

1 AN ACT concerning regulation.

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

4 ARTICLE 1.

5 Section 1-1. Short title. This Article may be cited as the
6 Municipal and Cooperative Electric Utility Transparent
7 Planning Act. References in this Article to "this Act" mean
8 this Article.

9 Section 1-5. Legislative findings and objectives. The
10 General Assembly finds:

11 (1) Municipal and cooperative electric utilities
12 provide electricity to more than 1,000,000 State
13 residents.

14 (2) Municipal utilities are public bodies governed and
15 managed by elected public officials or their appointees.
16 Electric cooperatives are not-for-profit, member-owned
17 entities governed and managed by elected boards of
18 directors chosen by their member consumers. Due to their
19 governance structures, municipal and cooperative electric
20 utilities are exempt from certain regulatory requirements
21 under State and federal law.

22 (3) Because democratic elections by member-ratepayers

1 or customers are the ultimate guarantor of the integrity
2 and cost-effectiveness of these utilities' operations,
3 access to information and decision-making is crucial to
4 ensuring management of these utilities is prudent and
5 responsive.

6 (4) While not always applicable to municipal and
7 electric cooperatives, integrated resource planning
8 processes have been used in other states to attempt to
9 avoid capacity shortfalls, minimize ratepayer costs, and
10 increase public participation in and knowledge of electric
11 generation portfolio choices.

12 (5) It is in the long-term best interests of State
13 electricity customers and member-ratepayers that
14 electricity is provided by a diverse portfolio of
15 generation resources that may include generation
16 ownership, power supply contracts, storage resources, and
17 demand-side programs that minimizes costs and strives to
18 ensure reliable service to customers while considering
19 environmental impacts and that long-term utility planning
20 can help facilitate the achievement of reasonable and
21 stable rates, reliability, and State and federal
22 environmental law through such portfolios.

23 (6) Municipal and electric cooperatives utilities
24 should perform a comprehensive analysis of their existing
25 portfolio and identify opportunities to minimize
26 member-ratepayer and customer costs while maintaining

1 reliability and meeting State and federal environmental
2 law.

3 (7) To ensure utilities minimize ratepayer costs while
4 maintaining reliability and meeting State and federal
5 environmental law, and to increase transparency and
6 democratic participation, it is important that municipal
7 and cooperative electric utilities participate in an
8 integrated resource planning process with meaningful and
9 appropriate participation and engagement.

10 Section 1-10. Definitions. As used in this Act:

11 "Agency" means the Illinois Power Agency.

12 "Demand-side program" means a program implemented by or on
13 behalf of a utility to reduce retail customer consumption
14 (MWh) or shift the time of consumption of energy (MW) from end
15 users, including energy efficiency programs, demand-response
16 programs, and programs for the promotion or aggregation of
17 distributed generation.

18 "Electric cooperative" has the meaning given to that term
19 in Section 3-119 of the Public Utilities Act.

20 "Generation resource" means a facility for the generation
21 of electricity.

22 "Integrated resource plan" or "IRP" means the planning
23 process for a municipal power agency, municipality, or
24 electric cooperative to evaluate energy supply and demand in
25 order to meet long-term energy needs while minimizing costs

1 and complying with federal and State environmental
2 requirements, consistent with this Act.

3 "Municipality" has the meaning given to that term in
4 Section 11-119.1-3 of the Illinois Municipal Code.

5 "Municipal power agency" has the meaning given to that
6 term in Section 11-119.1-3 of the Illinois Municipal Code
7 excluding single project municipal power agencies that do not
8 plan for the full requirements of their members.

9 "Renewable generation resource" means a resource for
10 generating electricity that uses wind, solar, hydro, or
11 geothermal energy.

12 "Storage resource" means a commercially available
13 technology that uses mechanical, chemical, or thermal
14 processes to store energy and deliver the stored energy as
15 electricity for use at a later time and is capable of being
16 controlled by the distribution or transmission entity managing
17 it, to enable and optimize the safe and reliable operation of
18 the electric system.

19 "Utility" means a municipal power agency, municipality, or
20 electric cooperative, including a generation and transmission
21 electric cooperative that provides wholesale electricity to
22 one or more distribution electric cooperatives.

23 Section 1-15. Purpose and contents of integrated resource
24 plan.

25 (a) Beginning on or before January 1, 2027, and every 5

1 years thereafter on or before January 1, all generation and
2 transmission electric cooperatives with members in this State,
3 all municipal power agencies, and all municipalities and
4 distribution electric cooperatives that provide electricity
5 for service to more than 7,000 retail electric customer meters
6 shall initiate an integrated resource planning process to
7 prepare and issue a preliminary integrated resource plan to be
8 posted on its website by January 1 of the following year.
9 Municipalities and electric cooperatives that are members of,
10 and have a full requirements contract with, a municipal power
11 agency or generation and transmission electric cooperative may
12 adopt the integrated resource plan of such other utility. In
13 the alternative, a municipality or electric cooperative that
14 is a member of, and has other than a full requirements contract
15 with, a municipal power agency or generation and transmission
16 electric cooperative may include the resources or resource
17 planning of the municipal power agency or generation and
18 transmission electric cooperative in its integrated resource
19 plan, and the municipal power agency or generation and
20 transmission electric cooperative may adopt such
21 municipality's or electric cooperative's integrated resource
22 plan. An integrated resource plan completed by a utility on or
23 after January 1, 2024 shall satisfy the first integrated
24 resource plan requirement if it meets the criteria set forth
25 in subsections (b) through (d).

26 (b) The purposes of the integrated resource plan are to

1 consider and evaluate the utility's current portfolio,
2 including electrical generation, power supply contracts,
3 storage, and demand-side programs; to forecast future load
4 changes; to facilitate prudent planning with respect to
5 reliability, resources, energy and capacity procurements,
6 power supply contract expiration, and timing of generation
7 retirement; to determine what resource portfolio will maintain
8 reliability consistent with RTO obligations; to minimize cost
9 and meet State and federal environmental law; and to
10 articulate steps the utility will take to minimize customer
11 costs and consider environmental impacts through changes to
12 its current generation portfolio through construction,
13 procurement, retirement, demand-side programs, or other
14 applicable technology or processes.

15 (c) As part of the integrated resource plan development
16 process, a utility shall consider all resources reasonably
17 available or reasonably likely to be available during the
18 relevant time period to satisfy the demand for electricity
19 services for a planning period of at least 5 years, taking into
20 account both supply-side and demand-side electric power
21 resources and cost and benefits projections for at least the
22 next 20 years.

23 (d) A utility may include the results of an all-source
24 request for proposals for generation resources and capacity
25 contracts for delivery beginning within the next 5 years in
26 its integrated resource plan. If the utility chooses not to

1 include such results, the utility must provide notice to the
2 utility's ratepayers upon issuance of the integrated resource
3 plan that states why the utility has chosen not to include the
4 results. A utility also shall include the following, at a
5 minimum, in its integrated resource plan:

6 (1) A list of all electricity generation facilities
7 owned by the utility, in whole or in part. For each such
8 facility, the integrated resource plan shall report:

9 (A) general location;

10 (B) ownership information, if ownership is shared
11 with another entity;

12 (C) type of fuel;

13 (D) the date of commercial operation;

14 (E) expected useful life;

15 (F) expected retirement date for any resource
16 expected to retire within the next 8 years, and an
17 explanation of the reason for the retirement;

18 (G) nameplate, maximum output, and accredited
19 capacity;

20 (H) total MWh generated at the facility during the
21 previous calendar year;

22 (I) the date on which the facility is anticipated
23 to be fully depreciated; and

24 (J) any known and measurable compliance
25 obligations, or compliance obligations reasonably
26 expected to apply within the next 8 years, and an

1 estimate of reasonably anticipated expenditures
2 intended to meet those obligations.

3 (2) A list of all power purchase agreements to which
4 the utility is a party, whether as purchaser or seller,
5 including the following, if specified: the counterparty,
6 general location and type of generation resource providing
7 power per the agreement, date on which the agreement was
8 entered into, duration of the agreement, and the energy
9 and capacity terms of the agreement.

10 (3) A list of any sale transactions of any capacity to
11 any purchaser.

