



Electric Utility Oversight Committee

Adopted in House Comm. on Mar 12, 2008

09500HB5855ham001

LRB095 17917 MJR 48216 a

1 AMENDMENT TO HOUSE BILL 5855

2 AMENDMENT NO. _____. Amend House Bill 5855 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Power Agency Act is amended by
5 changing Section 1-75 as follows:

6 (20 ILCS 3855/1-75)

7 Sec. 1-75. Planning and Procurement Bureau. The Planning
8 and Procurement Bureau has the following duties and
9 responsibilities:

10 (a) The Planning and Procurement Bureau shall each
11 year, beginning in 2008, develop procurement plans and
12 conduct competitive procurement processes in accordance
13 with the requirements of Section 16-111.5 of the Public
14 Utilities Act for the eligible retail customers of electric
15 utilities that on December 31, 2005 provided electric
16 service to at least 100,000 customers in Illinois. For the

1 purposes of this Section, the term "eligible retail
2 customers" has the same definition as found in Section
3 16-111.5(a) of the Public Utilities Act.

4 (1) The Agency shall each year, beginning in 2008,
5 as needed, issue a request for qualifications for
6 experts or expert consulting firms to develop the
7 procurement plans in accordance with Section 16-111.5
8 of the Public Utilities Act. In order to qualify an
9 expert or expert consulting firm must have:

10 (A) direct previous experience assembling
11 large-scale power supply plans or portfolios for
12 end-use customers;

13 (B) an advanced degree in economics,
14 mathematics, engineering, risk management, or a
15 related area of study;

16 (C) 10 years of experience in the electricity
17 sector, including managing supply risk;

18 (D) expertise in wholesale electricity market
19 rules, including those established by the Federal
20 Energy Regulatory Commission and regional
21 transmission organizations;

22 (E) expertise in credit protocols and
23 familiarity with contract protocols;

24 (F) adequate resources to perform and fulfill
25 the required functions and responsibilities; and

26 (G) the absence of a conflict of interest and

1 inappropriate bias for or against potential
2 bidders or the affected electric utilities.

3 (2) The Agency shall each year, as needed, issue a
4 request for qualifications for a procurement
5 administrator to conduct the competitive procurement
6 processes in accordance with Section 16-111.5 of the
7 Public Utilities Act. In order to qualify an expert or
8 expert consulting firm must have:

9 (A) direct previous experience administering a
10 large-scale competitive procurement process;

11 (B) an advanced degree in economics,
12 mathematics, engineering, or a related area of
13 study;

14 (C) 10 years of experience in the electricity
15 sector, including risk management experience;

16 (D) expertise in wholesale electricity market
17 rules, including those established by the Federal
18 Energy Regulatory Commission and regional
19 transmission organizations;

20 (E) expertise in credit and contract
21 protocols;

22 (F) adequate resources to perform and fulfill
23 the required functions and responsibilities; and

24 (G) the absence of a conflict of interest and
25 inappropriate bias for or against potential
26 bidders or the affected electric utilities.

1 (3) The Agency shall provide affected utilities
2 and other interested parties with the lists of
3 qualified experts or expert consulting firms
4 identified through the request for qualifications
5 processes that are under consideration to develop the
6 procurement plans and to serve as the procurement
7 administrator. The Agency shall also provide each
8 qualified expert's or expert consulting firm's
9 response to the request for qualifications. All
10 information provided under this subparagraph shall
11 also be provided to the Commission. The Agency may
12 provide by rule for fees associated with supplying the
13 information to utilities and other interested parties.
14 These parties shall, within 5 business days, notify the
15 Agency in writing if they object to any experts or
16 expert consulting firms on the lists. Objections shall
17 be based on:

18 (A) failure to satisfy qualification criteria;

19 (B) identification of a conflict of interest;

20 or

21 (C) evidence of inappropriate bias for or
22 against potential bidders or the affected
23 utilities.

24 The Agency shall remove experts or expert
25 consulting firms from the lists within 10 days if there
26 is a reasonable basis for an objection and provide the

1 updated lists to the affected utilities and other
2 interested parties. If the Agency fails to remove an
3 expert or expert consulting firm from a list, an
4 objecting party may seek review by the Commission
5 within 5 days thereafter by filing a petition, and the
6 Commission shall render a ruling on the petition within
7 10 days. There is no right of appeal of the
8 Commission's ruling.

9 (4) The Agency shall issue requests for proposals
10 to the qualified experts or expert consulting firms to
11 develop a procurement plan for the affected utilities
12 and to serve as procurement administrator.

13 (5) The Agency shall select an expert or expert
14 consulting firm to develop procurement plans based on
15 the proposals submitted and shall award one-year
16 contracts to those selected with an option for the
17 Agency for a one-year renewal.

18 (6) The Agency shall select an expert or expert
19 consulting firm, with approval of the Commission, to
20 serve as procurement administrator based on the
21 proposals submitted. If the Commission rejects, within
22 5 days, the Agency's selection, the Agency shall submit
23 another recommendation within 3 days based on the
24 proposals submitted. The Agency shall award a one-year
25 contract to the expert or expert consulting firm so
26 selected with Commission approval with an option for

1 the Agency for a one-year renewal.

2 (b) The experts or expert consulting firms retained by
3 the Agency shall, as appropriate, prepare procurement
4 plans, and conduct a competitive procurement process as
5 prescribed in Section 16-111.5 of the Public Utilities Act,
6 to ensure adequate, reliable, affordable, efficient, and
7 environmentally sustainable electric service at the lowest
8 total cost over time, taking into account any benefits of
9 price stability, for eligible retail customers of electric
10 utilities that on December 31, 2005 provided electric
11 service to at least 100,000 customers in the State of
12 Illinois.

13 (c) Renewable portfolio standard.

