



Sen. Donne E. Trotter

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1 AMENDMENT TO SENATE BILL 1585

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1585, AS AMENDED,  
3 with reference to page and line numbers of Senate Amendment No.  
4 3 as follows:

5 on page 16, line 1, by replacing "3,000,000" with "500,000";  
6 and

7 on page 16, line 8, after "State", by inserting "and for an  
8 electric utility that services 3,000,000 or less but more than  
9 500,000 customers in the State"; and

10 on page 19, line 21, by replacing "3,000,000" with "500,000";  
11 and

12 on page 20, line 18, after "State", by inserting "and for an  
13 electric utility that serves 3,000,000 or less but more than  
14 500,000 customers in the State"; and

1 on page 91, immediately below line 4, by inserting the  
2 following:

3 "(G) Notwithstanding any other provision of law to  
4 the contrary, a utility shall not be required to  
5 execute any contract pursuant to this subsection (d-5)  
6 unless at least one zero emission resource that is  
7 designated to receive compensation for zero emission  
8 credits is interconnected directly to the transmission  
9 system within the electrical balancing authority or  
10 zone established by the applicable regional  
11 transmission organization of the purchasing utility at  
12 the time of execution. All contracts executed pursuant  
13 to this subsection (d-5) shall explicitly permit  
14 termination in the event that any utility subject to  
15 this Section that is required to purchase zero emission  
16 credits no longer has any zero emission resources  
17 generating electricity within the electrical energy  
18 balancing authority or zone ascribed to the utility by  
19 a regional transmission organization. Termination of  
20 all contracts pursuant to subparagraph (F) of this  
21 subsection (d-5) and this subparagraph (G) shall  
22 become effective upon 90 days following notice of  
23 termination."; and

1 on page 91, line 5, by replacing "(G)" with "(H)"; and

2 on page 94, line 25, after "9-105,", by inserting "9-106,"; and

3 on page 96, line 5, by replacing "3,000,000" with "500,000";

4 and

5 on page 96, line 8, after "State", by inserting "and to  
6 electric utilities serving 3,000,000 or less but more than  
7 500,000 retail customers in the State"; and

8 on page 108, line 16, by replacing "expenses" with  
9 "expenditures"; and

10 on page 109, line 8, after "State", by inserting "and to  
11 electric utilities serving 3,000,000 or less but more than  
12 500,000 retail customers in the State"; and

13 on page 109, line 10, after "Section", by inserting "serving  
14 more than 3,000,000 retail customers in the State"; and

15 on page 111, line 17, after "utilities", by inserting "subject  
16 to this Section serving more than 3,000,000 retail customers in  
17 the State"; and

18 on page 112, immediately below line 24, by inserting the

1 following:

2 "(b-6) (1) For purposes of this Section, electric utilities  
3 subject to this Section serving 3,000,000 or less but more than  
4 500,000 retail customers in the State shall be deemed to have  
5 achieved a cumulative persisting annual savings of 6.6%, or  
6 2,435,400 MWhs for the year ending December 31, 2017, which is  
7 based on the deemed average weather normalized sales of  
8 electric power and energy during calendar years 2014, 2015, and  
9 2016 of 36,900,000 MWhs. The 36,900,000 MWhs of deemed electric  
10 power and energy sales shall also serve as the baseline value  
11 for calculating the cumulative persisting annual savings in  
12 paragraph (2) of this subsection. After 2017, the deemed value  
13 of cumulative persisting annual savings shall be reduced each  
14 year, as follows, and the applicable value shall be applied to  
15 and count toward the utility's achievement of the cumulative  
16 persisting annual savings goals set forth in paragraph (2) of  
17 this subsection:

18 (A) 5.8%, or 2,140,200 MWhs, deemed cumulative  
19 persisting annual savings for the year ending December  
20 31, 2018;

21 (B) 5.2%, or 1,918,800 MWhs, deemed cumulative  
22 persisting annual savings for the year ending December  
23 31, 2019;

24 (C) 4.5%, or 1,660,500 MWhs, deemed cumulative  
25 persisting annual savings for the year ending December

1           31, 2020;

2           (D) 4.0% or 1,476,000 MWhs, deemed cumulative  
3 persisting annual savings for the year ending December  
4 31, 2021;

5           (E) 3.5%, or 1,291,500 MWhs, deemed cumulative  
6 persisting annual savings for the year ending December  
7 31, 2022;

8           (F) 3.1%, or 1,143,900 MWhs, deemed cumulative  
9 persisting annual savings for the year ending December  
10 31, 2023;

11           (G) 2.8%, or 1,033,200 MWhs, deemed cumulative  
12 persisting annual savings for the year ending December  
13 31, 2024;