12 (4) A list of any demand-side programs and known
13 distributed generation.

14 (5) A narrative description of all existing
15 transmission facilities owned by the utility, in whole or
16 in part, that identifies anticipated transmission
17 constraints or critical contingencies, and identification
18 of the regional transmission organization, if any, that
19 exercises operational control over the transmission
20 facility.

21 (6) A description of all transmission investment
22 costs, disaggregated by expenditure, related to
23 interconnection costs and other transmission system
24 upgrades associated with a new generating resource or
25 increased injection rights from an existing generating
26 resource costing greater than \$1,000,000 over the term of

1 the agreement.

2 (7) A copy of the most recent FERC Form 1 filed by the
3 utility. If no such FERC Form 1 has been filed, the utility
4 shall provide Form EIA 860, Form EIA 861, Form EIA 412, or
5 information applicable to the utility included in the
6 sections of FERC Form 1 or Form EIA 412 relating to
7 electric operating revenues, sales for resale, electric
8 operating and maintenance expenses, purchased power,
9 common utility plant and expenses, and electric energy
10 accounts for the prior calendar year. The utility shall
11 not be required to disclose any information required to be
12 protected from disclosure by the regional transmission
13 organizations.

14 (8) A range of load forecasts for the 5-year planning
15 period that incorporate varying assumptions regarding
16 electrification, economic growth, new regulation, and
17 major new customers, sufficient for capacity planning for
18 the utility. Such forecasts shall include:

19 (A) all relevant underlying assumptions;

20 (B) (i) historical analysis of hourly loads
21 consistent with NERC and regional transmission
22 organization reporting requirements; (ii) known or
23 projected changes to future loads; and (iii) growth
24 forecasts and trends by customer class or load type;

25 (C) analysis of the annual capacity and energy
26 impact of any demand-side programs, and energy

1 efficiency programs both current and projected;

2 (D) any reserve margin or other obligations placed
3 on the utility by regional transmission organizations
4 or other entity responsible for reliability standards
5 under State or federal law; and

6 (E) a comparison of past load forecasts and actual
7 realized load and a brief narrative description of any
8 unforeseen events to which any discrepancy may be
9 attributed.

10 (9) A 5-year action plan for meeting the forecasted
11 load that reasonably minimizes customer cost taking into
12 account load, fuel price, and regulatory uncertainty, that
13 ensures reliability consistent with RTO obligations, and
14 meets State and federal environmental law. As part of the
15 action plan, the utility shall:

16 (A) Identify any generation or storage resources
17 reasonably anticipated to be removed from service in
18 the 5 years following the date on which the integrated
19 resource plan is due to be completed.

20 (B) Determine whether given forecasted load growth
21 or unit retirements, or both, the utility will need to
22 procure additional accredited capacity and energy, and
23 provide a quantitative estimate of any such gap
24 between forecasted load and supply-side resources.

25 (C) Provide a narrative description of the
26 utility's process for evaluating possible resources to

1 secure additional needed capacity and energy.

2 (D) Provide a narrative description of the
3 utility's processes for assessing the economic value
4 of existing generation; and consistent with these
5 processes, explain whether any currently operating
6 units could be replaced by other resources at lower
7 cost to ratepayers while maintaining reliability.

8 (E) Identify a preferred portfolio of generation
9 resources, which may include storage, and demand-side
10 programs that, in the utility's judgment, meets its
11 forecasted load and complies with State and federal
12 environmental law, while minimizing ratepayer cost to
13 the extent reasonably achievable in the planning
14 period covered by the action plan. The portfolio shall
15 incorporate any accredited capacity or other
16 reliability requirements of any regional transmission
17 organization of which the utility is a member.

18 (F) Describe any anticipated capital expenditures
19 by the utility in excess of \$1,000,000 at existing
20 generation facilities and the reason for such
21 expenditures.

22 (10) A description of all models and methodologies
23 used in performing the integrated resource planning
24 process. The utility shall provide, to any member of a
25 joint action agency or member of a generation and
26 transmission electric cooperative, reasonable access to

1 computer models used in the analysis that are not
2 proprietary to the owner of the model, such as software
3 that cannot be used without a licensing agreement, or
4 otherwise subject to confidentiality by the modeler.

5 (e) As part of the initial integrated resource plan, the
6 utility shall identify all programs, grants, loans, or tax
7 benefits for which the utility has applied for or plans to
8 apply for pursuant to the federal Inflation Reduction Act of
9 2022 and shall state whether the utility has applied for or
10 otherwise used the program, grant, loan, or tax benefit.

11 (f) Each utility shall consider and include, as part of
12 its integrated resource plan, technically feasible least-cost
13 portfolio scenarios, consistent with RTO reliability
14 obligations, for constructing or procuring renewable energy
15 resources to meet 40% of its energy needs by 2030, meeting the
16 emissions reductions requirements under Public Act 102-662,
17 and supplying 100% of its total projected load through
18 carbon-free resources in combination with storage resources
19 and demand-side programs by 2045.

20 Section 1-20. Stakeholder process for municipal power
21 agencies and municipalities. Prior to the issuance of a final
22 integrated resource plan, a municipal power agency or
23 municipality required to prepare and issue an integrated
24 resource plan shall hold one or more stakeholder meetings open
25 to the municipal power agency's or municipality's ratepayers

1 and members of the public before it issues a preliminary
2 integrated resource plan and one or more such stakeholder
3 meetings after the preliminary integrated resource plan is
4 issued.

5 Notice of the meetings shall be posted to the municipal
6 power agency's or municipality's website and notice of the
7 initial meeting to customers through the normal billing
8 process not less than 30 days prior to the initial meeting, and
9 any municipality planning to adopt a municipal power agency's
10 final integrated resource plan shall post the notice to its
11 website or a link to the notice on the municipality's website
12 and provide notice of the municipal power agency's initial
13 meeting to customers through the normal billing process not
14 less than 30 days prior to the initial meeting. During the
15 first meeting the municipal power agency or municipality shall
16 describe its proposed processes for developing the integrated
17 resource plan and its core assumptions and constraints. In
18 subsequent meetings, either before or after the preliminary
19 integrated resource plan is issued, the municipal power agency
20 or municipality shall present its proposed preferred
21 portfolio, and describe any planned retirements, capital
22 expenditures on existing generation resources likely to exceed
23 \$1,000,000, and planned construction. Each meeting shall
24 provide opportunity for meaningful public engagement including
25 reasonable time to ask questions, have those questions
26 answered, and to provide public comment. Meetings shall be

1 held at times accessible for working residents and shall be
2 recorded, and the municipal power agency or municipality may
3 consider language interpretation needs for non-English
4 speaking ratepayers in areas with a significant proportion of
5 non-English speaking residents. Following the meeting, the
6 municipal power agency or municipality shall provide attendees
7 with a reasonable means of providing public comment in writing
8 and of accessing the recording.

9 Section 1-25. Procedures for preliminary and final
10 integrated resource plans for municipal power agencies and
11 municipalities.

12 (a) Each municipal power agency or municipality shall
13 issue its preliminary integrated resource plan, as set forth
14 in this Act, and post it publicly to the website maintained by
15 the municipal power agency or municipality by January 1, 12
16 months following the date of the calendar year for which the
17 planning is required to begin. Any municipality planning to
18 adopt a municipal power agency's final integrated resource
19 plan shall post the preliminary integrated resource plan
20 publicly to its website or a link to it on the municipality's
21 website.

