



Rep. Laura Faver Dias

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LRB104 17297 AAS 35663 a

1 AMENDMENT TO HOUSE BILL 4456

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 4456 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Public Utilities Act is amended by  
5 changing Section 9-241 as follows:

6 (220 ILCS 5/9-241) (from Ch. 111 2/3, par. 9-241)

7 Sec. 9-241. Nondiscrimination.

8 (a) No public utility shall, as to rates or other charges,  
9 services, facilities or in other respect, make or grant any  
10 preference or advantage to any corporation or person or  
11 subject any corporation or person to any prejudice or  
12 disadvantage. No public utility shall establish or maintain  
13 any unreasonable difference as to rates or other charges,  
14 services, facilities, or in any other respect, either as  
15 between localities or as between classes of service.

16 (b) An electric utility in a county with a population of

1 3,000,000 or more shall not establish or maintain any  
2 unreasonable difference as to rates or other charges,  
3 services, contractual terms, or facilities for access to or  
4 the use of its utility infrastructure by another person or for  
5 any other purpose. Notwithstanding any other provision of law,  
6 the Commission and its staff shall interpret this Section in  
7 accordance with Article XVI of this Act.

8 (c) Nothing in this Section shall be construed as limiting  
9 the authority of the Commission to permit the establishment of  
10 economic development rates as incentives to economic  
11 development either in enterprise zones as designated by the  
12 State of Illinois or in other areas of a utility's service  
13 area. Such rates should be available to existing businesses  
14 which demonstrate an increase to existing load as well as new  
15 businesses which create new load for a utility so as to create  
16 a more balanced utilization of generating capacity. The  
17 Commission shall ensure that such rates are established at a  
18 level which provides a net benefit to customers within a  
19 public utility's service area.

20 (d) On or before January 1, 2023, the Commission shall  
21 conduct a comprehensive study to assess whether low-income  
22 discount rates for electric and natural gas residential  
23 customers are appropriate and the potential design and  
24 implementation of any such rates. The Commission shall include  
25 its findings, together with the appropriate recommendations,  
26 in a report to be provided to the General Assembly. Upon

1 completion of the study, the Commission shall have the  
2 authority to permit or require electric and natural gas  
3 utilities to file a tariff establishing low-income discount  
4 rates.

5 Such study shall assess, at a minimum, the following:

6 (1) customer eligibility requirements, including  
7 income-based eligibility and eligibility based on  
8 participation in or eligibility for certain public  
9 assistance programs;

10 (2) appropriate rate structures, including  
11 consideration of tiered discounts for different income  
12 levels;

13 (3) appropriate recovery mechanisms, including the  
14 consideration of volumetric charges and customer charges;

15 (4) appropriate verification mechanisms;

16 (5) measures to ensure customer confidentiality and  
17 data safeguards;

18 (6) outreach and consumer education procedures; and

19 (7) the impact that a low-income discount rate would  
20 have on the affordability of delivery service to  
21 low-income customers and customers overall.

22 (d-5) For the purposes of this subsection (d-5),  
23 "qualifying customer" means a residential customer of a  
24 utility that has a low-income discount program for residential  
25 customers (i) who has been deemed eligible for assistance  
26 under the Low-Income Home Energy Assistance Program (LIHEAP)

1 or who receives energy assistance under the Energy Assistance  
2 Act and (ii) whose household income does not exceed 300% of the  
3 federal poverty level.

4 Notwithstanding the contents of the report required under  
5 subsection (d) and any other provision of this Act, the  
6 Commission may approve a low-income discount for electric and  
7 natural gas residential customers that applies to the entirety  
8 of a qualifying customer's bill, including, but not limited  
9 to, a qualifying customer's delivery service charges, energy  
10 supply charges, and any other applicable charges. The  
11 low-income discount under this subsection (d-5) shall not  
12 apply to, or otherwise reduce, any State or municipal taxes or  
13 any nonbypassable charge approved by the Commission or defined  
14 in a public utility's tariff and included in the qualifying  
15 customer's bill. An electric or natural gas utility may fund  
16 low-income discounts under this subsection (d-5) through a  
17 surcharge on both residential and non-residential customers'  
18 electric and natural gas bills.