14 (1) The procurement plans shall include
15 cost-effective renewable energy resources. A minimum
16 percentage of each utility's total supply to serve the
17 load of eligible retail customers, as defined in
18 Section 16-111.5(a) of the Public Utilities Act,
19 procured for each of the following years shall be
20 generated from cost-effective renewable energy
21 resources: at least 2% by June 1, 2008; at least 4% by
22 June 1, 2009; at least 5% by June 1, 2010; at least 6%
23 by June 1, 2011; at least 7% by June 1, 2012; at least
24 8% by June 1, 2013; at least 9% by June 1, 2014; at
25 least 10% by June 1, 2015; and increasing by at least
26 1.5% each year thereafter to at least 25% by June 1,

1 2025. To the extent that it is available, at least 75%
2 of the renewable energy resources used to meet these
3 standards shall come from wind generation. For
4 purposes of this Section, "cost-effective" means that
5 the costs of procuring renewable energy resources do
6 not cause the limit stated in paragraph (2) of this
7 subsection (c) to be exceeded. For purposes of meeting
8 the requirements of this Section, utilities may enter
9 into contracts with renewable energy generators for a
10 term of up to 20 years.

11 (2) For purposes of this subsection (c), the
12 required procurement of cost-effective renewable
13 energy resources for a particular year shall be
14 measured as a percentage of the actual amount of
15 electricity (megawatt-hours) supplied by the electric
16 utility to eligible retail customers in the planning
17 year ending immediately prior to the procurement. For
18 purposes of this subsection (c), the amount per
19 kilowatthour means the total amount paid for electric
20 service expressed on a per kilowatthour basis. For
21 purposes of this subsection (c), the total amount paid
22 for electric service includes without limitation
23 amounts paid for supply, transmission, distribution,
24 surcharges, and add-on taxes.

25 Notwithstanding the requirements of this
26 subsection (c), the total of renewable energy

1 resources procured pursuant to the procurement plan
2 for any single year shall be reduced by an amount
3 necessary to limit the annual estimated average net
4 increase due to the costs of these resources included
5 in the amounts paid by eligible retail customers in
6 connection with electric service to:

7 (A) in 2008, no more than 0.5% of the amount
8 paid per kilowatthour by those customers during
9 the year ending May 31, 2007;

10 (B) in 2009, the greater of an additional 0.5%
11 of the amount paid per kilowatthour by those
12 customers during the year ending May 31, 2008 or 1%
13 of the amount paid per kilowatthour by those
14 customers during the year ending May 31, 2007;

15 (C) in 2010, the greater of an additional 0.5%
16 of the amount paid per kilowatthour by those
17 customers during the year ending May 31, 2009 or
18 1.5% of the amount paid per kilowatthour by those
19 customers during the year ending May 31, 2007;

20 (D) in 2011, the greater of an additional 0.5%
21 of the amount paid per kilowatthour by those
22 customers during the year ending May 31, 2010 or 2%
23 of the amount paid per kilowatthour by those
24 customers during the year ending May 31, 2007; and

25 (E) thereafter, the amount of renewable energy
26 resources procured pursuant to the procurement

1 plan for any single year shall be reduced by an
2 amount necessary to limit the estimated average
3 net increase due to the cost of these resources
4 included in the amounts paid by eligible retail
5 customers in connection with electric service to
6 no more than the greater of 2.015% of the amount
7 paid per kilowatthour by those customers during
8 the year ending May 31, 2007 or the incremental
9 amount per kilowatthour paid for these resources
10 in 2011.

11 No later than June 30, 2011, the Commission shall
12 review the limitation on the amount of renewable energy
13 resources procured pursuant to this subsection (c) and
14 report to the General Assembly its findings as to
15 whether that limitation unduly constrains the
16 procurement of cost-effective renewable energy
17 resources.

18 (3) Through June 1, 2011, renewable energy
19 resources shall be counted for the purpose of meeting
20 the renewable energy standards set forth in paragraph
21 (1) of this subsection (c) only if they are generated
22 from facilities located in the State, provided that
23 cost-effective renewable energy resources are
24 available from those facilities. If those
25 cost-effective resources are not available in
26 Illinois, they shall be procured in states that adjoin

1 Illinois and may be counted towards compliance. If
2 those cost-effective resources are not available in
3 Illinois or in states that adjoin Illinois, they shall
4 be purchased elsewhere and shall be counted towards
5 compliance. After June 1, 2011, cost-effective
6 renewable energy resources located in Illinois and in
7 states that adjoin Illinois may be counted towards
8 compliance with the standards set forth in paragraph
9 (1) of this subsection (c). If those cost-effective
10 resources are not available in Illinois or in states
11 that adjoin Illinois, they shall be purchased
12 elsewhere and shall be counted towards compliance.

13 (4) The electric utility shall retire all
14 renewable energy credits used to comply with the
15 standard.

16 (d) The draft procurement plans are subject to public
17 comment, as required by Section 16-111.5 of the Public
18 Utilities Act.

19 (e) The Agency shall submit the final procurement plan
20 to the Commission. The Agency shall revise a procurement
21 plan if the Commission determines that it does not meet the
22 standards set forth in Section 16-111.5 of the Public
23 Utilities Act.

24 (f) The Agency shall assess fees to each affected
25 utility to recover the costs incurred in preparation of the
26 annual procurement plan for the utility.

1 (g) The Agency shall assess fees to each bidder to
2 recover the costs incurred in connection with a competitive
3 procurement process.

4 (h) Notwithstanding any other rulemaking authority
5 that may exist, neither the Governor nor any agency or
6 agency head under the jurisdiction of the Governor has any
7 authority to make or promulgate rules to implement or
8 enforce the provisions of this amendatory Act of the 95th
9 General Assembly. If, however, the Governor believes that
10 rules are necessary to implement or enforce the provisions
11 of this amendatory Act of the 95th General Assembly, the
12 Governor may suggest rules to the General Assembly by
13 filing them with the Clerk of the House and the Secretary
14 of the Senate and by requesting that the General Assembly
15 authorize such rulemaking by law, enact those suggested
16 rules into law, or take any other appropriate action in the
17 General Assembly's discretion. Nothing contained in this
18 amendatory Act of the 95th General Assembly shall be
19 interpreted to grant rulemaking authority under any other
20 Illinois statute where such authority is not otherwise
21 explicitly given. For the purposes of this amendatory Act
22 of the 95th General Assembly, "rules" is given the meaning
23 contained in Section 1-70 of the Illinois Administrative
24 Procedure Act, and "agency" and "agency head" are given the
25 meanings contained in Sections 1-20 and 1-25 of the
26 Illinois Administrative Procedure Act to the extent that

1 such definitions apply to agencies or agency heads under
2 the jurisdiction of the Governor.