22 (b) The municipal power agency or municipality shall
23 facilitate public comment on the preliminary integrated
24 resource plan, as follows:

25 (1) upon issuance of the preliminary integrated

1 resource plan, the municipal power agency or municipality
2 and any municipality planning to adopt a municipal power
3 agency's final integrated resource plan shall post the
4 preliminary integrated resource plan or a link to it
5 publicly on its website. The plan shall remain publicly
6 accessible for at least 60 days;

7 (2) the municipal power agency or municipality shall
8 hold one or more public meetings, in person with remote
9 access, where it shall make a representative available to
10 address questions about the preliminary integrated
11 resource plan. The meetings shall be held no sooner than
12 15 days, and no later than 45 days, after the preliminary
13 integrated resource plan is made available to the public;

14 (3) the municipal power agency or municipality shall
15 accept public comments on the preliminary integrated
16 resource plan for 30 days following its public posting via
17 website, email, or mail. The municipal power agency or
18 municipality may extend this public comment period by an
19 additional 30 days upon request by ratepayers of the
20 municipal power agency or municipality or any entity that
21 plans to adopt the municipal power agency's or
22 municipality's final integrated resource plan; and

23 (4) The municipal power agency or municipality shall
24 review public comments and provide responses that
25 reasonably address all relevant issues or questions raised
26 by such comments. The municipal power agency or

1 municipality may modify its preliminary integrated
2 resource plan in response to these comments. The municipal
3 power agency or municipality shall prepare a document with
4 responses to public comments and submit this response
5 document to the Agency no later than 90 days after the
6 close of the comment period. This response document shall
7 be posted publicly on the municipality's or municipal
8 power agency's websites, as relevant, and on the website
9 of the Illinois Power Agency's website along with the
10 preliminary integrated resource plan, as submitted, and
11 any revisions made by the municipal power agency or
12 municipality in response to public comments.

13 (c) The Illinois Power Agency shall maintain public access
14 to all integrated resource plans submitted pursuant to this
15 Act, accessible through the Illinois Power Agency's website,
16 for no less than 10 years following each integrated resource
17 plan's initial submission.

18 Section 1-27. Member input and process for electric
19 cooperatives completing an integrated resource plan.

20 (a) Each electric cooperative completing an integrated
21 resource plan shall post its preliminary integrated resource
22 plan on its website no later than 60 days after completion of
23 the preliminary integrated resource plan. Any distribution
24 electric cooperative intending to adopt a generation and
25 transmission cooperative's integrated resource plan pursuant

1 to Section 1-15 of this Act must also post the preliminary
2 integrated resource plan or a link to the preliminary
3 integrated resource plan on its own website. The preliminary
4 integrated resource plan must remain publicly accessible for
5 at least 60 days.

6 (b) After posting the preliminary integrated resource
7 plan, but before completion of a final integrated resource
8 plan, an electric cooperative preparing such a plan shall hold
9 at least one meeting open to its members, including members of
10 any member distribution cooperative and any other electric
11 cooperative adopting the integrated resource plan. An electric
12 cooperative intending to adopt the integrated resource plan
13 pursuant to Section 1-15 of this Act may, but is not required
14 to, hold its own meeting. If all other provisions of Section
15 1-15 are met, an electric cooperative may utilize its annual
16 meeting of members to comply with the meeting requirements set
17 forth in this Section.

18 (c) Notice of any meeting held pursuant to this Section
19 shall be posted on the website of any electric cooperative
20 whose members are eligible to attend the meeting and, if
21 applicable, provided to members through the electric
22 cooperative's normal billing process or regular communication
23 channel, at least 30 days prior to the meeting. An electric
24 cooperative intending to adopt the integrated resource plan
25 pursuant to Section 1-15 of this Act shall post the meeting
26 notice on its own website and notify members using the same

1 timeline and methods.

2 (d) Each meeting shall provide an opportunity for
3 meaningful member participation, including sufficient time for
4 members to submit comments, ask questions, and receive
5 responses. Meetings shall be held at times convenient for
6 working members. The electric cooperative may consider
7 language interpretation needs for non-English speaking members
8 in areas with a significant non-English speaking population.
9 At a minimum, the electric cooperative shall present the
10 following information at the meeting:

11 (1) the purpose and process of developing an
12 integrated resource plan;

13 (2) the electric cooperative's process for developing
14 the integrated resource plan;

15 (3) the assumptions and scenarios considered by the
16 electric cooperative;

17 (4) an overview of supply and demand size resources
18 used to meet energy and capacity needs; and

19 (5) historical energy and capacity data, along with
20 assumptions regarding future load changes.

21 (e) Following the meeting, the electric cooperative shall
22 provide a reasonable opportunity for members to submit written
23 comments for at least 30 days. The electric cooperative shall
24 review written comments and prepare a response document that
25 summarizes and addresses relevant member comments. The
26 electric cooperative shall post the response document on its

1 website within 90 days after the close of the comment period.
2 The electric cooperative may modify its preliminary integrated
3 resource plan in response to comments. If the electric
4 cooperative revises its preliminary integrated resource plan
5 in response to comments, it shall post the modified
6 preliminary integrated resource plan on its website.

7 (f) The Illinois Power Agency shall maintain a copy or a
8 link to an electric cooperative's integrated resource plan
9 completed pursuant to this Act on the Agency's website, for at
10 least 10 years from the date of each plan's initial
11 submission.

12 (g) An electric cooperative completing an integrated
13 resource plan may select their own consulting firm, complete
14 internally, or select a prequalified consulting firm from the
15 list maintained by the Agency.

16 Section 1-30. IRP prequalified consulting firm list.

17 (a) The Illinois Power Agency shall maintain a list of
18 qualified consulting firms for the purpose of developing
19 integrated resource plans on behalf of the utility. In order
20 to prequalify a consulting firm must have:

21 (1) direct previous experience preparing integrated
22 resource plans for utilities; assembling power supply
23 plans or portfolios for utilities;

24 (2) one or more employees with an advanced degree in
25 economics, mathematics, engineering, risk management, or a

1 related area of study;

2 (3) 10 years of experience in the electricity sector;

3 (4) expertise in wholesale electricity market rules,
4 market planning, market development, and market modeling.

5 This includes, but is not limited to, expertise in current
6 and ongoing FERC Order implementation into RTO markets,
7 RTO governing documents, including, but not limited to,
8 transmission planning processes, and resource planning;

9 (5) expertise in wholesale electricity market rules,
10 including those established by the federal Energy
11 Regulatory Commission and regional transmission
12 organizations; and

13 (6) adequate resources to perform and fulfill the
14 required functions and responsibilities.

15 (b) No later than January 1, 2026 or the effective date of
16 this Act, whichever is later, the Illinois Power Agency shall
17 issue a Request for Information seeking responses from
18 consulting firms. Responses will be due within 45 days of that
19 issuance. The Agency will review responses and within 45 days
20 produce a list of prequalified consulting firms that the
21 Agency determines meet all of the prequalification
22 requirements contained in subsection (a) of this Section. A
23 firm determined not to meet the requirements may request to
24 submit additional information to the Agency for
25 reconsideration. If the Agency subsequently determines a firm
26 meets the requirements, the Agency shall add the firm to the

1 list.

2 The list will be updated as additional consulting firms
3 request to be added to the list and the Agency determines they
4 meet the requirements contained in subsection (a) of this
5 Section 1-30. The Agency shall not arbitrarily or capriciously
6 deny inclusion to any qualified vendor that satisfies the
7 minimum qualifications set forth in this Section 1-30.

8 (c) The Illinois Power Agency shall publish the list of
9 prequalified consulting firms on its website. Upon request,
10 the Agency shall also provide each prequalified consulting
11 firm's response to the Request for Information to the affected
12 utility.

13 (d) A utility required to submit an integrated resource
14 plan may select a consulting firm on the Agency's list of
15 prequalified consulting firms to develop the integrated
16 resource plan and support stakeholder processes.

17 (e) The utility may apply for funding to offset its costs
18 for its integrated resource plan through the Small Utility
19 Clean Energy Planning Grant Program offered through the
20 Illinois Finance Authority in its role as Climate Bank for the
21 State of Illinois, subject to funding availability or subject
22 to appropriation, and in accordance with program requirements
23 and limitations.

24 Section 1-32. Planning purposes of an integrated resource
25 plan.

1 (a) Nothing in this Act shall be construed to alter any
2 regulatory authority or jurisdiction of any State agency with
3 respect to any municipal power agency, municipality, or
4 cooperative.

5 (b) The submission, posting, or publication of an
6 integrated resource plan pursuant to this Act shall not create
7 any binding obligation, commitment, or duty upon the municipal
8 power agency, municipality, or electric cooperative regarding
9 the construction, retirement, or operation of any facility, or
10 the procurement of any resource.