14           (H) 2.5%, or 922,500 MWhs, deemed cumulative  
15 persisting annual savings for the year ending December  
16 31, 2025;

17           (I) 2.3%, or 848,700 MWhs, deemed cumulative  
18 persisting annual savings for the year ending December  
19 31, 2026;

20           (J) 2.1%, or 774,900 MWhs, deemed cumulative  
21 persisting annual savings for the year ending December  
22 31, 2027;

23           (K) 1.8%, or 664,200 MWhs, deemed cumulative  
24 persisting annual savings for the year ending December  
25 31, 2028;

26           (L) 1.7%, or 627,300 MWhs, deemed cumulative

1 persisting annual savings for the year ending December  
2 31, 2029; and

3 (M) 1.5%, or 553,500 MWhs, deemed cumulative  
4 persisting annual savings for the year ending December  
5 31, 2030.

6 For purposes of this Section, "cumulative persisting  
7 annual savings" is the total electric energy savings in a  
8 given year from measures installed in that year or in  
9 previous years that are still operational and providing  
10 savings in that year because the measures have not yet  
11 reached the end of their useful lives.

12 (2) Beginning in 2018, electric utilities subject to  
13 this Section serving 3,000,000 or less but more than  
14 500,000 retail customers in the State shall achieve the  
15 following cumulative persisting annual savings goals, as  
16 modified by subsection (b-10) and subsection (f) of this  
17 Section and as compared to the deemed baseline of  
18 36,900,000 MWhs of electric power and energy sales set  
19 forth in paragraph (1) of this subsection (b-6), through  
20 the implementation of cost-effective energy efficiency  
21 measures during the applicable year and in prior years by  
22 the utility and, if applicable, the Department of Commerce  
23 and Economic Opportunity:

24 (A) 7.275% cumulative persisting annual savings  
25 for the year ending December 31, 2018;

26 (B) 7.95% cumulative persisting annual savings for

1 the year ending December 31, 2019;

2 (C) 8.625% cumulative persisting annual savings  
3 for the year ending December 31, 2020;

4 (D) 9.3% cumulative persisting annual savings for  
5 the year ending December 31, 2021;

6 (E) 9.975% cumulative persisting annual savings  
7 for the year ending December 31, 2022;

8 (F) 10.65% cumulative persisting annual savings  
9 for the year ending December 31, 2023;

10 (G) 11.325% cumulative persisting annual savings  
11 for the year ending December 31, 2024;

12 (H) 12% cumulative persisting annual savings for  
13 the year ending December 31, 2025;

14 (I) 12.6% cumulative persisting annual savings for  
15 the year ending December 31, 2026;

16 (J) 13.2% cumulative persisting annual savings for  
17 the year ending December 31, 2027;

18 (K) 13.8% cumulative persisting annual savings for  
19 the year ending December 31, 2028;

20 (L) 14.4% cumulative persisting annual savings for  
21 the year ending December 31, 2029; and

22 (M) 15% cumulative persisting annual savings for  
23 the year ending December 31, 2030."; and

24 on page 112, by replacing lines 25 and 26 with the following:

1       "(b-10) Each electric utility subject to this Section that  
2       serves more than 3,000,000 retail customers in the State and  
3       each electric utility subject to this Section that serves  
4       3,000,000 or less but more than 500,000 retail customers in the  
5       State shall include"; and

6       on page 113, by replacing lines 9 through 13 with the  
7       following:

8       "provisions of Article IX or Section 16-108.5 of this Act.

9       Within 270 days of the effective date of this amendatory  
10       Act of the 99th General Assembly, an electric utility that  
11       serves 3,000,000 retail customers or less but more than 500,000  
12       retail customers in the State shall file a plan with the  
13       Commission that identifies the cost-effective voltage  
14       optimization investment the electric utility plans to spend  
15       through December 31, 2024. The Commission, after hearing, shall  
16       approve or approve with modification the plan within 120 days  
17       of the filing of the plan and, in the Final Order approving or  
18       approving with modification the plan, the Commission shall  
19       adjust the applicable persistent cumulative savings goals set  
20       forth in paragraph (2) of subsection (b-6) to reflect any  
21       amount of cost-effective energy savings approved by the  
22       Commission that is greater than or less than the following  
23       cumulative persistent savings values attributable to voltage  
24       optimization for the applicable year:

- 1           (1) 0.0% of persistent savings in 2018;
- 2           (2) 0.17% of persistent savings in 2019;
- 3           (3) 0.17% of persistent savings in 2020;
- 4           (4) 0.33% of persistent savings in 2021;
- 5           (5) 0.5% of persistent savings in 2022;
- 6           (6) 0.67% of persistent savings in 2023;
- 7           (7) 0.83% of persistent savings in 2024; and
- 8           (8) 1.0% of persistent savings in 2025.

