (c) The Commission rules shall set forth the criteria that
21 will be used to assess each jurisdictional entity's annual
22 report and evaluate its reliability performance. Such criteria
23 must take into account, at a minimum: the items required to be
24 reported in subsection (b); the relevant characteristics of the
25 area served; the age and condition of the system's equipment
26 and facilities; good engineering practices; the costs of
27 potential actions; and the benefits of avoiding the risks of
28 service disruption.

29 (d) At least every 3 years, beginning in the year the
30 Commission issues the rules required by subsection (a) or the
31 following year if the rules are issued after June 1, the
32 Commission shall assess the annual report of each
33 jurisdictional entity and evaluate its reliability
34 performance. The Commission's evaluation shall include

1 specific identification of, and recommendations concerning,
2 any potential reliability problems that it has identified as a
3 result of its evaluation.

4 (e) In the event that more than 30,000 customers of an
5 electric utility are subjected to a continuous power
6 interruption of 4 hours or more that results in the
7 transmission of power at less than 50% of the standard voltage,
8 or that results in the total loss of power transmission, the
9 utility shall be responsible for compensating customers
10 affected by that interruption for 4 hours or more for all
11 actual damages, which shall not include consequential damages,
12 suffered as a result of the power interruption. The utility
13 shall also reimburse the affected municipality, county, or
14 other unit of local government in which the power interruption
15 has taken place for all emergency and contingency expenses
16 incurred by the unit of local government as a result of the
17 interruption. A waiver of the requirements of this subsection
18 may be granted by the Commission in instances in which the
19 utility can show that the power interruption was a result of
20 any one or more of the following causes:

21 (1) Unpreventable damage due to weather events or
22 conditions.

23 (2) Customer tampering.

24 (3) Unpreventable damage due to civil or international
25 unrest or animals.

26 (4) Damage to utility equipment or other actions by a
27 party other than the utility, its employees, agents, or
28 contractors.

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

31 (f) In the event of a power surge or other fluctuation that
32 causes damage and affects more than 30,000 customers, the
33 electric utility shall pay to affected customers the
34 replacement value of all goods damaged as a result of the power

1 surge or other fluctuation unless the utility can show that the
2 power surge or other fluctuation was due to one or more of the
3 following causes:

4 (1) Unpreventable damage due to weather events or
5 conditions.

6 (2) Customer tampering.

7 (3) Unpreventable damage due to civil or international
8 unrest or animals.

9 (4) Damage to utility equipment or other actions by a
10 party other than the utility, its employees, agents, or
11 contractors.

12 Loss of revenue and expenses incurred in complying with this
13 subsection may not be recovered from ratepayers. Customers with
14 respect to whom a waiver has been granted by the Commission
15 pursuant to subparagraphs (1)-(4) of subsections (e) and (f)
16 shall not count toward the 30,000 customers required therein.

17 (g) Whenever an electric utility must perform planned or
18 routine maintenance or repairs on its equipment that will
19 result in transmission of power at less than 50% of the
20 standard voltage, loss of power, or power fluctuation (as
21 defined in subsection (f)), the utility shall make reasonable
22 efforts to notify potentially affected customers no less than
23 24 hours in advance of performance of the repairs or
24 maintenance.

25 (h) Remedies provided for under this Section may be sought
26 exclusively through the Illinois Commerce Commission as
27 provided under Section 10-109 of this Act. Damages awarded
28 under this Section for a power interruption shall be limited to
29 actual damages, which shall not include consequential damages,
30 and litigation costs. Damage awards may not be paid out of
31 utility rate funds.

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

1 (j) The Commission shall by rule require an electric
2 utility to maintain service records detailing information on
3 each instance of transmission of power at less than 50% of the
4 standard voltage, loss of power, or power fluctuation (as
5 defined in subsection (f)), that affects 10 or more customers.
6 Occurrences that are momentary shall not be required to be
7 recorded or reported. The service record shall include, for
8 each occurrence, the following information:

9 (1) The date.

10 (2) The time of occurrence.

11 (3) The duration of the incident.

12 (4) The number of customers affected.

13 (5) A description of the cause.

14 (6) The geographic area affected.

15 (7) The specific equipment involved in the fluctuation
16 or interruption.

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

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

20 (10) A description of measures taken to prevent future
21 occurrence.

22 (11) The amount of remuneration, if any, paid to
23 affected customers.

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

26 Copies of the records containing this information shall be
27 available for public inspection at the utility's offices, and
28 copies thereof may be obtained upon payment of a fee not
29 exceeding the reasonable cost of reproduction. A copy of each
30 record shall be filed with the Commission and shall be
31 available for public inspection. Copies of the records may be
32 obtained upon payment of a fee not exceeding the reasonable
33 cost of reproduction.

34 (k) The requirements of subsections (e) through (j) of this

1 Section shall apply only to an electric public utility having
2 1,000,000 or more customers.
3 (Source: P.A. 90-561, eff. 12-16-97.)".