3 (Source: P.A. 95-481, eff. 8-28-07.)

4 Section 10. The Public Utilities Act is amended by changing
5 Sections 16-107.5 and 16-111.5 as follows:

6 (220 ILCS 5/16-107.5)

7 Sec. 16-107.5. Net electricity metering.

8 (a) The Legislature finds and declares that a program to
9 provide net electricity metering, as defined in this Section,
10 for eligible customers can encourage private investment in
11 renewable energy resources, stimulate economic growth, enhance
12 the continued diversification of Illinois' energy resource
13 mix, and protect the Illinois environment.

14 (b) As used in this Section, (i) "eligible customer" means
15 a retail customer that owns or operates a solar, wind, or other
16 eligible renewable electrical generating facility with a rated
17 capacity of not more than 2,000 kilowatts that is located on
18 the customer's premises and is intended primarily to offset the
19 customer's own electrical requirements; (ii) "electricity
20 provider" means an electric utility or alternative retail
21 electric supplier; (iii) "eligible renewable electrical
22 generating facility" means a generator powered by solar
23 electric energy, wind, dedicated crops grown for electricity
24 generation, anaerobic digestion of livestock or food

1 processing waste, fuel cells or microturbines powered by
2 renewable fuels, or hydroelectric energy; and (iv) "net
3 electricity metering" (or "net metering") means the
4 measurement, during the billing period applicable to an
5 eligible customer, of the net amount of electricity supplied by
6 an electricity provider to the customer's premises or provided
7 to the electricity provider by the customer.

8 (c) A net metering facility shall be equipped with metering
9 equipment that can measure the flow of electricity in both
10 directions at the same rate. For eligible residential
11 customers, this shall typically be accomplished through use of
12 a single, bi-directional meter. If the eligible customer's
13 existing electric revenue meter does not meet this requirement,
14 the electricity provider shall arrange for the local electric
15 utility or a meter service provider to install and maintain a
16 new revenue meter at the electricity provider's expense. For
17 non-residential customers, the electricity provider may
18 arrange for the local electric utility or a meter service
19 provider to install and maintain metering equipment capable of
20 measuring the flow of electricity both into and out of the
21 customer's facility at the same rate and ratio, typically
22 through the use of a dual channel meter. For generators with a
23 nameplate rating of 40 kilowatts and below, the costs of
24 installing such equipment shall be paid for by the electricity
25 provider. For generators with a nameplate rating over 40
26 kilowatts and up to 2,000 kilowatts capacity, the costs of

1 installing such equipment shall be paid for by the customer.
2 Any subsequent revenue meter change necessitated by any
3 eligible customer shall be paid for by the customer.

4 (d) An electricity provider shall measure and charge or
5 credit for the net electricity supplied to eligible customers
6 or provided by eligible customers in the following manner:

7 (1) If the amount of electricity used by the customer
8 during the billing period exceeds the amount of electricity
9 produced by the customer, the electricity provider shall
10 charge the customer for the net electricity supplied to and
11 used by the customer as provided in subsection (e) of this
12 Section.

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

25 (3) At the end of the year or annualized over the
26 period that service is supplied by means of net metering,

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

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

26 (f) Notwithstanding the requirements of subsections (c)

1 through (e) of this Section, an electricity provider must
2 require dual-channel metering for non-residential customers
3 operating eligible renewable electrical generating facilities
4 with a nameplate rating over 40 kilowatts and up to 2,000
5 kilowatts. In such cases, electricity charges and credits shall
6 be determined as follows:

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

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

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

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

6 (g) Notwithstanding subsections (a) through (f) of this
7 Section, a netmetering customer shall be compensated for all
8 gross kilowatt-hours generated using photovoltaic technology
9 at a rate that is 200% of the price the electric service
10 provider would charge that customer for retail kilowatt-hour
11 sales during the same period.

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

24 (i) ~~(h)~~ Within 120 days after the effective date of this
25 amendatory Act of the 95th General Assembly, the Commission
26 shall establish standards for net metering and, if the

1 Commission has not already acted on its own initiative,
2 standards for the interconnection of eligible renewable
3 generating equipment to the utility system. The
4 interconnection standards shall address any procedural
5 barriers, delays, and administrative costs associated with the
6 interconnection of customer-generation while ensuring the
7 safety and reliability of the units and the electric utility
8 system. The Commission shall consider the Institute of
9 Electrical and Electronics Engineers (IEEE) Standard 1547 and
10 the issues of (i) reasonable and fair fees and costs, (ii)
11 clear timelines for major milestones in the interconnection
12 process, (iii) nondiscriminatory terms of agreement, and (iv)
13 any best practices for interconnection of distributed
14 generation.

15 (j) ~~(i)~~ All electricity providers shall begin to offer net
16 metering no later than April 1, 2008.

17 (k) ~~(j)~~ An electricity provider shall provide net metering
18 to eligible customers until the load of its net metering
19 customers equals 1% of the total peak demand supplied by that
20 electricity provider during the previous year. Electricity
21 providers are authorized to offer net metering beyond the 1%
22 level if they so choose. The number of new eligible customers
23 with generators that have a nameplate rating of 40 kilowatts
24 and below will be limited to 200 total new billing accounts for
25 the utilities (Ameren Companies, ComEd, and MidAmerican) for
26 the period of April 1, 2008 through March 31, 2009.