11 (c) Nothing in this Act shall be construed to create a
12 private right of action to enforce its provisions.

13 Section 1-90. The Open Meetings Act is amended by changing
14 Section 2 as follows:

15 (5 ILCS 120/2) (from Ch. 102, par. 42)

16 Sec. 2. Open meetings.

17 (a) Openness required. All meetings of public bodies shall
18 be open to the public unless excepted in subsection (c) and
19 closed in accordance with Section 2a.

20 (b) Construction of exceptions. The exceptions contained
21 in subsection (c) are in derogation of the requirement that
22 public bodies meet in the open, and therefore, the exceptions
23 are to be strictly construed, extending only to subjects
24 clearly within their scope. The exceptions authorize but do

1 not require the holding of a closed meeting to discuss a
2 subject included within an enumerated exception.

3 (c) Exceptions. A public body may hold closed meetings to
4 consider the following subjects:

5 (1) The appointment, employment, compensation,
6 discipline, performance, or dismissal of specific
7 employees, specific individuals who serve as independent
8 contractors in a park, recreational, or educational
9 setting, or specific volunteers of the public body or
10 legal counsel for the public body, including hearing
11 testimony on a complaint lodged against an employee, a
12 specific individual who serves as an independent
13 contractor in a park, recreational, or educational
14 setting, or a volunteer of the public body or against
15 legal counsel for the public body to determine its
16 validity. However, a meeting to consider an increase in
17 compensation to a specific employee of a public body that
18 is subject to the Local Government Wage Increase
19 Transparency Act may not be closed and shall be open to the
20 public and posted and held in accordance with this Act.

21 (2) Collective negotiating matters between the public
22 body and its employees or their representatives, or
23 deliberations concerning salary schedules for one or more
24 classes of employees.

25 (3) The selection of a person to fill a public office,
26 as defined in this Act, including a vacancy in a public

1 office, when the public body is given power to appoint
2 under law or ordinance, or the discipline, performance or
3 removal of the occupant of a public office, when the
4 public body is given power to remove the occupant under
5 law or ordinance.

6 (4) Evidence or testimony presented in open hearing,
7 or in closed hearing where specifically authorized by law,
8 to a quasi-adjudicative body, as defined in this Act,
9 provided that the body prepares and makes available for
10 public inspection a written decision setting forth its
11 determinative reasoning.

12 (4.5) Evidence or testimony presented to a school
13 board regarding denial of admission to school events or
14 property pursuant to Section 24-24 of the School Code,
15 provided that the school board prepares and makes
16 available for public inspection a written decision setting
17 forth its determinative reasoning.

18 (5) The purchase or lease of real property for the use
19 of the public body, including meetings held for the
20 purpose of discussing whether a particular parcel should
21 be acquired.

22 (6) The setting of a price for sale or lease of
23 property owned by the public body.

24 (7) The sale or purchase of securities, investments,
25 or investment contracts. This exception shall not apply to
26 the investment of assets or income of funds deposited into

1 the Illinois Prepaid Tuition Trust Fund.

2 (8) Security procedures, school building safety and
3 security, and the use of personnel and equipment to
4 respond to an actual, a threatened, or a reasonably
5 potential danger to the safety of employees, students,
6 staff, the public, or public property.

7 (9) Student disciplinary cases.

8 (10) The placement of individual students in special
9 education programs and other matters relating to
10 individual students.

11 (11) Litigation, when an action against, affecting or
12 on behalf of the particular public body has been filed and
13 is pending before a court or administrative tribunal, or
14 when the public body finds that an action is probable or
15 imminent, in which case the basis for the finding shall be
16 recorded and entered into the minutes of the closed
17 meeting.

18 (12) The establishment of reserves or settlement of
19 claims as provided in the Local Governmental and
20 Governmental Employees Tort Immunity Act, if otherwise the
21 disposition of a claim or potential claim might be
22 prejudiced, or the review or discussion of claims, loss or
23 risk management information, records, data, advice or
24 communications from or with respect to any insurer of the
25 public body or any intergovernmental risk management
26 association or self insurance pool of which the public

1 body is a member.

2 (13) Conciliation of complaints of discrimination in
3 the sale or rental of housing, when closed meetings are
4 authorized by the law or ordinance prescribing fair
5 housing practices and creating a commission or
6 administrative agency for their enforcement.

7 (14) Informant sources, the hiring or assignment of
8 undercover personnel or equipment, or ongoing, prior or
9 future criminal investigations, when discussed by a public
10 body with criminal investigatory responsibilities.

11 (15) Professional ethics or performance when
12 considered by an advisory body appointed to advise a
13 licensing or regulatory agency on matters germane to the
14 advisory body's field of competence.

15 (16) Self evaluation, practices and procedures or
16 professional ethics, when meeting with a representative of
17 a statewide association of which the public body is a
18 member.

19 (17) The recruitment, credentialing, discipline or
20 formal peer review of physicians or other health care
21 professionals, or for the discussion of matters protected
22 under the federal Patient Safety and Quality Improvement
23 Act of 2005, and the regulations promulgated thereunder,
24 including 42 C.F.R. Part 3 (73 FR 70732), or the federal
25 Health Insurance Portability and Accountability Act of
26 1996, and the regulations promulgated thereunder,

1 including 45 C.F.R. Parts 160, 162, and 164, by a
2 hospital, or other institution providing medical care,
3 that is operated by the public body.

4 (18) Deliberations for decisions of the Prisoner
5 Review Board.

6 (19) Review or discussion of applications received
7 under the Experimental Organ Transplantation Procedures
8 Act.

9 (20) The classification and discussion of matters
10 classified as confidential or continued confidential by
11 the State Government Suggestion Award Board.

12 (21) Discussion of minutes of meetings lawfully closed
13 under this Act, whether for purposes of approval by the
14 body of the minutes or semi-annual review of the minutes
15 as mandated by Section 2.06.

16 (22) Deliberations for decisions of the State
17 Emergency Medical Services Disciplinary Review Board.

18 (23) The operation by a municipality of a municipal
19 utility or the operation of a municipal power agency or
20 municipal natural gas agency when the discussion involves:
21 (i) trade secrets or commercial or financial information
22 obtained from a person or business where the trade secrets
23 or commercial or financial information are furnished under
24 a claim that they are proprietary, privileged, or
25 confidential, and that disclosure of the trade secrets or
26 commercial or financial information would cause

competitive harm to the person or business; or
commercially sensitive information contained in offers to
buy or sell made in the competitive markets of a regional
transmission organization; and only insofar as the
discussion relates directly to such trade secrets or
information; (ii) physical or cybersecurity of facilities
or materials designated as Critical Energy/Electric
Infrastructure Information under federal law or
regulation; or (iii) ongoing contract negotiations or
results of a request for proposals relating to the
purchase, sale, or delivery of electricity or natural gas
from nonaffiliate entities; provided however, the
municipality, municipal power agency, or municipal natural
gas agency shall hold at least one public meeting as to any
contract discussed in whole or in part in closed session
prior to final action on the contract. ~~(i) contracts~~
~~relating to the purchase, sale, or delivery of electricity~~
~~or natural gas or (ii) the results or conclusions of load~~
~~forecast studies.~~

(24) Meetings of a residential health care facility
resident sexual assault and death review team or the
Executive Council under the Abuse Prevention Review Team
Act.

(25) Meetings of an independent team of experts under
Brian's Law.

(26) Meetings of a mortality review team appointed

1 under the Department of Juvenile Justice Mortality Review
2 Team Act.

3 (27) (Blank).

4 (28) Correspondence and records (i) that may not be
5 disclosed under Section 11-9 of the Illinois Public Aid
6 Code or (ii) that pertain to appeals under Section 11-8 of
7 the Illinois Public Aid Code.

8 (29) Meetings between internal or external auditors
9 and governmental audit committees, finance committees, and
10 their equivalents, when the discussion involves internal
11 control weaknesses, identification of potential fraud risk
12 areas, known or suspected frauds, and fraud interviews
13 conducted in accordance with generally accepted auditing
14 standards of the United States of America.

15 (30) (Blank).

16 (31) Meetings and deliberations for decisions of the
17 Concealed Carry Licensing Review Board under the Firearm
18 Concealed Carry Act.

