

1 AN ACT concerning veterans.

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 8-206 as follows:

6 (220 ILCS 5/8-206) (from Ch. 111 2/3, par. 8-206)

7 Sec. 8-206. Winter termination for nonpayment.

8 (a) Notwithstanding any other provision of this Act, no  
9 electric or gas public utility shall disconnect service to any  
10 residential customer or mastermeters apartment building for  
11 nonpayment of a bill or deposit where gas or electricity is  
12 used as the primary source of space heating or is used to  
13 control or operate the primary source of space heating  
14 equipment at the premises during the period of time from  
15 December 1 through and including March 31 of the immediately  
16 succeeding calendar year, unless:

17 (1) The utility (i) has offered the customer a deferred  
18 payment arrangement allowing for payment of past due  
19 amounts over a period of not less than 4 months not to  
20 extend beyond the following November and the option to  
21 enter into a levelized payment plan for the payment of  
22 future bills. The maximum down payment requirements shall  
23 not exceed 10% of the amount past due and owing at the time

1 of entering into the agreement; and (ii) has provided the  
2 customer with the names, addresses and telephone numbers of  
3 governmental and private agencies which may provide  
4 assistance to customers of public utilities in paying their  
5 utility bills; the utility shall obtain the approval of an  
6 agency before placing the name of that agency on any list  
7 which will be used to provide such information to  
8 customers;

9 (2) The customer has refused or failed to enter into a  
10 deferred payment arrangement as described in paragraph (1)  
11 of this subsection (a); and

12 (3) All notice requirements as provided by law and  
13 rules or regulations of the Commission have been met.

14 (b) Prior to termination of service for any residential  
15 customer or mastermeters apartment building during the period  
16 from December 1 through and including March 31 of the  
17 immediately succeeding calendar year, all electric and gas  
18 public utilities shall, in addition to all other notices:

19 (1) Notify the customer or an adult residing at the  
20 customer's premises by telephone, a personal visit to the  
21 customer's premises or by first class mail, informing the  
22 customer that:

23 (i) the customer's account is in arrears and the  
24 customer's service is subject to termination for  
25 nonpayment of a bill;

26 (ii) the customer can avoid disconnection of

1 service by entering into a deferred payment agreement  
2 to pay past due amounts over a period not to extend  
3 beyond the following November and the customer has the  
4 option to enter into a levelized payment plan for the  
5 payment of future bills;

6 (iii) the customer may apply for any available  
7 assistance to aid in the payment of utility bills from  
8 any governmental or private agencies from the list of  
9 such agencies provided to the customer by the utility.

10 Provided, however, that a public utility shall be  
11 required to make only one such contact with the customer  
12 during any such period from December 1 through and  
13 including March 31 of the immediately succeeding calendar  
14 year.

15 (2) Each public utility shall maintain records which  
16 shall include, but not necessarily be limited to, the  
17 manner by which the customer was notified and the time,  
18 date and manner by which any prior but unsuccessful  
19 attempts to contact were made. These records shall also  
20 describe the terms of the deferred payment arrangements  
21 offered to the customer and those entered into by the  
22 utility and customers. These records shall indicate the  
23 total amount past due, the down payment, the amount  
24 remaining to be paid and the number of months allowed to  
25 pay the outstanding balance. No public utility shall be  
26 required to retain records pertaining to unsuccessful

1 attempts to contact or deferred payment arrangements  
2 rejected by the customer after such customer has entered  
3 into a deferred payment arrangement with such utility.

4 (c) No public utility shall disconnect service for  
5 nonpayment of a bill until the lapse of 6 business days after  
6 making the notification required by paragraph (1) of subsection  
7 (b) so as to allow the customer an opportunity to:

8 (1) Enter into a deferred payment arrangement and the  
9 option to enter into a levelized payment plan for the  
10 payment of future bills.

11 (2) Contact a governmental or private agency that may  
12 provide assistance to customers for the payment of public  
13 utility bills.

14 (d) Any residential customer who enters into a deferred  
15 payment arrangement pursuant to this Act, and subsequently  
16 during that period of time set forth in subsection (a) becomes  
17 subject to termination, shall be given notice as required by  
18 law and any rule or regulation of the Commission prior to  
19 termination of service.