1 (l) ~~(k)~~ Each electricity provider shall maintain records
2 and report annually to the Commission the total number of net
3 metering customers served by the provider, as well as the type,
4 capacity, and energy sources of the generating systems used by
5 the net metering customers. Nothing in this Section shall limit
6 the ability of an electricity provider to request the redaction
7 of information deemed by the Commission to be confidential
8 business information. Each electricity provider shall notify
9 the Commission when the total generating capacity of its net
10 metering customers is equal to or in excess of the 1% cap
11 specified in subsection (k) ~~(j)~~ of this Section.

12 (m) ~~(l)~~ Notwithstanding the definition of "eligible
13 customer" in item (i) of subsection (b) of this Section, each
14 electricity provider shall consider whether to allow meter
15 aggregation for the purposes of net metering on:

16 (1) properties owned or leased by multiple customers
17 that contribute to the operation of an eligible renewable
18 electrical generating facility, such as a community-owned
19 wind project or a community methane digester processing
20 livestock waste from multiple sources; and

21 (2) individual units, apartments, or properties owned
22 or leased by multiple customers and collectively served by
23 a common eligible renewable electrical generating
24 facility, such as an apartment building served by
25 photovoltaic panels on the roof.

26 For the purposes of this subsection (l), "meter

1 aggregation" means the combination of reading and billing on a
2 pro rata basis for the types of eligible customers described in
3 this Section.

4 (n) ~~(m)~~ Nothing in this Section shall affect the right of
5 an electricity provider to continue to provide, or the right of
6 a retail customer to continue to receive service pursuant to a
7 contract for electric service between the electricity provider
8 and the retail customer in accordance with the prices, terms,
9 and conditions provided for in that contract. Either the
10 electricity provider or the customer may require compliance
11 with the prices, terms, and conditions of the contract.

12 (o) Notwithstanding any other rulemaking authority that
13 may exist, neither the Governor nor any agency or agency head
14 under the jurisdiction of the Governor has any authority to
15 make or promulgate rules to implement or enforce the provisions
16 of this amendatory Act of the 95th General Assembly. If,
17 however, the Governor believes that rules are necessary to
18 implement or enforce the provisions of this amendatory Act of
19 the 95th General Assembly, the Governor may suggest rules to
20 the General Assembly by filing them with the Clerk of the House
21 and the Secretary of the Senate and by requesting that the
22 General Assembly authorize such rulemaking by law, enact those
23 suggested rules into law, or take any other appropriate action
24 in the General Assembly's discretion. Nothing contained in this
25 amendatory Act of the 95th General Assembly shall be
26 interpreted to grant rulemaking authority under any other

1 Illinois statute where such authority is not otherwise
2 explicitly given. For the purposes of this amendatory Act of
3 the 95th General Assembly, "rules" is given the meaning
4 contained in Section 1-70 of the Illinois Administrative
5 Procedure Act, and "agency" and "agency head" are given the
6 meanings contained in Sections 1-20 and 1-25 of the Illinois
7 Administrative Procedure Act to the extent that such
8 definitions apply to agencies or agency heads under the
9 jurisdiction of the Governor.

10 (Source: P.A. 95-420, eff. 8-24-07.)

11 (220 ILCS 5/16-111.5)

12 Sec. 16-111.5. Provisions relating to procurement.

13 (a) An electric utility that on December 31, 2005 served at
14 least 100,000 customers in Illinois shall procure power and
15 energy for its eligible retail customers in accordance with the
16 applicable provisions set forth in Section 1-75 of the Illinois
17 Power Agency Act and this Section. "Eligible retail customers"
18 for the purposes of this Section means those retail customers
19 that purchase power and energy from the electric utility under
20 fixed-price bundled service tariffs, other than those retail
21 customers whose service is declared or deemed competitive under
22 Section 16-113 and those other customer groups specified in
23 this Section, including self-generating customers, customers
24 electing hourly pricing, or those customers who are otherwise
25 ineligible for fixed-price bundled tariff service. Those

1 customers that are excluded from the definition of "eligible
2 retail customers" shall not be included in the procurement plan
3 load requirements, and the utility shall procure any supply
4 requirements, including capacity, ancillary services, and
5 hourly priced energy, in the applicable markets as needed to
6 serve those customers, provided that the utility may include in
7 its procurement plan load requirements for the load that is
8 associated with those retail customers whose service has been
9 declared or deemed competitive pursuant to Section 16-113 of
10 this Act to the extent that those customers are purchasing
11 power and energy during one of the transition periods
12 identified in subsection (b) of Section 16-113 of this Act.

13 (b) A procurement plan shall be prepared for each electric
14 utility consistent with the applicable requirements of the
15 Illinois Power Agency Act and this Section. For purposes of
16 this Section, Illinois electric utilities that are affiliated
17 by virtue of a common parent company are considered to be a
18 single electric utility. Each procurement plan shall analyze
19 the projected balance of supply and demand for eligible retail
20 customers over a 5-year period with the first planning year
21 beginning on June 1 of the year following the year in which the
22 plan is filed. The plan shall specifically identify the
23 wholesale products to be procured following plan approval, and
24 shall follow all the requirements set forth in the Public
25 Utilities Act and all applicable State and federal laws,
26 statutes, rules, or regulations, as well as Commission orders.

1 Nothing in this Section precludes consideration of contracts
2 longer than 5 years and related forecast data. Unless specified
3 otherwise in this Section, in the procurement plan or in the
4 implementing tariff, any procurement occurring in accordance
5 with this plan shall be competitively bid through a request for
6 proposals process. Approval and implementation of the
7 procurement plan shall be subject to review and approval by the
8 Commission according to the provisions set forth in this
9 Section. A procurement plan shall include each of the following
10 components:

11 (1) Hourly load analysis. This analysis shall include:

12 (i) multi-year historical analysis of hourly
13 loads;

14 (ii) switching trends and competitive retail
15 market analysis;

16 (iii) known or projected changes to future loads;

17 and

18 (iv) growth forecasts by customer class.