19 (32) Meetings between the Regional Transportation
20 Authority Board and its Service Boards when the discussion
21 involves review by the Regional Transportation Authority
22 Board of employment contracts under Section 28d of the
23 Metropolitan Transit Authority Act and Sections 3A.18 and
24 3B.26 of the Regional Transportation Authority Act.

25 (33) Those meetings or portions of meetings of the
26 advisory committee and peer review subcommittee created

1 under Section 320 of the Illinois Controlled Substances
2 Act during which specific controlled substance prescriber,
3 dispenser, or patient information is discussed.

4 (34) Meetings of the Tax Increment Financing Reform
5 Task Force under Section 2505-800 of the Department of
6 Revenue Law of the Civil Administrative Code of Illinois.

7 (35) Meetings of the group established to discuss
8 Medicaid capitation rates under Section 5-30.8 of the
9 Illinois Public Aid Code.

10 (36) Those deliberations or portions of deliberations
11 for decisions of the Illinois Gaming Board in which there
12 is discussed any of the following: (i) personal,
13 commercial, financial, or other information obtained from
14 any source that is privileged, proprietary, confidential,
15 or a trade secret; or (ii) information specifically
16 exempted from the disclosure by federal or State law.

17 (37) Deliberations for decisions of the Illinois Law
18 Enforcement Training Standards Board, the Certification
19 Review Panel, and the Illinois State Police Merit Board
20 regarding certification and decertification.

21 (38) Meetings of the Ad Hoc Statewide Domestic
22 Violence Fatality Review Committee of the Illinois
23 Criminal Justice Information Authority Board that occur in
24 closed executive session under subsection (d) of Section
25 35 of the Domestic Violence Fatality Review Act.

26 (39) Meetings of the regional review teams under

1 subsection (a) of Section 75 of the Domestic Violence
2 Fatality Review Act.

3 (40) Meetings of the Firearm Owner's Identification
4 Card Review Board under Section 10 of the Firearm Owners
5 Identification Card Act.

6 (d) Definitions. For purposes of this Section:

7 "Employee" means a person employed by a public body whose
8 relationship with the public body constitutes an
9 employer-employee relationship under the usual common law
10 rules, and who is not an independent contractor.

11 "Public office" means a position created by or under the
12 Constitution or laws of this State, the occupant of which is
13 charged with the exercise of some portion of the sovereign
14 power of this State. The term "public office" shall include
15 members of the public body, but it shall not include
16 organizational positions filled by members thereof, whether
17 established by law or by a public body itself, that exist to
18 assist the body in the conduct of its business.

19 "Quasi-adjudicative body" means an administrative body
20 charged by law or ordinance with the responsibility to conduct
21 hearings, receive evidence or testimony and make
22 determinations based thereon, but does not include local
23 electoral boards when such bodies are considering petition
24 challenges.

25 (e) Final action. No final action may be taken at a closed
26 meeting. Final action shall be preceded by a public recital of

1 the nature of the matter being considered and other
2 information that will inform the public of the business being
3 conducted.

4 (Source: P.A. 102-237, eff. 1-1-22; 102-520, eff. 8-20-21;
5 102-558, eff. 8-20-21; 102-813, eff. 5-13-22; 103-311, eff.
6 7-28-23; 103-626, eff. 1-1-25.)

7 Section 1-95. The Public Utilities Act is amended by
8 changing Section 8-406 as follows:

9 (220 ILCS 5/8-406) (from Ch. 111 2/3, par. 8-406)

10 Sec. 8-406. Certificate of public convenience and
11 necessity.

12 (a) No public utility not owning any city or village
13 franchise nor engaged in performing any public service or in
14 furnishing any product or commodity within this State as of
15 July 1, 1921 and not possessing a certificate of public
16 convenience and necessity from the Illinois Commerce
17 Commission, the State Public Utilities Commission, or the
18 Public Utilities Commission, at the time Public Act 84-617
19 goes into effect (January 1, 1986), shall transact any
20 business in this State until it shall have obtained a
21 certificate from the Commission that public convenience and
22 necessity require the transaction of such business. A
23 certificate of public convenience and necessity requiring the
24 transaction of public utility business in any area of this

1 State shall include authorization to the public utility
2 receiving the certificate of public convenience and necessity
3 to construct such plant, equipment, property, or facility as
4 is provided for under the terms and conditions of its tariff
5 and as is necessary to provide utility service and carry out
6 the transaction of public utility business by the public
7 utility in the designated area.

8 (b) No public utility shall begin the construction of any
9 new plant, equipment, property, or facility which is not in
10 substitution of any existing plant, equipment, property, or
11 facility, or any extension or alteration thereof or in
12 addition thereto, unless and until it shall have obtained from
13 the Commission a certificate that public convenience and
14 necessity require such construction. Whenever after a hearing
15 the Commission determines that any new construction or the
16 transaction of any business by a public utility will promote
17 the public convenience and is necessary thereto, it shall have
18 the power to issue certificates of public convenience and
19 necessity. The Commission shall determine that proposed
20 construction will promote the public convenience and necessity
21 only if the utility demonstrates: (1) that the proposed
22 construction is necessary to provide adequate, reliable, and
23 efficient service to its customers and is the least-cost means
24 of satisfying the service needs of its customers or that the
25 proposed construction will promote the development of an
26 effectively competitive electricity market that operates

1 efficiently, is equitable to all customers, and is the
2 least-cost ~~least-cost~~ means of satisfying those objectives;

3 (2) that the utility is capable of efficiently managing and
4 supervising the construction process and has taken sufficient
5 action to ensure adequate and efficient construction and
6 supervision thereof; and (3) that the utility is capable of
7 financing the proposed construction without significant
8 adverse financial consequences for the utility or its
9 customers.

10 (b-5) As used in this subsection (b-5):

11 "Qualifying direct current applicant" means an entity that
12 seeks to provide direct current bulk transmission service for
13 the purpose of transporting electric energy in interstate
14 commerce.

15 "Qualifying direct current project" means a high voltage
16 direct current electric service line that crosses at least one
17 Illinois border, the Illinois portion of which is physically
18 located within the region of the Midcontinent Independent
19 System Operator, Inc., or its successor organization, and runs
20 through the counties of Pike, Scott, Greene, Macoupin,
21 Montgomery, Christian, Shelby, Cumberland, and Clark, is
22 capable of transmitting electricity at voltages of 345
23 kilovolts or above, and may also include associated
24 interconnected alternating current interconnection facilities
25 in this State that are part of the proposed project and
26 reasonably necessary to connect the project with other

1 portions of the grid.

2 Notwithstanding any other provision of this Act, a
3 qualifying direct current applicant that does not own,
4 control, operate, or manage, within this State, any plant,
5 equipment, or property used or to be used for the transmission
6 of electricity at the time of its application or of the
7 Commission's order may file an application on or before
8 December 31, 2023 with the Commission pursuant to this Section
9 or Section 8-406.1 for, and the Commission may grant, a
10 certificate of public convenience and necessity to construct,
11 operate, and maintain a qualifying direct current project. The
12 qualifying direct current applicant may also include in the
13 application requests for authority under Section 8-503. The
14 Commission shall grant the application for a certificate of
15 public convenience and necessity and requests for authority
16 under Section 8-503 if it finds that the qualifying direct
17 current applicant and the proposed qualifying direct current
18 project satisfy the requirements of this subsection and
19 otherwise satisfy the criteria of this Section or Section
20 8-406.1 and the criteria of Section 8-503, as applicable to
21 the application and to the extent such criteria are not
22 superseded by the provisions of this subsection. The
23 Commission's order on the application for the certificate of
24 public convenience and necessity shall also include the
25 Commission's findings and determinations on the request or
26 requests for authority pursuant to Section 8-503. Prior to