19 Any public utility that does not have a low-income  
20 discount or that elects to implement a low-income discount  
21 that complies with the requirements of this subsection (d-5)  
22 on and after the effective date of this amendatory Act of the  
23 104th General Assembly shall, within 30 days after the  
24 effective date of this amendatory Act of the 104th General  
25 Assembly, file a new or amended tariff with the Commission to  
26 implement the new low-income discount or bring the utility's

1 low-income discount into compliance with this subsection  
2 (d-5). The Commission shall issue a final order approving, or  
3 approving with modifications aligning the tariff with the  
4 requirements of this subsection (d-5), the utility's tariff  
5 within 90 days after receipt of the utility's filing. The  
6 utility shall implement the changes necessary to put the  
7 approved low-income discount into effect no later than 12  
8 months after the issuance of the Commission's final order  
9 approving the low-income discount. If the utility needs more  
10 than 12 months to implement the necessary changes, the utility  
11 shall have, upon filing a notice with the Commission, an  
12 additional 12 months to implement the changes necessary to put  
13 the approved low-income discount into effect. Any tariff from  
14 a utility establishing a low-income discount that is in effect  
15 as of the effective date of this amendatory Act of the 104th  
16 General Assembly shall remain in effect until the utility  
17 implements an updated low-income discount that satisfies the  
18 requirements of this subsection (d-5). A utility shall be  
19 entitled to recover prudent and reasonable costs incurred in  
20 complying with this subsection (d-5).

21 In reviewing and approving any low-income discount under  
22 this subsection (d-5), the Commission shall take into  
23 consideration the effect of the low-income discount on, and  
24 shall endeavor to maximize, the allocation and receipt of  
25 federal LIHEAP grants, funds under Section 13 of the Energy  
26 Assistance Act, and any other State and federal energy

1 assistance funds that are available to the State. The  
2 low-income discounts authorized under this subsection (d-5)  
3 may include, but are not limited to, tiered discounts or a  
4 Percentage of Income Payment Plan (PIPP) program. For any  
5 low-income discounts approved by the Commission after the  
6 effective date of this amendatory Act of the 104th General  
7 Assembly, the calculation of the low-income discount to be  
8 applied to a qualifying customer's bill shall be applied after  
9 any federal or State energy assistance funds are allocated and  
10 applied to the qualifying customer's bill.

11 (e) The Commission shall adopt rules requiring utility  
12 companies to produce information, in the form of a mailing,  
13 and other approved methods of distribution, to its consumers,  
14 to inform the consumers of available rebates, discounts,  
15 credits, and other cost-saving mechanisms that can help them  
16 lower their monthly utility bills, and send out such  
17 information semi-annually, unless otherwise provided by this  
18 Article.

19 (f) Prior to October 1, 1989, no public utility providing  
20 electrical or gas service shall consider the use of solar or  
21 other nonconventional renewable sources of energy by a  
22 customer as a basis for establishing higher rates or charges  
23 for any service or commodity sold to such customer; nor shall a  
24 public utility subject any customer utilizing such energy  
25 source or sources to any other prejudice or disadvantage on  
26 account of such use. No public utility shall without the

1 consent of the Commission, charge or receive any greater  
2 compensation in the aggregate for a lesser commodity, product,  
3 or service than for a greater commodity, product or service of  
4 like character.

5 The Commission, in order to expedite the determination of  
6 rate questions, or to avoid unnecessary and unreasonable  
7 expense, or to avoid unjust or unreasonable discrimination  
8 between classes of customers, or, whenever in the judgment of  
9 the Commission public interest so requires, may, for rate  
10 making and accounting purposes, or either of them, consider  
11 one or more municipalities either with or without the adjacent  
12 or intervening rural territory as a regional unit where the  
13 same public utility serves such region under substantially  
14 similar conditions, and may within such region prescribe  
15 uniform rates for consumers or patrons of the same class.

16 Any public utility, with the consent and approval of the  
17 Commission, may as a basis for the determination of the  
18 charges made by it classify its service according to the  
19 amount used, the time when used, the purpose for which used,  
20 and other relevant factors.

21 (Source: P.A. 102-662, eff. 9-15-21; 103-679, eff. 7-19-24.)