19 (2) Analysis of the impact of any demand side and
20 renewable energy initiatives. This analysis shall include:

21 (i) the impact of demand response programs, both
22 current and projected;

23 (ii) supply side needs that are projected to be
24 offset by purchases of renewable energy resources, if
25 any; and

26 (iii) the impact of energy efficiency programs,

1 both current and projected. Energy efficiency
2 resources shall be integrated into each utility's plan
3 and cost-effective energy efficiency shall be treated
4 as a priority resource.

5 (3) A plan for meeting the expected load requirements
6 that will not be met through preexisting contracts. This
7 plan shall include:

8 (i) definitions of the different retail customer
9 classes for which supply is being purchased;

10 (ii) monthly forecasted system supply
11 requirements, including expected minimum, maximum, and
12 average values for the planning period;

13 (iii) the proposed mix and selection of standard
14 wholesale products for which contracts will be
15 executed during the next year, separately or in
16 combination, to meet that portion of its load
17 requirements not met through pre-existing contracts,
18 including but not limited to monthly 5 x 16 peak period
19 block energy, monthly off-peak wrap energy, monthly 7 x
20 24 energy, annual 5 x 16 energy, annual off-peak wrap
21 energy, annual 7 x 24 energy, monthly capacity, annual
22 capacity, peak load capacity obligations, capacity
23 purchase plan, and ancillary services;

24 (iv) proposed term structures for each wholesale
25 product type included in the proposed procurement plan
26 portfolio of products; and

1 (v) an assessment of the price risk, load
2 uncertainty, and other factors that are associated
3 with the proposed procurement plan; this assessment,
4 to the extent possible, shall include an analysis of
5 the following factors: contract terms, time frames for
6 securing products or services, fuel costs, weather
7 patterns, transmission costs, market conditions, and
8 the governmental regulatory environment; the proposed
9 procurement plan shall also identify alternatives for
10 those portfolio measures that are identified as having
11 significant price risk.

12 (4) Proposed procedures for balancing loads. The
13 procurement plan shall include, for load requirements
14 included in the procurement plan, the process for (i)
15 hourly balancing of supply and demand and (ii) the criteria
16 for portfolio re-balancing in the event of significant
17 shifts in load.

18 (c) The procurement process set forth in Section 1-75 of
19 the Illinois Power Agency Act and subsection (e) of this
20 Section shall be administered by a procurement administrator
21 and monitored by a procurement monitor.

22 (1) The procurement administrator shall:

23 (i) design the final procurement process in
24 accordance with Section 1-75 of the Illinois Power
25 Agency Act and subsection (e) of this Section following
26 Commission approval of the procurement plan;

1 (ii) develop benchmarks in accordance with
2 subsection (e)(3) to be used to evaluate bids; these
3 benchmarks shall be submitted to the Commission for
4 review and approval on a confidential basis prior to
5 the procurement event;

6 (iii) serve as the interface between the electric
7 utility and suppliers;

8 (iv) manage the bidder pre-qualification and
9 registration process;

10 (v) obtain the electric utilities' agreement to
11 the final form of all supply contracts and credit
12 collateral agreements;

13 (vi) administer the request for proposals process;

14 (vii) have the discretion to negotiate to
15 determine whether bidders are willing to lower the
16 price of bids that meet the benchmarks approved by the
17 Commission; any post-bid negotiations with bidders
18 shall be limited to price only and shall be completed
19 within 24 hours after opening the sealed bids and shall
20 be conducted in a fair and unbiased manner; in
21 conducting the negotiations, there shall be no
22 disclosure of any information derived from proposals
23 submitted by competing bidders; if information is
24 disclosed to any bidder, it shall be provided to all
25 competing bidders;

26 (viii) maintain confidentiality of supplier and

1 bidding information in a manner consistent with all
2 applicable laws, rules, regulations, and tariffs;

3 (ix) submit a confidential report to the
4 Commission recommending acceptance or rejection of
5 bids;

6 (x) notify the utility of contract counterparties
7 and contract specifics; and

8 (xi) administer related contingency procurement
9 events.

10 (2) The procurement monitor, who shall be retained by
11 the Commission, shall:

12 (i) monitor interactions among the procurement
13 administrator, suppliers, and utility;

14 (ii) monitor and report to the Commission on the
15 progress of the procurement process;

16 (iii) provide an independent confidential report
17 to the Commission regarding the results of the
18 procurement event;

19 (iv) assess compliance with the procurement plans
20 approved by the Commission for each utility that on
21 December 31, 2005 provided electric service to a least
22 100,000 customers in Illinois;

23 (v) preserve the confidentiality of supplier and
24 bidding information in a manner consistent with all
25 applicable laws, rules, regulations, and tariffs;

26 (vi) provide expert advice to the Commission and

1 consult with the procurement administrator regarding
2 issues related to procurement process design, rules,
3 protocols, and policy-related matters; and

4 (vii) consult with the procurement administrator
5 regarding the development and use of benchmark
6 criteria, standard form contracts, credit policies,
7 and bid documents.

8 (d) Except as provided in subsection (j), the planning
9 process shall be conducted as follows:

10 (1) Beginning in 2008, each Illinois utility procuring
11 power pursuant to this Section shall annually provide a
12 range of load forecasts to the Illinois Power Agency by
13 July 15 of each year, or such other date as may be required
14 by the Commission or Agency. The load forecasts shall cover
15 the 5-year procurement planning period for the next
16 procurement plan and shall include hourly data
17 representing a high-load, low-load and expected-load
18 scenario for the load of the eligible retail customers. The
19 utility shall provide supporting data and assumptions for
20 each of the scenarios.