1 filing its application under either this Section or Section
2 8-406.1, the qualifying direct current applicant shall conduct
3 3 public meetings in accordance with subsection (h) of this
4 Section. If the qualifying direct current applicant
5 demonstrates in its application that the proposed qualifying
6 direct current project is designed to deliver electricity to a
7 point or points on the electric transmission grid in either or
8 both the PJM Interconnection, LLC or the Midcontinent
9 Independent System Operator, Inc., or their respective
10 successor organizations, the proposed qualifying direct
11 current project shall be deemed to be, and the Commission
12 shall find it to be, for public use. If the qualifying direct
13 current applicant further demonstrates in its application that
14 the proposed transmission project has a capacity of 1,000
15 megawatts or larger and a voltage level of 345 kilovolts or
16 greater, the proposed transmission project shall be deemed to
17 satisfy, and the Commission shall find that it satisfies, the
18 criteria stated in item (1) of subsection (b) of this Section
19 or in paragraph (1) of subsection (f) of Section 8-406.1, as
20 applicable to the application, without the taking of
21 additional evidence on these criteria. Prior to the transfer
22 of functional control of any transmission assets to a regional
23 transmission organization, a qualifying direct current
24 applicant shall request Commission approval to join a regional
25 transmission organization in an application filed pursuant to
26 this subsection (b-5) or separately pursuant to Section 7-102

1 of this Act. The Commission may grant permission to a
2 qualifying direct current applicant to join a regional
3 transmission organization if it finds that the membership, and
4 associated transfer of functional control of transmission
5 assets, benefits Illinois customers in light of the attendant
6 costs and is otherwise in the public interest. Nothing in this
7 subsection (b-5) requires a qualifying direct current
8 applicant to join a regional transmission organization.
9 Nothing in this subsection (b-5) requires the owner or
10 operator of a high voltage direct current transmission line
11 that is not a qualifying direct current project to obtain a
12 certificate of public convenience and necessity to the extent
13 it is not otherwise required by this Section 8-406 or any other
14 provision of this Act.

15 (c) As used in this subsection (c):

16 "Decommissioning" has the meaning given to that term in
17 subsection (a) of Section 8-508.1.

18 "Nuclear power reactor" has the meaning given to that term
19 in Section 8 of the Nuclear Safety Law of 2004.

20 ~~After the effective date of this amendatory Act of the~~
21 ~~103rd General Assembly, no construction shall commence on any~~
22 ~~new nuclear power reactor with a nameplate capacity of more~~
23 ~~than 300 megawatts of electricity to be located within this~~
24 ~~State, and no certificate of public convenience and necessity~~
25 ~~or other authorization shall be issued therefor by the~~
26 ~~Commission, until the Illinois Emergency Management Agency and~~

1 ~~Office of Homeland Security, in consultation with the Illinois~~
2 ~~Environmental Protection Agency and the Illinois Department of~~
3 ~~Natural Resources, finds that the United States Government,~~
4 ~~through its authorized agency, has identified and approved a~~
5 ~~demonstrable technology or means for the disposal of high~~
6 ~~level nuclear waste, or until such construction has been~~
7 ~~specifically approved by a statute enacted by the General~~
8 ~~Assembly.~~ Beginning January 1, 2026, construction may commence
9 on a new nuclear power reactor ~~with a nameplate capacity of 300~~
10 ~~megawatts of electricity or less~~ within this State if the
11 entity constructing the new nuclear power reactor has obtained
12 all permits, licenses, permissions, or approvals governing the
13 construction, operation, and funding of decommissioning of
14 such nuclear power reactors required by: (1) this Act; (2) any
15 rules adopted by the Illinois Emergency Management Agency and
16 Office of Homeland Security under the authority of this Act;
17 (3) any applicable federal statutes, including, but not
18 limited to, the Atomic Energy Act of 1954, the Energy
19 Reorganization Act of 1974, the Low-Level Radioactive Waste
20 Policy Amendments Act of 1985, and the Energy Policy Act of
21 1992; (4) any regulations promulgated or enforced by the U.S.
22 Nuclear Regulatory Commission, including, but not limited to,
23 those codified at Title X, Parts 20, 30, 40, 50, 70, and 72 of
24 the Code of Federal Regulations, as from time to time amended;
25 and (5) any other federal or State statute, rule, or
26 regulation governing the permitting, licensing, operation, or

1 decommissioning of such nuclear power reactors. None of the
2 rules developed by the Illinois Emergency Management Agency
3 and Office of Homeland Security or any other State agency,
4 board, or commission pursuant to this Act shall be construed
5 to supersede the authority of the U.S. Nuclear Regulatory
6 Commission. The changes made by this amendatory Act of the
7 103rd General Assembly shall not apply to the uprate, renewal,
8 or subsequent renewal of any license for an existing nuclear
9 power reactor that began operation prior to the effective date
10 of this amendatory Act of the 103rd General Assembly.

11 None of the changes made in this amendatory Act of the
12 104th General Assembly ~~this amendatory Act of the 103rd~~
13 ~~General Assembly~~ are intended to authorize the construction of
14 nuclear power plants powered by nuclear power reactors that
15 are not ~~either: (1) small modular nuclear reactors; or (2)~~
16 nuclear power reactors licensed by the U.S. Nuclear Regulatory
17 Commission to operate in this State ~~prior to the effective~~
18 ~~date of this amendatory Act of the 103rd General Assembly.~~

19 (d) In making its determination under subsection (b) of
20 this Section, the Commission shall attach primary weight to
21 the cost or cost savings to the customers of the utility. The
22 Commission may consider any or all factors which will or may
23 affect such cost or cost savings, including the public
24 utility's engineering judgment regarding the materials used
25 for construction.

26 (e) The Commission may issue a temporary certificate which

1 shall remain in force not to exceed one year in cases of
2 emergency, to assure maintenance of adequate service or to
3 serve particular customers, without notice or hearing, pending
4 the determination of an application for a certificate, and may
5 by regulation exempt from the requirements of this Section
6 temporary acts or operations for which the issuance of a
7 certificate will not be required in the public interest.

8 A public utility shall not be required to obtain but may
9 apply for and obtain a certificate of public convenience and
10 necessity pursuant to this Section with respect to any matter
11 as to which it has received the authorization or order of the
12 Commission under the Electric Supplier Act, and any such
13 authorization or order granted a public utility by the
14 Commission under that Act shall as between public utilities be
15 deemed to be, and shall have except as provided in that Act the
16 same force and effect as, a certificate of public convenience
17 and necessity issued pursuant to this Section.

18 No electric cooperative shall be made or shall become a
19 party to or shall be entitled to be heard or to otherwise
20 appear or participate in any proceeding initiated under this
21 Section for authorization of power plant construction and as
22 to matters as to which a remedy is available under the Electric
23 Supplier Act.

24 (f) Such certificates may be altered or modified by the
25 Commission, upon its own motion or upon application by the
26 person or corporation affected. Unless exercised within a

1 period of 2 years from the grant thereof, authority conferred
2 by a certificate of convenience and necessity issued by the
3 Commission shall be null and void.

4 No certificate of public convenience and necessity shall
5 be construed as granting a monopoly or an exclusive privilege,
6 immunity or franchise.

7 (g) A public utility that undertakes any of the actions
8 described in items (1) through (3) of this subsection (g) or
9 that has obtained approval pursuant to Section 8-406.1 of this
10 Act shall not be required to comply with the requirements of
11 this Section to the extent such requirements otherwise would
12 apply. For purposes of this Section and Section 8-406.1 of
13 this Act, "high voltage electric service line" means an
14 electric line having a design voltage of 69,000 ~~100,000~~ or
15 more. For purposes of this subsection (g), a public utility
16 may do any of the following:

17 (1) replace or upgrade any existing high voltage
18 electric service line and related facilities,
19 notwithstanding its length or, subject to applicable
20 Article VII requirements, ownership;

21 (2) relocate any existing high voltage electric
22 service line and related facilities, notwithstanding its
23 length, to accommodate construction or expansion of a
24 roadway or other transportation infrastructure; or

25 (3) construct a high voltage electric service line and
26 related facilities that is constructed solely to serve a

1 single customer's premises or to provide a generator
2 interconnection to the public utility's transmission
3 system and that will (i) pass under or over the premises
4 owned by the customer or generator to be served; (ii) pass
5 ~~or~~ under or over premises for which the customer or
6 generator has secured the necessary ~~right-of-way~~
7 right-of-way; or (iii) be multi-circuited with the
8 facilities of the public utility.