22 Section 10. The Energy Assistance Act is amended by  
23 changing Sections 6 and 13 as follows:

24 (305 ILCS 20/6) (from Ch. 111 2/3, par. 1406)

1           Sec. 6. Eligibility, conditions of participation, and  
2 energy assistance.

3           (a) Any person who is a resident of the State of Illinois  
4 and whose household income is not greater than an amount  
5 determined annually by the Department, in consultation with  
6 the Policy Advisory Council, may apply for assistance pursuant  
7 to this Act in accordance with regulations promulgated by the  
8 Department. In setting the annual eligibility level, the  
9 Department shall consider the amount of available funding and  
10 may not set a limit higher than 150% of the federal nonfarm  
11 poverty level as established by the federal Office of  
12 Management and Budget or 60% of the State median income for the  
13 current State fiscal year as established by the U.S.  
14 Department of Health and Human Services, ~~except that for the~~  
15 ~~period from the effective date of this amendatory Act of the~~  
16 ~~101st General Assembly through June 30, 2021, the Department~~  
17 ~~may establish limits not higher than 200% of that poverty~~  
18 ~~level.~~ In setting the annual eligibility level for the use of  
19 State funds from the Supplemental Low-Income Energy Assistance  
20 Fund under Section 13, the Department shall consider the  
21 amount of available funding and may not set a limit higher than  
22 300% of the federal nonfarm poverty level as established by  
23 the federal Office of Management and Budget. The Department,  
24 in consultation with the Policy Advisory Council, may adjust  
25 the percentage of poverty level annually in accordance with  
26 federal guidelines and based on funding availability.

1           (b) Applicants who qualify for assistance pursuant to  
2 subsection (a) of this Section shall, subject to appropriation  
3 from the General Assembly and subject to availability of funds  
4 to the Department, receive energy assistance as provided by  
5 this Act. The Department, upon receipt of monies authorized  
6 pursuant to this Act for energy assistance, shall commit funds  
7 for each qualified applicant in an amount determined by the  
8 Department. In determining the amounts of assistance to be  
9 provided to or on behalf of a qualified applicant, the  
10 Department shall ensure that the highest amounts of assistance  
11 go to households with the greatest energy costs in relation to  
12 household income. The Department shall include factors such as  
13 energy costs, household size, household income, and region of  
14 the State when determining individual household benefits. In  
15 setting assistance levels, the Department shall attempt to  
16 provide assistance to approximately the same number of  
17 households who participated in the 1991 Residential Energy  
18 Assistance Partnership Program. Such assistance levels shall  
19 be adjusted annually on the basis of funding availability and  
20 energy costs. In promulgating rules for the administration of  
21 this Section the Department shall assure that a minimum of 1/3  
22 of funds available for benefits to eligible households with  
23 the lowest incomes and that elderly households, households  
24 with children under the age of 6 years old, and households with  
25 persons with disabilities are offered a priority application  
26 period.

1           (c) If the applicant is not a customer of record of an  
2 energy provider for energy services or an applicant for such  
3 service, such applicant shall receive a direct energy  
4 assistance payment in an amount established by the Department  
5 for all such applicants under this Act; provided, however,  
6 that such an applicant must have rental expenses for housing  
7 greater than 30% of household income.

8           (c-1) This subsection shall apply only in cases where: (1)  
9 the applicant is not a customer of record of an energy provider  
10 because energy services are provided by the owner of the unit  
11 as a portion of the rent; (2) the applicant resides in housing  
12 subsidized or developed with funds provided under the Rental  
13 Housing Support Program Act or under a similar locally funded  
14 rent subsidy program, or is the voucher holder who resides in a  
15 rental unit within the State of Illinois and whose monthly  
16 rent is subsidized by the tenant-based Housing Choice Voucher  
17 Program under Section 8 of the U.S. Housing Act of 1937; and  
18 (3) the rental expenses for housing are no more than 30% of  
19 household income. In such cases, the household may apply for  
20 an energy assistance payment under this Act and the owner of  
21 the housing unit shall cooperate with the applicant by  
22 providing documentation of the energy costs for that unit. Any  
23 compensation paid to the energy provider who supplied energy  
24 services to the household shall be paid on behalf of the owner  
25 of the housing unit providing energy services to the  
26 household. The Department shall report annually to the General

1 Assembly on the number of households receiving energy  
2 assistance under this subsection and the cost of such  
3 assistance.

