

1 AN ACT in relation to energy assistance.

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

4 Section 5. The Energy Assistance Act of 1989 is amended
5 by changing Section 13 as follows:

6 (305 ILCS 20/13)

7 Sec. 13. Supplemental Low-Income Energy Assistance Fund.

8 (a) The Supplemental Low-Income Energy Assistance Fund
9 is hereby created as a special fund in the State Treasury.
10 The Supplemental Low-Income Energy Assistance Fund is
11 authorized to receive, by statutory deposit, the moneys
12 collected pursuant to this Section. Subject to
13 appropriation, the Department shall use moneys from the
14 Supplemental Low-Income Energy Assistance Fund for payments
15 to electric or gas public utilities, municipal electric or
16 gas utilities, and electric cooperatives on behalf of their
17 customers who are participants in the program authorized by
18 Section 4 of this Act, for the provision of weatherization
19 services and for administration of the Supplemental
20 Low-Income Energy Assistance Fund. The yearly expenditures
21 for weatherization may not exceed 10% of the amount collected
22 during the year pursuant to this Section. In determining
23 which customers will participate in the weatherization
24 component, the Department shall target weatherization for
25 those customers with the greatest energy burden, that is the
26 lowest income and greatest utility bills. The yearly
27 administrative expenses of the Supplemental Low-Income Energy
28 Assistance Fund may not exceed 10% of the amount collected
29 during that year pursuant to this Section.

30 (b) Notwithstanding the provisions of Section 16-111 of
31 the Public Utilities Act but subject to subsection (k) of

1 this Section, each public utility, electric cooperative, as
2 defined in Section 3.4 of the Electric Supplier Act, and
3 municipal utility, as referenced in Section 3-105 of the
4 Public Utilities Act, that is engaged in the delivery of
5 electricity or the distribution of natural gas within the
6 State of Illinois shall, effective January 1, 1998, assess
7 each of its customer accounts a monthly Energy Assistance
8 Charge for the Supplemental Low-Income Energy Assistance
9 Fund. The delivering public utility, municipal electric or
10 gas utility, or electric or gas cooperative for a
11 self-assessing purchaser remains subject to the collection of
12 the fee imposed by this Section. The monthly charge shall be
13 as follows:

14 (1) \$0.40 per month on each account for residential
15 electric service;

16 (2) \$0.40 per month on each account for residential
17 gas service;

18 (3) \$4 per month on each account for
19 non-residential electric service which had less than 10
20 megawatts of peak demand during the previous calendar
21 year;

22 (4) \$4 per month on each account for
23 non-residential gas service which had distributed to it
24 less than 4,000,000 therms of gas during the previous
25 calendar year;

26 (5) \$300 per month on each account for
27 non-residential electric service which had 10 megawatts
28 or greater of peak demand during the previous calendar
29 year; and

30 (6) \$300 per month on each account for
31 non-residential gas service which had 4,000,000 or more
32 therms of gas distributed to it during the previous
33 calendar year.

34 (c) For purposes of this Section:

1 (1) "residential electric service" means electric
2 utility service for household purposes delivered to a
3 dwelling of 2 or fewer units which is billed under a
4 residential rate, or electric utility service for
5 household purposes delivered to a dwelling unit or units
6 which is billed under a residential rate and is
7 registered by a separate meter for each dwelling unit;

8 (2) "residential gas service" means gas utility
9 service for household purposes distributed to a dwelling
10 of 2 or fewer units which is billed under a residential
11 rate, or gas utility service for household purposes
12 distributed to a dwelling unit or units which is billed
13 under a residential rate and is registered by a separate
14 meter for each dwelling unit;

15 (3) "non-residential electric service" means
16 electric utility service which is not residential
17 electric service; and

18 (4) "non-residential gas service" means gas utility
19 service which is not residential gas service.

20 (d) At least 45 days prior to the date on which it must
21 begin assessing Energy Assistance Charges, each public
22 utility engaged in the delivery of electricity or the
23 distribution of natural gas shall file with the Illinois
24 Commerce Commission tariffs incorporating the Energy
25 Assistance Charge in other charges stated in such tariffs.

26 (e) The Energy Assistance Charge assessed by electric
27 and gas public utilities shall be considered a charge for
28 public utility service.

29 (f) By the 20th day of the month following the month in
30 which the charges imposed by the Section were collected, each
31 public utility, municipal utility, and electric cooperative
32 shall remit to the Department of Revenue all moneys received
33 as payment of the Energy Assistance Charge on a return
34 prescribed and furnished by the Department of Revenue showing

1 such information as the Department of Revenue may reasonably
2 require. If a customer makes a partial payment, a public
3 utility, municipal utility, or electric cooperative may elect
4 either: (i) to apply such partial payments first to amounts
5 owed to the utility or cooperative for its services and then
6 to payment for the Energy Assistance Charge or (ii) to apply
7 such partial payments on a pro-rata basis between amounts
8 owed to the utility or cooperative for its services and to
9 payment for the Energy Assistance Charge.

10 (g) The Department of Revenue shall deposit into the
11 Supplemental Low-Income Energy Assistance Fund all moneys
12 remitted to it in accordance with subsection (f) of this
13 Section.

14 (g-1) As soon as may be practical after the effective
15 date of this amendatory Act of the 92nd General Assembly, the
16 State Comptroller and State Treasurer shall transfer the sum
17 of \$10,300,000 from the General Revenue Fund to the
18 Supplemental Low-Income Energy Assistance Fund.

19 (h) If as of June 30, 2002 the program authorized by
20 Section 4 of this Act has not been replaced by a new energy
21 assistance program which is in operation, then the General
22 Assembly shall review the program; provided however, that
23 after that date, any public utility, municipal utility, or
24 electric cooperative shall continue to assess an Energy
25 Assistance Charge which was originally assessed on or before
26 June 30, 2002 and which remains unpaid.

27 On or before December 31, 2002, the Department shall
28 prepare a report for the General Assembly on the expenditure
29 of funds appropriated from the Low-Income Energy Assistance
30 Block Grant Fund for the program authorized under Section 4
31 of this Act.

32 (i) The Department of Revenue may establish such rules
33 as it deems necessary to implement this Section.

34 (j) The Department of Commerce and Community Affairs may

1 establish such rules as it deems necessary to implement this
2 Section.

3 (k) The charges imposed by this Section shall only apply
4 to customers of municipal electric or gas utilities and
5 electric or gas cooperatives if the municipal electric or gas
6 utility or electric or gas cooperative makes an affirmative
7 decision to impose the charge. If a municipal electric or
8 gas utility or an electric cooperative makes an affirmative
9 decision to impose the charge provided by this Section, the
10 municipal electric or gas utility or electric cooperative
11 shall inform the Department of Revenue in writing of such
12 decision when it begins to impose the charge. If a municipal
13 electric or gas utility or electric or gas cooperative does
14 not assess this charge, the Department may not use funds from
15 the Supplemental Low-Income Energy Assistance Fund to provide
16 benefits to its customers under the program authorized by
17 Section 4 of this Act.

18 (Source: P.A. 90-561, eff. 12-16-97; 90-624, eff. 7-10-98.)

19 Section 99. Effective date. This Act takes effect upon
20 becoming law.