9 (h) A public utility seeking to construct a high-voltage
10 electric service line and related facilities (Project) must
11 show that the utility has held a minimum of 2 pre-filing public
12 meetings to receive public comment concerning the Project in
13 each county where the Project is to be located, no earlier than
14 6 months prior to filing an application for a certificate of
15 public convenience and necessity from the Commission. Notice
16 of the public meeting shall be published in a newspaper of
17 general circulation within the affected county once a week for
18 3 consecutive weeks, beginning no earlier than one month prior
19 to the first public meeting. If the Project traverses 2
20 contiguous counties and where in one county the transmission
21 line mileage and number of landowners over whose property the
22 proposed route traverses is one-fifth or less of the
23 transmission line mileage and number of such landowners of the
24 other county, then the utility may combine the 2 pre-filing
25 meetings in the county with the greater transmission line
26 mileage and affected landowners. All other requirements

1 regarding pre-filing meetings shall apply in both counties.
2 Notice of the public meeting, including a description of the
3 Project, must be provided in writing to the clerk of each
4 county where the Project is to be located. A representative of
5 the Commission shall be invited to each pre-filing public
6 meeting.

7 (h-5) A public utility seeking to construct a high-voltage
8 electric service line and related facilities must also show
9 that the Project has complied with training and competence
10 requirements under subsection (b) of Section 15 of the
11 Electric Transmission Systems Construction Standards Act.

12 (i) For applications filed after August 18, 2015 (the
13 effective date of Public Act 99-399), the Commission shall, by
14 certified mail, notify each owner of record of land, as
15 identified in the records of the relevant county tax assessor,
16 included in the right-of-way over which the utility seeks in
17 its application to construct a high-voltage electric line of
18 the time and place scheduled for the initial hearing on the
19 public utility's application. The utility shall reimburse the
20 Commission for the cost of the postage and supplies incurred
21 for mailing the notice.

22 (j) In determining whether to issue a certificate of
23 public convenience for a new electric generation facility to a
24 municipal power agency that is required to obtain such a
25 certificate to exercise its power of eminent domain pursuant
26 to Section 11-119.1-10 of the Illinois Municipal Code, the

1 Commission shall give due consideration to whether a
2 generation unit of similar size and type is part of the
3 municipal power agency's preferred portfolio or least-cost
4 plan for achieving renewable energy goals in its most recent
5 integrated resource plan, as described in subsection (d) of
6 Section 1-15 of the Municipal and Cooperative Electric Utility
7 Transparent Planning Act.

8 (Source: P.A. 102-609, eff. 8-27-21; 102-662, eff. 9-15-21;
9 102-813, eff. 5-13-22; 102-931, eff. 5-27-22; 103-569, eff.
10 6-1-24; 103-1066, eff. 2-20-25.)

11 Section 1-100. The General Not For Profit Corporation Act
12 of 1986 is amended by adding Section 108.22 as follows:

13 (805 ILCS 105/108.22 new)

14 Sec. 108.22. Distribution electric cooperatives.

15 (a) A distribution electric cooperative, as that term is
16 used in the Electric Supplier Act, shall maintain a publicly
17 accessible website and shall post the following documents and
18 information on its website:

19 (1) The current bylaws.

20 (2) A schedule of all regular meetings, posted
21 annually and updated as necessary.

22 (3) Planned agendas for all regular and special board
23 meetings.

24 (4) Minutes of the regular session of each board

1 meeting, posted within 30 days of their approval.

2 (5) A description of the director election process,
3 including:

4 (A) eligibility requirements for director
5 candidates;

6 (B) nomination procedures;

7 (C) voting methods and member instructions; and

8 (D) election timelines and deadlines.

9 (b) A distribution electric cooperative may include in its
10 bylaws procedures for accepting votes cast by mail or through
11 secure online voting platforms.

12 (c) Each distribution electric cooperative shall adopt
13 bylaws or written policies establishing a process that allows
14 members to address the board of directors on matters relevant
15 to the governance and operation of the cooperative.

16 ARTICLE 5.

17 Section 5-1. Short title. This Article may be cited as the
18 Utility Data Access Act. References in this Article to "this
19 Act" mean this Article.

20 Section 5-5. Findings.

21 (a) The General Assembly finds and declares that
22 optimizing energy use through whole-building utility data
23 access is in the public interest because it provides

1 consumers, building owners, utilities, and states with
2 significant economic benefits.

3 (b) The General Assembly further finds the following:

4 (1) implementing building energy use data access
5 legislation catalyzes the development of a strong market
6 for building energy services which will positively impact
7 the State's economy through significant job growth;

8 (2) improving the energy use efficiency of the
9 existing building stock is a key strategy to help preserve
10 the affordability of rental housing;

11 (3) energy use reductions stemming from data access
12 can result in direct cost savings to customers and in peak
13 load reductions that benefit all ratepayers;

14 (4) data access programs allow utilities to maximize
15 the value of their energy use efficiency portfolio by
16 engaging customers and directing them to energy efficiency
17 programs and by enabling utilities to target
18 low-performing buildings;

19 (5) implementing building data access enables building
20 owners in the State to qualify for certain federal and
21 other incentives to help them improve their assets;

22 (6) energy use data access is the foundation of a
23 successful efficiency strategy and enables building owners
24 to track energy use performance over time, set performance
25 goals, and justify cost-effective energy use upgrades; and

26 (7) absent whole-building energy use data access

1 legislation, building owners lack an efficient, defined
2 process to obtain energy performance of their buildings in
3 a manner that protects consumer confidentiality.

4 Section 5-10. Definitions. As used in this Act:

5 "Account holder" or "customer" means the person or entity
6 authorized to access or modify utility account details.

7 "Aggregated usage data" means an aggregation of covered
8 usage data, where all data associated with a qualified
9 building or qualified property, including, but not limited to,
10 data from tenant meters and from owner meters, are combined
11 into one collective data point per utility data type, per time
12 period, and where any unique identifiers or other personal
13 information are removed or dissociated from individual meter
14 data.

15 "Aggregation threshold" means 3 or more unique
16 nonresidential qualified accounts or any combination of 5 or
17 more residential and nonresidential unique qualified accounts
18 of a property or building during the period for which data is
19 requested.

20 "Benchmarking tool" means the ENERGY STAR Portfolio
21 Manager web-based tool or any prudent and cost-effective
22 alternative system or tool approved by the Commission should
23 ENERGY STAR Portfolio Manager become inoperative or no longer
24 useful to achieving the policy goals of the State of Illinois
25 that (i) enables the periodic entry of a building's energy use

1 data and other descriptive information about a building and
2 (ii) rates a building's energy efficiency against that of
3 comparable buildings nationwide.

4 "Commission" means the Illinois Commerce Commission.

5 "Covered usage data" means electric data collected from
6 one or more utility meters that reflects the quantity and
7 period of utility usage in the building, property, or portion
8 thereof.

9 "Data recipient" means:

10 (1) an owner of the property or building;

11 (2) an owner of a portion of a property with regard to
12 covered usage data only for the utility consumption the
13 owner or the owner's tenants, if any, pay for and consume
14 in the owned portion;

15 (3) a tenant with regard to covered usage data only
16 for the utility consumption the tenant or the tenant's
17 subtenants, if any, pay for and consume in the space
18 leased by the tenant;

19 (4) the board, in the case of a condominium or
20 cooperative ownership of the property or building; or

21 (5) an agent authorized to receive the covered usage
22 data by anyone in paragraphs (1) through (4).

23 "Property" means:

24 (1) a single tax parcel;

25 (2) 2 or more tax parcels held in the cooperative or
26 condominium form of ownership and governed by a single

1 board of managers; or

2 (3) 2 or more colocated tax parcels owned or
3 controlled by the same entity.

4 "Qualified account" means a utility account that serves
5 some or all of a building or property for which covered usage
6 data is requested and that, as affirmed by the data recipient,
7 was not controlled by the data recipient or its subsidiary
8 during the time period for which covered usage data is
9 requested.

10 "Qualified building" means a building that meets the
11 aggregation threshold.

