

1 AN ACT concerning 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 4-304 as follows:

6 (220 ILCS 5/4-304) (from Ch. 111 2/3, par. 4-304)

7 Sec. 4-304. Beginning in 1986, the Commission shall prepare
8 an annual report which shall be filed by January 31 of each
9 year with the Joint Committee on Legislative Support Services
10 of the General Assembly, ~~the Public Counsel~~ and the Governor
11 and which shall be publicly available. Such report shall
12 include:

13 (1) A general review of agency activities and changes,
14 including:

15 (a) a review of significant decisions and other
16 regulatory actions for the preceding year, and pending
17 cases, and an analysis of the impact of such decisions and
18 actions, and potential impact of any significant pending
19 cases;

20 (b) for each significant decision, regulatory action
21 and pending case, a description of the positions advocated
22 by major parties, including Commission staff, and for each
23 such decision rendered or action taken, the position

1 adopted by the Commission and reason therefor;

2 (c) a description of the Commission's budget,
3 caseload, and staff levels, including specifically:

4 (i) a breakdown by type of case of the cases
5 resolved and filed during the year and of pending
6 cases;

7 (ii) a description of the allocation of the
8 Commission's budget, identifying amounts budgeted for
9 each significant regulatory function or activity and
10 for each department, bureau, section, division or
11 office of the Commission and its employees;

12 (iii) a description of current employee levels,
13 identifying any change occurring during the year in the
14 number of employees, personnel policies and practices
15 or compensation levels; and identifying the number and
16 type of employees assigned to each Commission
17 regulatory function and to each department, bureau,
18 section, division or office of the Commission;

19 (d) a description of any significant changes in
20 Commission policies, programs or practices with respect to
21 agency organization and administration, hearings and
22 procedures or substantive regulatory activity.

23 (2) A discussion and analysis of the state of each utility
24 industry regulated by the Commission and significant changes,
25 trends and developments therein, including the number and types
26 of firms offering each utility service, existing, new and

1 prospective technologies, variations in the quality,
2 availability and price for utility services in different
3 geographic areas of the State, and any other industry factors
4 or circumstances which may affect the public interest or the
5 regulation of such industries.

6 (3) A specific discussion of the energy planning
7 responsibilities and activities of the Commission and energy
8 utilities, including:

9 (a) the extent to which conservation, cogeneration,
10 renewable energy technologies and improvements in energy
11 efficiency are being utilized by energy consumers, the
12 extent to which additional potential exists for the
13 economical utilization of such supplies, and a description
14 of existing and proposed programs and policies designed to
15 promote and encourage such utilization;

16 (b) a description of each energy plan filed with the
17 Commission pursuant to the provisions of this Act, and a
18 copy, or detailed summary of the most recent energy plans
19 adopted by the Commission; ~~and~~

20 (c) a discussion of the powers by which the Commission
21 is implementing the planning responsibilities of Article
22 VIII, including a description of the staff and budget
23 assigned to such function, the procedures by which
24 Commission staff reviews and analyzes energy plans
25 submitted by the utilities, the Department of Natural
26 Resources, and any other person or party; and =

1 (d) a summary of the adoption of solar photovoltaic
2 systems by residential and small business consumers in
3 Illinois and a description of any and all barriers to
4 residential and small business consumers' financing,
5 installation, and valuation of energy produced by solar
6 photovoltaic systems; electric utilities, alternative
7 retail electric suppliers, and installers of distributed
8 generation shall provide all information requested by the
9 Commission or its staff necessary to complete the analysis
10 required by this paragraph (d).

11 (4) A discussion of the extent to which utility services
12 are available to all Illinois citizens including:

13 (a) the percentage and number of persons or households
14 requiring each such service who are not receiving such
15 service, and the reasons therefore, including specifically
16 the number of such persons or households who are unable to
17 afford such service;

18 (b) a critical analysis of existing programs designed
19 to promote and preserve the availability and affordability
20 of utility services; and

21 (c) an analysis of the financial impact on utilities
22 and other ratepayers of the inability of some customers or
23 potential customers to afford utility service, including
24 the number of service disconnections and reconnections,
25 and cost thereof and the dollar amount of uncollectible
26 accounts recovered through rates.

1 (5) A detailed description of the means by which the
2 Commission is implementing its new statutory responsibilities
3 under this Act, and the status of such implementation,
4 including specifically:

5 (a) Commission reorganization resulting from the
6 addition of an Executive Director and hearing examiner
7 qualifications and review;

8 (b) Commission responsibilities for construction and
9 rate supervision, including construction cost audits,
10 management audits, excess capacity adjustments, phase-ins
11 of new plant and the means and capability for monitoring
12 and reevaluating existing or future construction projects;

13 (c) promulgation and application of rules concerning
14 ex parte communications, circulation of recommended orders
15 and transcription of closed meetings.

16 (6) A description of all appeals taken from Commission
17 orders, findings or decisions and the status and outcome of
18 such appeals.

19 (7) A description of the status of all studies and
20 investigations required by this Act, including those ordered
21 pursuant to Sections 8-304, 9-242, 9-244 and 13-301 and all
22 such subsequently ordered studies or investigations.

23 (8) A discussion of new or potential developments in
24 federal legislation, and federal agency and judicial decisions
25 relevant to State regulation of utility services.

26 (9) All recommendations for appropriate legislative action

1 by the General Assembly.

2 The Commission may include such other information as it
3 deems to be necessary or beneficial in describing or explaining
4 its activities or regulatory responsibilities. The report
5 required by this Section shall be adopted by a vote of the full
6 Commission prior to filing.

7 (Source: P.A. 91-357, eff. 7-29-99.)

8 Section 10. If and only if House Bill 3766 of the 99th
9 General Assembly becomes law in the form in which it passed
10 both houses on May 26, 2015, then the Public Utilities Act is
11 amended by changing Section 16-119 as follows:

12 (220 ILCS 5/16-119)

13 Sec. 16-119. Switching suppliers. An electric utility or an
14 alternative retail electric supplier may establish a term of
15 service, notice period for terminating service and provisions
16 governing early termination through a tariff or contract. A
17 customer may change its supplier subject to tariff or contract
18 terms and conditions. Any notice provisions; or provision for a
19 fee, charge or penalty with early termination of a contract;
20 shall be conspicuously disclosed in any tariff or contract. Any
21 tariff filed or contract renewed or entered into on and after
22 the effective date of this amendatory Act of the 99th General
23 Assembly that contains an early termination clause shall
24 disclose the amount of the early termination fee or penalty,

1 provided that any early termination fee or penalty shall not
2 exceed \$50 total for residential customers and \$150 for small
3 commercial retail customers as defined in Section 16-102 of
4 this Act, regardless of whether or not the tariff or contract
5 is a multiyear tariff or contract. A customer shall remain
6 responsible for any unpaid charges owed to an electric utility
7 or alternative retail electric supplier at the time it switches
8 to another provider.

9 The caps on early termination fees and penalties under this
10 Section shall apply only to early termination fees and
11 penalties for early termination of electric service. The caps
12 shall not apply to charges or fees for devices, equipment, or
13 other services provided by the utility or alternative retail
14 electric supplier.

15 (Source: P.A. 90-561, eff. 12-16-97; 09900HB3766enr.)

16 Section 99. Effective date. This Section takes effect upon
17 becoming law. Section 10 takes effect upon becoming law or on
18 the date House Bill 3766 of the 99th General Assembly takes
19 effect, whichever is later.