21 (2) Beginning in 2008, the Illinois Power Agency shall
22 prepare a procurement plan by August 15th of each year, or
23 such other date as may be required by the Commission. The
24 procurement plan shall identify the portfolio of power and
25 energy products to be procured. Copies of the procurement
26 plan shall be posted and made publicly available on the

1 Agency's and Commission's websites, and copies shall also
2 be provided to each affected electric utility. An affected
3 utility shall have 30 days following the date of posting to
4 provide comment to the Agency on the procurement plan.
5 Other interested entities also may comment on the
6 procurement plan. All comments submitted to the Agency
7 shall be specific, supported by data or other detailed
8 analyses, and, if objecting to all or a portion of the
9 procurement plan, accompanied by specific alternative
10 wording or proposals. All comments shall be posted on the
11 Agency's and Commission's websites. During this 30-day
12 comment period, the Agency shall hold at least one public
13 hearing within each utility's service area for the purpose
14 of receiving public comment on the procurement plan. Within
15 14 days following the end of the 30-day review period, the
16 Agency shall revise the procurement plan as necessary based
17 on the comments received and file the procurement plan with
18 the Commission and post the procurement plan on the
19 websites.

20 (3) Within 5 days after the filing of the procurement
21 plan, any person objecting to the procurement plan shall
22 file an objection with the Commission. Within 10 days after
23 the filing, the Commission shall determine whether a
24 hearing is necessary. The Commission shall enter its order
25 confirming or modifying the procurement plan within 90 days
26 after the filing of the procurement plan by the Illinois

1 Power Agency.

2 (4) The Commission shall approve the procurement plan,
3 including expressly the forecast used in the procurement
4 plan, if the Commission determines that it will ensure
5 adequate, reliable, affordable, efficient, and
6 environmentally sustainable electric service at the lowest
7 total cost over time, taking into account any benefits of
8 price stability.

9 (e) The procurement process shall include each of the
10 following components:

11 (1) Solicitation, pre-qualification, and registration
12 of bidders. The procurement administrator shall
13 disseminate information to potential bidders to promote a
14 procurement event, notify potential bidders that the
15 procurement administrator may enter into a post-bid price
16 negotiation with bidders that meet the applicable
17 benchmarks, provide supply requirements, and otherwise
18 explain the competitive procurement process. In addition
19 to such other publication as the procurement administrator
20 determines is appropriate, this information shall be
21 posted on the Illinois Power Agency's and the Commission's
22 websites. The procurement administrator shall also
23 administer the prequalification process, including
24 evaluation of credit worthiness, compliance with
25 procurement rules, and agreement to the standard form
26 contract developed pursuant to paragraph (2) of this

1 subsection (e). The procurement administrator shall then
2 identify and register bidders to participate in the
3 procurement event.

4 (2) Standard contract forms and credit terms and
5 instruments. The procurement administrator, in
6 consultation with the utilities, the Commission, and other
7 interested parties and subject to Commission oversight,
8 shall develop and provide standard contract forms for the
9 supplier contracts that meet generally accepted industry
10 practices. Standard credit terms and instruments that meet
11 generally accepted industry practices shall be similarly
12 developed. The procurement administrator shall make
13 available to the Commission all written comments it
14 receives on the contract forms, credit terms, or
15 instruments. If the procurement administrator cannot reach
16 agreement with the applicable electric utility as to the
17 contract terms and conditions, the procurement
18 administrator must notify the Commission of any disputed
19 terms and the Commission shall resolve the dispute. The
20 terms of the contracts shall not be subject to negotiation
21 by winning bidders, and the bidders must agree to the terms
22 of the contract in advance so that winning bids are
23 selected solely on the basis of price.

24 (3) Establishment of a market-based price benchmark.
25 As part of the development of the procurement process, the
26 procurement administrator, in consultation with the

1 Commission staff, Agency staff, and the procurement
2 monitor, shall establish benchmarks for evaluating the
3 final prices in the contracts for each of the products that
4 will be procured through the procurement process. The
5 benchmarks shall be based on price data for similar
6 products for the same delivery period and same delivery
7 hub, or other delivery hubs after adjusting for that
8 difference. The price benchmarks may also be adjusted to
9 take into account differences between the information
10 reflected in the underlying data sources and the specific
11 products and procurement process being used to procure
12 power for the Illinois utilities. The benchmarks shall be
13 confidential but shall be provided to, and will be subject
14 to Commission review and approval, prior to a procurement
15 event.

16 (4) Request for proposals competitive procurement
17 process. The procurement administrator shall design and
18 issue a request for proposals to supply electricity in
19 accordance with each utility's procurement plan, as
20 approved by the Commission. The request for proposals shall
21 set forth a procedure for sealed, binding commitment
22 bidding with pay-as-bid settlement, and provision for
23 selection of bids on the basis of price.

24 (5) A plan for implementing contingencies in the event
25 of supplier default or failure of the procurement process
26 to fully meet the expected load requirement due to

1 insufficient supplier participation, Commission rejection
2 of results, or any other cause.

3 (i) Event of supplier default: In the event of
4 supplier default, the utility shall review the
5 contract of the defaulting supplier to determine if the
6 amount of supply is 200 megawatts or greater, and if
7 there are more than 60 days remaining of the contract
8 term. If both of these conditions are met, and the
9 default results in termination of the contract, the
10 utility shall immediately notify the Illinois Power
11 Agency that a request for proposals must be issued to
12 procure replacement power, and the procurement
13 administrator shall run an additional procurement
14 event. If the contracted supply of the defaulting
15 supplier is less than 200 megawatts or there are less
16 than 60 days remaining of the contract term, the
17 utility shall procure power and energy from the
18 applicable regional transmission organization market,
19 including ancillary services, capacity, and day-ahead
20 or real time energy, or both, for the duration of the
21 contract term to replace the contracted supply;
22 provided, however, that if a needed product is not
23 available through the regional transmission
24 organization market it shall be purchased from the
25 wholesale market.

26 (ii) Failure of the procurement process to fully

1 meet the expected load requirement: If the procurement
2 process fails to fully meet the expected load
3 requirement due to insufficient supplier participation
4 or due to a Commission rejection of the procurement
5 results, the procurement administrator, the
6 procurement monitor, and the Commission staff shall
7 meet within 10 days to analyze potential causes of low
8 supplier interest or causes for the Commission
9 decision. If changes are identified that would likely
10 result in increased supplier participation, or that
11 would address concerns causing the Commission to
12 reject the results of the prior procurement event, the
13 procurement administrator may implement those changes
14 and rerun the request for proposals process according
15 to a schedule determined by those parties and
16 consistent with Section 1-75 of the Illinois Power
17 Agency Act and this subsection. In any event, a new
18 request for proposals process shall be implemented by
19 the procurement administrator within 90 days after the
20 determination that the procurement process has failed
21 to fully meet the expected load requirement.