4 (d) If the applicant is a customer of an energy provider,  
5 such applicant shall receive energy assistance in an amount  
6 established by the Department for all such applicants under  
7 this Act, such amount to be paid by the Department to the  
8 energy provider supplying winter energy service to such  
9 applicant. Such applicant shall:

10 (i) make all reasonable efforts to apply to any other  
11 appropriate source of public energy assistance; and

12 (ii) sign a waiver permitting the Department to  
13 receive income information from any public or private  
14 agency providing income or energy assistance and from any  
15 employer, whether public or private.

16 (e) Any qualified applicant pursuant to this Section may  
17 receive or have paid on such applicant's behalf an emergency  
18 assistance payment to enable such applicant to obtain access  
19 to winter energy services. Any such payments shall be made in  
20 accordance with regulations of the Department.

21 (f) The Department may, if sufficient funds are available,  
22 provide additional benefits to certain qualified applicants:

23 (i) for the reduction of past due amounts owed to  
24 energy providers;

25 (ii) to assist the household in responding to  
26 excessively high summer temperatures or energy costs.

1 Households containing elderly members, children, a person  
2 with a disability, or a person with a medical need for  
3 conditioned air shall receive priority for receipt of such  
4 benefits; and

5 (iii) for the installation of energy conservation  
6 measures, health and safety measures, healthy home  
7 measures, home improvement measures to help alleviate  
8 deferrals from weatherization activities, and renewable  
9 energy retrofits.

10 (Source: P.A. 102-16, eff. 6-17-21; 102-176, eff. 6-1-22;  
11 102-699, eff. 4-19-22; 103-663, eff. 1-1-25.)

12 (305 ILCS 20/13)

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

14 (a) The Supplemental Low-Income Energy Assistance Fund is  
15 hereby created as a special fund in the State Treasury. The  
16 Supplemental Low-Income Energy Assistance Fund is authorized  
17 to receive moneys from voluntary donations from individuals,  
18 foundations, corporations, and other sources, moneys received  
19 pursuant to Section 17, and, by statutory deposit, the moneys  
20 collected pursuant to this Section. The Fund is also  
21 authorized to receive voluntary donations from individuals,  
22 foundations, corporations, and other sources. Subject to  
23 appropriation, the Department shall use moneys from the  
24 Supplemental Low-Income Energy Assistance Fund for: (i)  
25 payments to electric or gas public utilities, municipal

1 electric or gas utilities, and electric cooperatives on behalf  
2 of their customers who are participants in the program  
3 authorized by Sections 4 and 18 of this Act; (ii) the provision  
4 of weatherization services, including, but not limited to, the  
5 installation of energy conservation measures, health and  
6 safety measures, healthy home measures, home improvement  
7 measures to alleviate the deferrals of certain projects,  
8 including, but not limited to, roofs and foundation repairs,  
9 and renewable energy retrofits; and (iii) administration of  
10 the Supplemental Low-Income Energy Assistance Fund. All other  
11 deposits outside of the Energy Assistance Charge as set forth  
12 in subsection (b) are not subject to the percentage  
13 restrictions related to administrative and weatherization  
14 expenses provided in this subsection. The yearly expenditures  
15 for weatherization may not exceed 10% of the amount collected  
16 during the year pursuant to this Section, except when unspent  
17 funds from the Supplemental Low-Income Energy Assistance Fund  
18 are reallocated from a previous year; any unspent balance of  
19 the 10% weatherization allowance may be utilized for  
20 weatherization expenses in the year they are reallocated. The  
21 yearly administrative expenses of the Supplemental Low-Income  
22 Energy Assistance Fund may not exceed 15% ~~13%~~ of the amount  
23 collected during that year pursuant to this Section, except  
24 when unspent funds from the Supplemental Low-Income Energy  
25 Assistance Fund are reallocated from a previous year; any  
26 unspent balance of the 15% ~~13%~~ administrative allowance may be

1 utilized for administrative expenses in the year they are  
2 reallocated. Of the 15% ~~13%~~ administrative allowance, no less  
3 than 9% ~~8%~~ shall be provided to Local Administrative Agencies  
4 for administrative expenses.