9           For purposes of this Section, the measure life of voltage  
10 optimization measures shall be 15 years. The measure life  
11 period is independent of the depreciation rate of the voltage  
12 optimization assets deployed."; and

13 on page 113, line 21, by replacing "(b)" with "(b-5) or (b-6)";  
14 and

15 on page 113, line 26, after the period, by inserting "An  
16 electric utility subject to this Section that serves 3,000,000  
17 retail customers or less but more than 500,000 retail customers  
18 in this State and that is affiliated with a gas utility subject  
19 to Section 8-104 of this Act may count the kWh equivalent of  
20 all natural gas savings in excess of the gas utility's  
21 Commission-approved natural gas savings goals, provided,  
22 however, that the maximum amount of the kWh equivalent counted  
23 towards the annual savings goals calculated pursuant to  
24 subsection (b-6) shall be 30%."; and

1 on page 114, line 2, after "(b-10)", by inserting "and an  
2 electric utility that is affiliated with a gas utility for  
3 purposes of paragraph (6) of subsection (f) of Section 8-104 of  
4 this Act may recover the costs of offering any dual fuel energy  
5 efficiency measures pursuant to this Section."; and

6 on page 114, line 5, after "8-104", by inserting "or not  
7 offered with an affiliated gas utility for purposes of  
8 paragraph (6) of subsection (f) of Section 8-104 of this Act  
9 pursuant to an integrated plan approved under this Section and  
10 Section 8-104 of this Act"; and

11 on page 114, by replacing line 15 with "implementation. For  
12 electric utilities that serve more than 3,000,000 retail  
13 customers a minimum of 10%, and for electric utilities that  
14 serve 3,000,000 or less but more than 500,000 retail customers  
15 a minimum of 7%, of the entire portfolio funding level"; and

16 on page 115, line 1, after "year", by inserting "for electric  
17 utilities that serve more than 3,000,000 retail customers and  
18 \$16,700,000 per year for electric utilities that serve  
19 3,000,000 or less but more than 500,000 retail customers"; and

20 on page 115, line 4, after "for", by inserting "electric  
21 utilities that serve more than 3,000,000 retail customers, and

1 9,766,081 kilowatt-hours per year for electric utilities that  
2 serve 3,000,000 or less but more than 500,000 retail customers  
3 for"; and

4 on page 116, line 16, by replacing "A" with "Notwithstanding  
5 any other provision of law to the contrary, a"; and

6 on page 116, line 18, after "recover", by inserting "all  
7 reasonable and prudently incurred"; and

8 on page 127, line 8, by replacing "expenses" with  
9 "expenditures"; and

10 on page 127, line 8, after "Section", by inserting ",  
11 including, but not limited to, any expenditures incurred above  
12 the funding level set by subsection (f) of this Section for a  
13 calendar year,"; and

14 on page 127, line 9, by replacing "expenses" with  
15 "expenditures"; and

16 on page 128, line 6, by replacing "subsection (b)" with  
17 "subsections (b) and (b-6)"; and

18 on page 129, line 11, after "Section", by inserting "or in  
19 subparagraphs (A) through (D) of paragraph (2) of subsection

1 (b-6) of this Section"; and

2 on page 129, line 19, after "Section", by inserting "or in  
3 subparagraphs (E) through (H) of paragraph (2) of subsection  
4 (b-6) of this Section"; and

5 on page 130, line 1, after "Section", by inserting "or in  
6 subparagraphs (I) through (M) of paragraph (2) of subsection  
7 (b-6) of this Section"; and

8 on page 130, immediately below line 8, by inserting the  
9 following:

10 "Notwithstanding the cumulative persisting annual savings  
11 goals specified in paragraph (2) of subsection (b-6), as  
12 modified by subsection (b-10) and subsection (f) of this  
13 Section, for an electric utility that serves 3,000,000 retail  
14 customers or less but more than 500,000 retail customers, the  
15 plan filed pursuant to this subsection (f) shall limit funding  
16 in each year of the plan such that the revenue requirement  
17 associated with the energy efficiency recovery mechanism set  
18 forth in subsection (d) does not exceed 15% of the electric  
19 utility's delivery services revenue requirement, including any  
20 reconciliation balance associated with the delivery services  
21 requirement, in effect on January 1 of the year of the filing  
22 of the plan with the Commission.