22 (iii) In all cases where there is insufficient
23 supply provided under contracts awarded through the
24 procurement process to fully meet the electric
25 utility's load requirement, the utility shall meet the
26 load requirement by procuring power and energy from the

1 applicable regional transmission organization market,
2 including ancillary services, capacity, and day-ahead
3 or real time energy or both; provided, however, that if
4 a needed product is not available through the regional
5 transmission organization market it shall be purchased
6 from the wholesale market.

7 (6) The procurement process described in this
8 subsection is exempt from the requirements of the Illinois
9 Procurement Code, pursuant to Section 20-10 of that Code.

10 (f) Within 2 business days after opening the sealed bids,
11 the procurement administrator shall submit a confidential
12 report to the Commission. The report shall contain the results
13 of the bidding for each of the products along with the
14 procurement administrator's recommendation for the acceptance
15 and rejection of bids based on the price benchmark criteria and
16 other factors observed in the process. The procurement monitor
17 also shall submit a confidential report to the Commission
18 within 2 business days after opening the sealed bids. The
19 report shall contain the procurement monitor's assessment of
20 bidder behavior in the process as well as an assessment of the
21 procurement administrator's compliance with the procurement
22 process and rules. The Commission shall review the confidential
23 reports submitted by the procurement administrator and
24 procurement monitor, and shall accept or reject the
25 recommendations of the procurement administrator within 2
26 business days after receipt of the reports.

1 (g) Within 3 business days after the Commission decision
2 approving the results of a procurement event, the utility shall
3 enter into binding contractual arrangements with the winning
4 suppliers using the standard form contracts; except that the
5 utility shall not be required either directly or indirectly to
6 execute the contracts if a tariff that is consistent with
7 subsection (l) of this Section has not been approved and placed
8 into effect for that utility.

9 (h) The names of the successful bidders and the load
10 weighted average of the winning bid prices for each contract
11 type and for each contract term shall be made available to the
12 public at the time of Commission approval of a procurement
13 event. The Commission, the procurement monitor, the
14 procurement administrator, the Illinois Power Agency, and all
15 participants in the procurement process shall maintain the
16 confidentiality of all other supplier and bidding information
17 in a manner consistent with all applicable laws, rules,
18 regulations, and tariffs. Confidential information, including
19 the confidential reports submitted by the procurement
20 administrator and procurement monitor pursuant to subsection
21 (f) of this Section, shall not be made publicly available and
22 shall not be discoverable by any party in any proceeding,
23 absent a compelling demonstration of need, nor shall those
24 reports be admissible in any proceeding other than one for law
25 enforcement purposes.

26 (i) Within 2 business days after a Commission decision

1 approving the results of a procurement event or such other date
2 as may be required by the Commission from time to time, the
3 utility shall file for informational purposes with the
4 Commission its actual or estimated retail supply charges, as
5 applicable, by customer supply group reflecting the costs
6 associated with the procurement and computed in accordance with
7 the tariffs filed pursuant to subsection (l) of this Section
8 and approved by the Commission.

9 (j) Within 60 days following the effective date of this
10 amendatory Act, each electric utility that on December 31, 2005
11 provided electric service to at least 100,000 customers in
12 Illinois shall prepare and file with the Commission an initial
13 procurement plan, which shall conform in all material respects
14 to the requirements of the procurement plan set forth in
15 subsection (b); provided, however, that the Illinois Power
16 Agency Act shall not apply to the initial procurement plan
17 prepared pursuant to this subsection. The initial procurement
18 plan shall identify the portfolio of power and energy products
19 to be procured and delivered for the period June 2008 through
20 May 2009, and shall identify the proposed procurement
21 administrator, who shall have the same experience and expertise
22 as is required of a procurement administrator hired pursuant to
23 Section 1-75 of the Illinois Power Agency Act. Copies of the
24 procurement plan shall be posted and made publicly available on
25 the Commission's website. The initial procurement plan may
26 include contracts for renewable resources that extend beyond

1 May 2009.

2 (i) Within 14 days following filing of the initial
3 procurement plan, any person may file a detailed objection
4 with the Commission contesting the procurement plan
5 submitted by the electric utility. All objections to the
6 electric utility's plan shall be specific, supported by
7 data or other detailed analyses. The electric utility may
8 file a response to any objections to its procurement plan
9 within 7 days after the date objections are due to be
10 filed. Within 7 days after the date the utility's response
11 is due, the Commission shall determine whether a hearing is
12 necessary. If it determines that a hearing is necessary, it
13 shall require the hearing to be completed and issue an
14 order on the procurement plan within 60 days after the
15 filing of the procurement plan by the electric utility.

16 (ii) The order shall approve or modify the procurement
17 plan, approve an independent procurement administrator,
18 and approve or modify the electric utility's tariffs that
19 are proposed with the initial procurement plan. The
20 Commission shall approve the procurement plan if the
21 Commission determines that it will ensure adequate,
22 reliable, affordable, efficient, and environmentally
23 sustainable electric service at the lowest total cost over
24 time, taking into account any benefits of price stability.