5 (b) Notwithstanding the provisions of Section 16-111 of  
6 the Public Utilities Act but subject to subsection (k) of this  
7 Section, each public utility, electric cooperative, as defined  
8 in Section 3.4 of the Electric Supplier Act, and municipal  
9 utility, as referenced in Section 3-105 of the Public  
10 Utilities Act, that is engaged in the delivery of electricity  
11 or the distribution of natural gas within the State of  
12 Illinois shall, effective January 1, 2021, assess each of its  
13 customer accounts a monthly Energy Assistance Charge for the  
14 Supplemental Low-Income Energy Assistance Fund. The delivering  
15 public utility, municipal electric or gas utility, or electric  
16 or gas cooperative for a self-assessing purchaser remains  
17 subject to the collection of the fee imposed by this Section.  
18 The monthly charge shall be as follows:

19 (1) Base Energy Assistance Charge per month on each  
20 account for residential electrical service;

21 (2) Base Energy Assistance Charge per month on each  
22 account for residential gas service;

23 (3) Ten times the Base Energy Assistance Charge per  
24 month on each account for non-residential electric service  
25 which had less than 10 megawatts of peak demand during the  
26 previous calendar year;

1           (4) Ten times the Base Energy Assistance Charge per  
2 month on each account for non-residential gas service  
3 which had distributed to it less than 4,000,000 therms of  
4 gas during the previous calendar year;

5           (5) Three hundred and seventy-five times the Base  
6 Energy Assistance Charge per month on each account for  
7 non-residential electric service which had 10 megawatts or  
8 greater of peak demand during the previous calendar year;  
9 and

10           (6) Three hundred and seventy-five times the Base  
11 Energy Assistance Charge per month on each account for  
12 non-residential gas service which had 4,000,000 or more  
13 therms of gas distributed to it during the previous  
14 calendar year.

15           The Base Energy Assistance Charge shall be \$0.48 per month  
16 for the calendar year beginning January 1, 2022 and shall  
17 increase by \$0.16 per month for any calendar year, provided no  
18 less than 80% of the previous State fiscal year's available  
19 Supplemental Low-Income Energy Assistance Fund funding was  
20 exhausted. The maximum Base Energy Assistance Charge shall not  
21 exceed \$0.80 ~~\$0.96~~ per month for any calendar year.

22           Beginning January 1, 2027, the Base Energy Assistance  
23 Charge shall be \$0.80 per month, with no additional step-up  
24 provisions, for each utility that is required by the  
25 Commission to implement a low-income discount program and  
26 shall be \$0.40 per month for each utility that is not required

1 to implement a low-income discount program and that  
2 contributes to the Supplemental Low-Income Energy Assistance  
3 Fund.

4 The incremental change to such charges imposed by Public  
5 Act 99-933 and this amendatory Act of the 104th General  
6 Assembly ~~this amendatory Act of the 102nd General Assembly~~  
7 shall not (i) be used for any purpose other than to directly  
8 assist customers and (ii) be applicable to utilities serving  
9 less than 100,000 customers in Illinois on January 1, 2021.  
10 The incremental change to such charges imposed by Public Act  
11 99-933 and this amendatory Act of the 104th General Assembly  
12 ~~this amendatory Act of the 102nd General Assembly~~ are intended  
13 to help fund the Arrearage Reduction Program and Supplemental  
14 Arrearage Reduction Program under Section 18, with any unspent  
15 funds being remitted to the Supplemental Low-Income Energy  
16 Assistance Fund. ~~increase utilization of the Percentage of~~  
17 ~~Income Payment Plan (PIPP or PIP Plan) and shall be applied~~  
18 ~~such that PIP Plan enrollment is at least doubled, as compared~~  
19 ~~to 2020 enrollment, by 2024.~~

20 ~~In addition, electric and gas utilities have committed,~~  
21 ~~and shall contribute, a one-time payment of \$22 million to the~~  
22 ~~Fund, within 10 days after the effective date of the tariffs~~  
23 ~~established pursuant to Sections 16-111.8 and 19-145 of the~~  
24 ~~Public Utilities Act to be used for the Department's cost of~~  
25 ~~implementing the programs described in Section 18 of this~~  
26 ~~amendatory Act of the 96th General Assembly, the Arrearage~~

1 ~~Reduction Program described in Section 18, and the programs~~  
2 ~~described in Section 8-105 of the Public Utilities Act. If a~~  
3 ~~utility elects not to file a rider within 90 days after the~~  
4 ~~effective date of this amendatory Act of the 96th General~~  
5 ~~Assembly, then the contribution from such utility shall be~~  
6 ~~made no later than February 1, 2010.~~