1       For purposes of this subsection (f), the revenue  
2 requirement associated with the energy efficiency recovery  
3 mechanism shall be the energy efficiency revenue requirement  
4 approved by the Commission pursuant to paragraph (3) of  
5 subsection (d) of this Section, including any over-collection  
6 or under-collection indicated by a reconciliation of a prior  
7 year and any interest applied as a result of such  
8 over-collection or under-collection."; and

9       on page 131, immediately below line 5, by inserting the  
10 following:

11       "For an electric utility that serves 3,000,000 or less but  
12 more than 500,000 retail customers, the Commission approved  
13 plan shall include funding levels that are consistent with the  
14 15% of the delivery services revenue requirement limitation set  
15 forth in this subsection (f)."; and

16       on page 135, line 1, by replacing "subsection (b) of" with  
17 "subsection (b) or (b-6) of this Section, as modified by the  
18 Commission pursuant to"; and

19       on page 135, line 13, by replacing "subsection (b) of" with  
20 "subsection (b) or (b-6) of this Section, as modified by the  
21 Commission pursuant to"; and

1 on page 136, immediately below line 3, by inserting the  
2 following:

3 "Notwithstanding subparagraph (A) and (B) of paragraph  
4 (2) of this subsection (g), an electric utility that serves  
5 3,000,000 retail customers or less but more than 500,000  
6 retail customers in the State that does not meet the  
7 cumulative persisting annual savings goal set forth in  
8 paragraph (2) of subsection (b-6) for a calendar year, but  
9 whose revenue requirement associated with the energy  
10 efficiency recovery mechanism in effect during the  
11 calendar year is in excess of 14.5% of the delivery  
12 services revenue requirement, including any reconciliation  
13 balance associated with the delivery services requirement,  
14 in effect on January 1 of the year of the filing of the  
15 plan with the Commission shall be deemed compliant with  
16 this Section and have an adjustment equal to zero made to  
17 its return on equity component of the utility's weighted  
18 average cost of capital calculated pursuant to subsection  
19 (d) for that calendar year."; and

20 on page 136, line 10, after "(b-5)", by inserting "or (b-6)";  
21 and

22 on page 139, line 12, by replacing "expenses" with  
23 "expenditures"; and

1 on page 166, by replacing lines 12 through 22 with the  
2 following:

3 "(220 ILCS 5/9-106 new)

4 Sec. 9-106. Revenue regulation. Beginning on January 1,  
5 2018, an electric utility that has a performance-based formula  
6 rate in effect pursuant to Section 16-108.5 of this Act shall  
7 be permitted to revise the formula rate and schedules to reduce  
8 the 50 basis point values to zero that would otherwise apply  
9 under paragraph (5) of subsection (c) of Section 16-108.5 of  
10 this Act. If the utility no longer has a performance-based  
11 formula rate in effect pursuant to Section 16-108.5 of this  
12 Act, then the utility shall be permitted to implement the  
13 revenue balancing adjustment tariff described in Section 9-107  
14 of this Act. Notwithstanding any provision of this Act to the  
15 contrary, to the extent the utility has not elected or is not  
16 yet eligible to recover its cost of providing delivery services  
17 pursuant to subsection (b) of Section 9-105, the limit on the  
18 amount of the delivery services revenue requirement that may be  
19 recovered from such customers through the customer charge  
20 defined in paragraph (1) of subsection (c) of Section 9-105  
21 shall apply beginning January 1, 2018, concurrent with the  
22 effective date of the revisions to the formula rate and  
23 schedules to reduce the 50 basis point values to zero that  
24 would have otherwise applied under paragraph (5) of subsection

1 (c) of Section 16-108.5 of this Act permitted by this  
2 Section."; and

3 on page 167, by replacing lines 14 and 15 with the following:

4 "(b) An electric utility that is authorized under Section  
5 9-106 of this Act to implement"; and

6 on page 207, by replacing lines 14 through 16, with the  
7 following:

8 "(i) Within 30 days of Commission approval, or approval on  
9 rehearing, whichever is later, of a tariff filed pursuant to  
10 subsection (b) of this Section, each electric utility with net  
11 metering customers on the effective date of this amendatory Act  
12 of the 99th General Assembly"; and

13 on page 220, immediately below line 1, by inserting the  
14 following:

15 "(l) A utility that has terminated any contract providing  
16 for the purchase of zero emissions credits pursuant to  
17 subsection (d-5) of Section 1-75 of the Illinois Power Agency  
18 Act shall be entitled to recover any remaining balance  
19 associated with the purchase of credits prior to termination  
20 and shall also be obligated to refund or credit to customers

1 any pending over-recoveries as applicable."