25 (k) In order to promote price stability for residential and
26 small commercial customers during the transition to

1 competition in Illinois, and notwithstanding any other
2 provision of this Act, each electric utility subject to this
3 Section shall enter into one or more multi-year financial swap
4 contracts that become effective on the effective date of this
5 amendatory Act. These contracts may be executed with generators
6 and power marketers, including affiliated interests of the
7 electric utility. These contracts shall be for a term of no
8 more than 5 years and shall, for each respective utility or for
9 any Illinois electric utilities that are affiliated by virtue
10 of a common parent company and that are thereby considered a
11 single electric utility for purposes of this subsection (k),
12 not exceed in the aggregate 3,000 megawatts for any hour of the
13 year. The contracts shall be financial contracts and not energy
14 sales contracts. The contracts shall be executed as
15 transactions under a negotiated master agreement based on the
16 form of master agreement for financial swap contracts sponsored
17 by the International Swaps and Derivatives Association, Inc.
18 and shall be considered pre-existing contracts in the
19 utilities' procurement plans for residential and small
20 commercial customers. Costs incurred pursuant to a contract
21 authorized by this subsection (k) shall be deemed prudently
22 incurred and reasonable in amount and the electric utility
23 shall be entitled to full cost recovery pursuant to the tariffs
24 filed with the Commission.

25 (1) An electric utility shall recover its costs of
26 procuring power and energy under this Section. The utility

1 shall file with the initial procurement plan its proposed
2 tariffs through which its costs of procuring power that are
3 incurred pursuant to a Commission-approved procurement plan
4 and those other costs identified in this subsection (1), will
5 be recovered. The tariffs shall include a formula rate or
6 charge designed to pass through both the costs incurred by the
7 utility in procuring a supply of electric power and energy for
8 the applicable customer classes with no mark-up or return on
9 the price paid by the utility for that supply, plus any just
10 and reasonable costs that the utility incurs in arranging and
11 providing for the supply of electric power and energy. The
12 formula rate or charge shall also contain provisions that
13 ensure that its application does not result in over or under
14 recovery due to changes in customer usage and demand patterns,
15 and that provide for the correction, on at least an annual
16 basis, of any accounting errors that may occur. A utility shall
17 recover through the tariff all reasonable costs incurred to
18 implement or comply with any procurement plan that is developed
19 and put into effect pursuant to Section 1-75 of the Illinois
20 Power Agency Act and this Section, including any fees assessed
21 by the Illinois Power Agency, costs associated with load
22 balancing, and contingency plan costs. The electric utility
23 shall also recover its full costs of procuring electric supply
24 for which it contracted before the effective date of this
25 Section in conjunction with the provision of full requirements
26 service under fixed-price bundled service tariffs subsequent

1 to December 31, 2006. All such costs shall be deemed to have
2 been prudently incurred. The pass-through tariffs that are
3 filed and approved pursuant to this Section shall not be
4 subject to review under, or in any way limited by, Section
5 16-111(i) of this Act.

6 (m) The Commission has the authority to adopt rules to
7 carry out the provisions of this Section. For the public
8 interest, safety, and welfare, the Commission also has
9 authority to adopt rules to carry out the provisions of this
10 Section on an emergency basis immediately following the
11 effective date of this amendatory Act.

12 (n) Notwithstanding any other provision of this Act, any
13 affiliated electric utilities that submit a single procurement
14 plan covering their combined needs may procure for those
15 combined needs in conjunction with that plan, and may enter
16 jointly into power supply contracts, purchases, and other
17 procurement arrangements, and allocate capacity and energy and
18 cost responsibility therefor among themselves in proportion to
19 their requirements.

20 (o) On or before June 1 of each year, the Commission shall
21 hold an informal hearing for the purpose of receiving comments
22 on the prior year's procurement process and any recommendations
23 for change.

24 (p) An electric utility subject to this Section may propose
25 to invest, lease, own, or operate an electric generation
26 facility as part of its procurement plan, provided the utility

1 demonstrates that such facility is the least-cost option to
2 provide electric service to eligible retail customers. If the
3 facility is shown to be the least-cost option and is included
4 in a procurement plan prepared in accordance with Section 1-75
5 of the Illinois Power Agency Act and this Section, then the
6 electric utility shall make a filing pursuant to Section 8-406
7 of the Act, and may request of the Commission any statutory
8 relief required thereunder. If the Commission grants all of the
9 necessary approvals for the proposed facility, such supply
10 shall thereafter be considered as a pre-existing contract under
11 subsection (b) of this Section. The Commission shall in any
12 order approving a proposal under this subsection specify how
13 the utility will recover the prudently incurred costs of
14 investing in, leasing, owning, or operating such generation
15 facility through just and reasonable rates charged to eligible
16 retail customers. Cost recovery for facilities included in the
17 utility's procurement plan pursuant to this subsection shall
18 not be subject to review under or in any way limited by the
19 provisions of Section 16-111(i) of this Act. Nothing in this
20 Section is intended to prohibit a utility from filing for a
21 fuel adjustment clause as is otherwise permitted under Section
22 9-220 of this Act.

23 (q) Notwithstanding any other rulemaking authority that
24 may exist, neither the Governor nor any agency or agency head
25 under the jurisdiction of the Governor has any authority to
26 make or promulgate rules to implement or enforce the provisions

1 of this amendatory Act of the 95th General Assembly. If,
2 however, the Governor believes that rules are necessary to
3 implement or enforce the provisions of this amendatory Act of
4 the 95th General Assembly, the Governor may suggest rules to
5 the General Assembly by filing them with the Clerk of the House
6 and the Secretary of the Senate and by requesting that the
7 General Assembly authorize such rulemaking by law, enact those
8 suggested rules into law, or take any other appropriate action
9 in the General Assembly's discretion. Nothing contained in this
10 amendatory Act of the 95th General Assembly shall be
11 interpreted to grant rulemaking authority under any other
12 Illinois statute where such authority is not otherwise
13 explicitly given. For the purposes of this amendatory Act of
14 the 95th General Assembly, "rules" is given the meaning
15 contained in Section 1-70 of the Illinois Administrative
16 Procedure Act, and "agency" and "agency head" are given the
17 meanings contained in Sections 1-20 and 1-25 of the Illinois
18 Administrative Procedure Act to the extent that such
19 definitions apply to agencies or agency heads under the
20 jurisdiction of the Governor.

21 (Source: P.A. 95-481, eff. 8-28-07.)

22 Section 99. Effective date. This Act takes effect upon
23 becoming law."