7 (c) For purposes of this Section:

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

15 (2) "residential gas service" means gas utility  
16 service for household purposes distributed to a dwelling  
17 of 2 or fewer units which is billed under a residential  
18 rate, or gas utility service for household purposes  
19 distributed to a dwelling unit or units which is billed  
20 under a residential rate and is registered by a separate  
21 meter for each dwelling unit;

22 (3) "non-residential electric service" means electric  
23 utility service which is not residential electric service;  
24 and

25 (4) "non-residential gas service" means gas utility  
26 service which is not residential gas service.

1           (d) Within 30 days after the effective date of this  
2 amendatory Act of the 96th General Assembly, each public  
3 utility engaged in the delivery of electricity or the  
4 distribution of natural gas shall file with the Illinois  
5 Commerce Commission tariffs incorporating the Energy  
6 Assistance Charge in other charges stated in such tariffs,  
7 which shall become effective no later than the beginning of  
8 the first billing cycle following such filing.

9           (e) The Energy Assistance Charge assessed by electric and  
10 gas public utilities shall be considered a charge for public  
11 utility service.

12           (f) By the 20th day of the month following the month in  
13 which the charges imposed by the Section were collected, each  
14 public utility, municipal utility, and electric cooperative  
15 shall remit to the Department of Revenue all moneys received  
16 as payment of the Energy Assistance Charge on a return  
17 prescribed and furnished by the Department of Revenue showing  
18 such information as the Department of Revenue may reasonably  
19 require; provided, however, that a utility offering an  
20 Arrearage Reduction Program or Supplemental Arrearage  
21 Reduction Program pursuant to Section 18 of this Act shall be  
22 entitled to net those amounts necessary to fund and recover  
23 the costs of such Programs as authorized by that Section that  
24 is no more than the incremental change in such Energy  
25 Assistance Charge authorized by Public Act 96-33. If a  
26 customer makes a partial payment, a public utility, municipal

1 utility, or electric cooperative may elect either: (i) to  
2 apply such partial payments first to amounts owed to the  
3 utility or cooperative for its services and then to payment  
4 for the Energy Assistance Charge or (ii) to apply such partial  
5 payments on a pro-rata basis between amounts owed to the  
6 utility or cooperative for its services and to payment for the  
7 Energy Assistance Charge.

8 If any payment provided for in this Section exceeds the  
9 distributor's liabilities under this Act, as shown on an  
10 original return, the Department may authorize the distributor  
11 to credit such excess payment against liability subsequently  
12 to be remitted to the Department under this Act, in accordance  
13 with reasonable rules adopted by the Department. If the  
14 Department subsequently determines that all or any part of the  
15 credit taken was not actually due to the distributor, the  
16 distributor's discount shall be reduced by an amount equal to  
17 the difference between the discount as applied to the credit  
18 taken and that actually due, and that distributor shall be  
19 liable for penalties and interest on such difference.

20 (g) The Department of Revenue shall deposit into the  
21 Supplemental Low-Income Energy Assistance Fund all moneys  
22 remitted to it in accordance with subsection (f) of this  
23 Section. The utilities shall coordinate with the Department to  
24 establish an equitable and practical methodology for  
25 implementing this subsection (g) beginning with the 2010  
26 program year.

1           (h) On or before December 31, 2002, the Department shall  
2 prepare a report for the General Assembly on the expenditure  
3 of funds appropriated from the Low-Income Energy Assistance  
4 Block Grant Fund for the program authorized under Section 4 of  
5 this Act.

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

8           (j) The Department of Commerce and Economic Opportunity  
9 may establish such rules as it deems necessary to implement  
10 this Section.

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

26           In its use of federal funds under this Act, the Department

1 may not cause a disproportionate share of those federal funds  
2 to benefit customers of systems which do not assess the charge  
3 provided by this Section.

4 (Source: P.A. 102-16, eff. 6-17-21; 102-176, eff. 6-1-22;  
5 102-671, eff. 11-30-21; 102-673, eff. 11-30-21; 102-699, eff.  
6 4-19-22; 103-820, eff. 8-9-24.)".