20 (e) During that time period set forth in subsection (a), a  
21 utility shall not require a down payment for a deposit from a  
22 residential customer in excess of 20% of the total deposit  
23 requested. An additional 4 months shall be allowed to pay the  
24 remainder of the deposit. This provision shall not apply to  
25 mastermetered apartment buildings or other nonresidential  
26 customers.

1           (f) During that period of time set forth in subsection (a),  
2 no utility may refuse to offer a deferred payment agreement to  
3 a residential customer who has defaulted on such an agreement  
4 within the past 12 months. However, no utility shall be  
5 required to enter into more than one deferred payment  
6 arrangement under this Section with any residential customer or  
7 mastermetered apartment building during the period from  
8 December 1 through and including March 31 of the immediately  
9 succeeding calendar year.

10           (g) In order to enable customers to take advantage of  
11 energy assistance programs, customers who can demonstrate that  
12 their applications for a local, state or federal energy  
13 assistance program have been approved may request that the  
14 amount they will be entitled to receive as a regular energy  
15 assistance payment be deducted and set aside from the amount  
16 past due on which they make deferred payment arrangements.  
17 Payment on the set-aside amount shall be credited when the  
18 energy assistance voucher or check is received, according to  
19 the utility's common business practice.

20           (h) In no event shall any utility send a final notice to  
21 any customer who has entered into a current deferred payment  
22 agreement and has not defaulted on that deferred payment  
23 agreement, unless the final notice pertains to a deposit  
24 request.

25           (i) Each utility shall include with each disconnection  
26 notice sent during the period for December 1 through and

1 including March 31 of the immediately succeeding calendar year  
2 to a residential customer an insert explaining the above  
3 provisions and providing a telephone number of the utility  
4 company which the consumer may call to receive further  
5 information.

6 (j) Each utility shall file with the Commission prior to  
7 December 1 of each year a plan detailing the implementation of  
8 this Section. This plan shall contain, but not be limited to:

9 (1) a description of the methods to be used to notify  
10 residential customers as required in this Section,  
11 including the forms of written and oral notices which shall  
12 be required to include all the information contained in  
13 subsection (b) of this Section.

14 (2) a listing of the names, addresses and telephone  
15 numbers of governmental and private agencies which may  
16 provide assistance to residential customers in paying  
17 their utility bills.

18 (3) the program of employee education and information  
19 which shall be used by the company in the implementation of  
20 this Section.

21 (4) a description of methods to be utilized to inform  
22 residential customers of those governmental and private  
23 agencies and current and planned methods of cooperation  
24 with those agencies to identify the customers who qualify  
25 for assistance in paying their utility bills.

26 A utility which has a plan on file with the Commission need

1 not resubmit a new plan each year. However, any alteration of  
2 the plan on file must be submitted and approved prior to  
3 December 1 of any year.

4 All plans are subject to review and approval by the  
5 Commission. The Commission may direct a utility to alter its  
6 plan to comply with the requirements of this Section.

7 (k) Notwithstanding any other provision of this Act, no  
8 electric or gas public utility shall disconnect service to any  
9 residential customer who is a participant under Section 6 of  
10 the Energy Assistance Act for nonpayment of a bill or deposit  
11 where gas or electricity is used as the primary source of space  
12 heating or is used to control or operate the primary source of  
13 space heating equipment at the premises during the period of  
14 time from December 1 through and including March 31 of the  
15 immediately succeeding calendar year.

16 (l) Notwithstanding any other provision of this Act, no  
17 electric or gas public utility shall disconnect service to any  
18 residential customer who has notified the utility that he or  
19 she is a service member or veteran for nonpayment of a bill or  
20 deposit where gas or electricity is used as the primary source  
21 of space heating or is used to control or operate the primary  
22 source of space heating equipment at the premises during the  
23 period of time from December 1 through and including March 31  
24 of the immediately succeeding calendar year.

25 (Source: P.A. 95-331, eff. 8-21-07; 95-876, eff. 8-21-08.)