

SB3766



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

SB3766

Introduced 2/10/2012, by Sen. Don Harmon

SYNOPSIS AS INTRODUCED:

220 ILCS 5/16-120

Amends the Public Utilities Act. Provides that beginning in 2012, the Illinois Commerce Commission shall require the Office of Retail Market Development to prepare a report regarding the development of competitive natural gas markets and the value of municipal aggregation in the natural gas market with a comparison of the development of the municipal aggregation of electricity customers. Provides that the Commission may request and utilities and alternative gas retail suppliers shall provide the data as requested by the Commission. Provides that the report shall be completed by April 1, 2013 and shall be filed with the Joint Committee on Legislative Support Services of the General Assembly and the Governor and shall be publicly available. Effective immediately.

LRB097 19347 CEL 64596 b

A BILL FOR

1 AN ACT concerning public utilities.

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 16-120 as follows:

6 (220 ILCS 5/16-120)

7 Sec. 16-120. Development of competitive market; Commission
8 study and reports; investigation.

9 (a) On or before December 31, 1999 and once every 3 years
10 thereafter, the Commission shall monitor and analyze patterns
11 of entry and exit, applications for entry and exit, and any
12 barriers to entry or participation that may exist, for services
13 provided under this Article; shall analyze any impediments to
14 the establishment of a fully competitive energy and power
15 market in Illinois; and shall include its findings together
16 with appropriate recommendations for legislative action in a
17 report to the General Assembly.

18 (b) Beginning in 2001, and ending in 2006, the Commission
19 shall prepare an annual report regarding the development of
20 electricity markets in Illinois which shall be filed by April 1
21 of each year with the Joint Committee on Legislative Support
22 Services of the General Assembly and the Governor and which
23 shall be publicly available. Such report shall include, at a

1 minimum, the following information:

2 (1) the aggregate annual peak demand of retail
3 customers in the State of Illinois in the preceding
4 calendar year;

5 (2) the total annual kilowatt-hours delivered and sold
6 to retail customers in the State of Illinois by each
7 electric utility within its own service territory, each
8 electric utility outside its service territory, and
9 alternative retail electric suppliers in the preceding
10 calendar year;

11 (3) the percentage of the total kilowatt-hours
12 delivered and sold to retail customers in the State of
13 Illinois in the preceding calendar year by each electric
14 utility within its service territory, each electric
15 utility outside its service territory, and each
16 alternative retail electric supplier; and

17 (4) any other information the Commission considers
18 significant in assessing the development of Illinois
19 electricity markets, which may include, to the extent
20 available, information similar to that described in items
21 1, 2 and 3 with respect to cogeneration, self-generation
22 and other sources of electric power and energy provided to
23 customers that do not take delivery services or bundled
24 electric utility services.

25 The Commission may also include such other information as
26 it deems to be necessary or beneficial in describing or

1 explaining the results of its Report. The Report required by
2 this Section shall be adopted by a vote of the full Commission
3 prior to filing. Proprietary or confidential information shall
4 not be disclosed publicly. Nothing contained in this Section
5 shall prohibit the Commission from taking actions that would
6 otherwise be allowed under this Act.

7 (c) The Commission shall prepare a report on the value of
8 municipal aggregation of electricity customers. The report
9 shall be filed with the General Assembly and the Governor no
10 later than January 15, 2003 and shall be publicly available.
11 The report shall, at a minimum, include:

12 (1) a description and analysis of actual and potential
13 forms of aggregation of electricity customers in Illinois
14 and in the other states, including aggregation through
15 municipal, affinity, and other organizations and through
16 aggregation of consumer purchases of electricity from
17 renewable energy sources;

18 (2) estimates of the potential benefits of municipal
19 aggregation to Illinois electricity customers in at least 5
20 specific municipal examples comparing their costs under
21 bundled rates and unbundled rates, including real-time
22 prices;

23 (3) a description of the barriers to municipal and
24 other forms of aggregation in Illinois, including legal,
25 economic, informational, and other barriers; and

26 (4) options for legislative action to foster municipal

1 and other forms of aggregation of electricity customers.

2 Beginning in 2012, the Commission shall require the Office
3 of Retail Market Development to prepare a report regarding the
4 development of competitive natural gas markets and the value of
5 municipal aggregation in the natural gas market with a
6 comparison of the development of the municipal aggregation of
7 electricity customers. The Commission may request and
8 utilities and alternative gas retail suppliers shall provide
9 the data as requested by the Commission. The report shall be
10 completed by April 1, 2013 and shall be filed with the Joint
11 Committee on Legislative Support Services of the General
12 Assembly and the Governor and shall be publicly available.

13 In preparing the report, the Commission shall consult with
14 persons involved in aggregation or the study of aggregation of
15 electricity customers in Illinois, including municipalities,
16 utilities, aggregators, and non-profit organizations. The
17 provisions of Section 16-122 notwithstanding, the Commission
18 may request and utilities shall provide such aggregated load
19 data as may be necessary to perform the analyses required by
20 this subsection; provided, however, proprietary or
21 confidential information shall not be disclosed publicly.

22 (Source: P.A. 92-585, eff. 6-26-02.)

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