

1 AN ACT concerning local government.

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

4 Section 5. The River Edge Redevelopment Zone Act is amended
5 by adding Section 10-10.1 as follows:

6 (65 ILCS 115/10-10.1 new)

7 Sec. 10-10.1. Utility facilities.

8 (a) It is in the public interest that costs for
9 redevelopment in a River Edge Redevelopment Zone impacting a
10 public utility, as defined by Section 3-105 of the Public
11 Utilities Act, or a public utility's property, as described in
12 subsection (b) of this Section, should not be allocated solely
13 to the entity engaging in economic redevelopment because this
14 economic redevelopment benefits the utility service territory
15 as a whole and not just the particular area where the
16 redevelopment occurs.

17 (b) A public utility that has facilities or land affected
18 by the clean-up, remediation, and redevelopment of a River Edge
19 Redevelopment Zone and that incurs costs related to the
20 remediation or the removing or relocating of utility facilities
21 in the River Edge Redevelopment Zone may recover these costs
22 pursuant to subsections (c) and (d) of this Section.

23 (c) The reasonable and prudent costs incurred by a public

1 utility for facility removal or relocation described in
2 subsection (b) of this Section shall be shared equally among
3 the public utility, the municipality in which the facility is
4 located, and any landowner that is located within 100 feet of
5 the utility facility and that directly benefits from the
6 removal or relocation of the utility facility or the
7 redevelopment of the public utility's land. In no event shall
8 the costs incurred by each municipality or landowner for a
9 given project exceed an equal percentage of the total direct,
10 indirect, and overhead project costs, or \$3,667,000 each,
11 whichever amount is less. The reasonable and prudent costs
12 incurred by the public utility for facility removal or
13 relocation that are not the responsibility of the municipality
14 or landowner under this subsection (c) shall be recovered by
15 the public utility from all retail customers located in the
16 municipality or municipalities in which the removal or
17 relocation occurs through an appropriate tariff mechanism, and
18 the public utility may record and defer such costs as a
19 regulatory asset until they are so recovered.

20 (d) The Illinois Commerce Commission shall allow a public
21 utility described in subsection (b) to fully recover from all
22 retail customers in its service territory all reasonable and
23 prudent costs that it incurs in conducting environmental
24 remediation in the River Edge Redevelopment Zone related to the
25 removal or relocation of utility facilities in the River Edge
26 Redevelopment Zone, including, but not limited to,

1 transmission and distribution lines, transformers, and poles.
2 These environmental remediation costs also include, but are not
3 limited to, direct, indirect, and overhead costs calculated by
4 the public utility for taxes or other charges, cost adjustments
5 made after the project has begun, and any other environmental
6 remediation-related charges. The public utility shall record
7 and defer such costs as a regulatory asset to be included in
8 the public utility's total rate base and amortized in the
9 public utility's next filing for a general increase in rates
10 over a reasonable period that is shorter than the life of the
11 affected facility or facilities. Such regulatory assets shall
12 be collected from all residential and commercial ratepayers
13 system-wide, and not only from ratepayers in the municipality's
14 corporate limits. In the event the River Edge Redevelopment
15 Zone is decertified, the public utility shall be permitted to
16 recover all reasonable and prudent costs incurred as of the
17 date of the decertification, as well as all reasonable and
18 prudent costs incurred subsequent to decertification that are
19 necessary to complete any projects commenced while the River
20 Edge Redevelopment Zone was certified, consistent with this
21 Section.

22 (e) This Section is repealed 7 years after the effective
23 date of this amendatory Act of the 96th General Assembly.

24 Section 99. Effective date. This Act takes effect upon
25 becoming law.