12 "Qualified data recipient" means a data recipient with
13 respect to a qualified property or qualified building.

14 "Qualified property" means a property that meets the
15 aggregation threshold.

16 "Utility" means an entity that is an electric utility with
17 over 500,000 customers in this State and that is a public
18 utility, as defined in Section 3-105 of the Public Utilities
19 Act.

20 "Utility data type" means electric.

21 Section 5-15. Utility data access.

22 (a) Within 90 days after the effective date of this Act,
23 the Commission shall open a proceeding to establish by rule,
24 consistent with the Illinois Administrative Procedure Act and
25 the requirements of subsection (c), procedures to implement

1 the requirements of this Section. The Commission shall
2 consider industry best practices along with Illinois law,
3 rules, and Commission orders in developing the implementing
4 rules. The governing authority of a public utility district,
5 municipally owned utility, or cooperative utility may adopt a
6 rule adopted by the Commission.

7 (b) No later than 2 years after the effective date of this
8 Act, the Commission shall adopt procedures through the
9 rulemaking proceeding identified in subsection (a) whereby:

10 (1) a utility shall retain usage data in the
11 possession of the utility on the effective date of this
12 Act or that is subsequently generated by the utility, for
13 a period 5 years or however long the utility retains usage
14 data in its active billing system, whichever is longer;

15 (2) a utility shall honor an account holder's
16 authorized request to transmit the account holder's
17 covered usage data held by the utility to any entity
18 designated by the account holder;

19 (3) a qualified data recipient with respect to a
20 qualified building or qualified property may request that
21 a utility provide aggregated usage data for the qualified
22 building or qualified property. Aggregated usage data
23 shall include identifiers of all meters associated with
24 the aggregate data and any other information needed for
25 data quality assurance;

26 (4) a utility shall establish a tool or process to

1 enable qualified data recipients to request data under
2 this subsection. The tool or process shall meet
3 specifications established by the Commission;

4 (5) the account holder request process and utility
5 delivery of requested data shall be convenient, secure,
6 and at the Commission's direction requests to the utility
7 may be submitted exclusively through an online portal; and

8 (6) a utility shall provide updates or corrections to
9 any previously provided usage information on the schedule
10 established in paragraph (5) of subsection (d). Data
11 recipients may request and receive timely revisions
12 correcting any previously provided usage information. A
13 utility shall also provide usage information on the
14 schedule established in paragraph (5) of subsection (d).

15 (c) Any covered usage data that a utility provides to a
16 data recipient under this Section must meet the following
17 requirements:

18 (1) The covered usage data must be available to be
19 requested online. A utility's validation of the
20 requester's identity shall be consistent with, and no more
21 onerous than, the utility's then-current practices.

22 (2) The covered usage data must be provided to the
23 data recipient in a timeframe, frequency, and format and
24 be delivered by a method as may be determined by the
25 Commission.

26 (d) Any covered usage data that a utility provides to a

1 data recipient under this Section must:

2 (1) be provided to the data recipient within 30 days
3 after receiving the data recipient's valid request if the
4 request is received after the effective date of the
5 rulemaking identified in subsection (a) of this Section;

6 (2) for any initial upload of data to a data recipient
7 and subject to subsection (j) of this Section, a data
8 recipient must include all the data for the time period
9 required in paragraph (1) of subsection (b), regardless of
10 whether the data recipient had a business relationship
11 with the building or property during that period;

12 (3) include all necessary data and available usage
13 data points for data recipients to comply with reporting
14 requirements to which they are subject, including any such
15 usage data that the utility possesses;

16 (4) be directly uploaded to the benchmarking tool
17 account, or delivered in another format approved by the
18 Commission, depending on utility size under subsection
19 (e);

20 (5) be provided to the data recipient according to a
21 schedule set by the Commission, but no less than monthly;

22 (6) be provided until the data recipient revokes the
23 request for usage data or is no longer a data recipient or
24 is no longer a qualified data recipient with respect to
25 aggregated usage data;

26 (7) be accompanied by a list of all meters associated

1 with the covered usage data, including, but not limited
2 to, aggregated usage data, and shall be accompanied by any
3 other information the Commission deems necessary including
4 for data quality assurance; and

5 (8) be provided at no cost to the data recipient.

6 (e) The Commission shall direct that covered usage data
7 shall be delivered to the data recipient in a standard format
8 consistent with the benchmarking tool at the data recipient's
9 request. The Commission shall direct electric utilities that
10 serve at least 500,000 customers in the State to provide
11 requested data by direct upload to the benchmarking tool and
12 associate the data with the data recipient's benchmarking tool
13 account.

14 (f) To ensure the validity and usefulness of covered usage
15 data, the utility shall provide the best available consumption
16 and other information, consistent with the utility's records
17 as presented to account holders on the utility's customer
18 portal and captured at the meter level.

19 (g) Once covered usage data has been made available to a
20 duly authorized data recipient, such data may not be deleted
21 or altered by a utility system, except as is necessary to
22 correct errors or reflect rebills or is affected as part of the
23 utility's billing data retention policy. If previously
24 provided covered usage data is changed to correct errors,
25 notification must be provided to the data recipient.

26 (h) Within 180 days after the effective date of this Act,

1 the Commission shall adopt a standard form for a utility
2 account holder to authorize the sharing of the utility account
3 holder's covered usage data.

4 (i) For properties that do not meet the aggregation
5 threshold and therefore require account holder authorization,
6 the utility shall provide covered usage data to data
7 recipients upon account holder authorization, which:

8 (1) may be provided in Commission-approved form;

9 (2) may be provided in a lease agreement provision;

10 and

11 (3) remains valid until the account holder revokes it,
12 regardless of how the authorization is provided.

13 (j) Access to covered usage data under this Section shall
14 be subject to any rules the Commission has adopted or may
15 choose to adopt, if the rules do not conflict with this
16 Section.

17 (k) Except in cases where the utility has not followed
18 processes established by this Act or the utility is grossly
19 negligent, the utility shall be held harmless for third-party
20 misuse of data shared under this Act and no cause of action may
21 be initiated against the utility for such subsequent misuse.

22 (l) A utility may file for cost recovery of the reasonable
23 and prudently incurred costs of providing covered usage data,
24 including establishing, operating, and maintaining data
25 aggregation and data access services, for the Commission to
26 evaluate. A utility shall make good faith efforts to secure

1 federal, State, or other relevant funding for such investments
2 in the future. Any such funding the utility receives shall be
3 deducted from future revenue requirements.

4 (m) The Commission may hire consultants and experts to
5 execute their responsibilities under this Act, with the
6 retention of those consultants and experts exempt from the
7 requirements of Section 20-10 of the Illinois Procurement
8 Code.

9 ARTICLE 90.

10 Section 90-5. The Department of Commerce and Economic
11 Opportunity Law of the Civil Administrative Code of Illinois
12 is amended by changing Section 605-1075 as follows:

13 (20 ILCS 605/605-1075)

14 Sec. 605-1075. Energy Transition Assistance Fund.

15 (a) The General Assembly hereby declares that management
16 of several economic development programs requires a
17 consolidated funding source to improve resource efficiency.
18 The General Assembly specifically recognizes that properly
19 serving communities and workers impacted by the energy
20 transition requires that the Department of Commerce and
21 Economic Opportunity have access to the resources required for
22 the execution of the programs for workforce and contractor
23 development, just transition investments and community

1 support, and the implementation and administration of energy
2 and justice efforts by the State.

3 (b) The Department shall be responsible for the
4 administration of the Energy Transition Assistance Fund and
5 shall allocate funding on the basis of priorities established
6 in this Section. Each year, the Department shall determine the
7 available amount of resources in the Fund that can be
8 allocated to the programs identified in this Section, and
9 allocate the funding accordingly. The Department shall, to the
10 extent practical, consider both the short-term and long-term
11 costs of the programs and allocate funding so that the
12 Department is able to cover both the short-term and long-term
13 costs of these programs using projected revenue.

14 The available funding for each year shall be allocated
15 from the Fund in the following order of priority:

16 (1) for costs related to the Clean Jobs Workforce
17 Network Program, up to \$21,000,000 annually prior to June
18 1, 2023; ~~and \$24,333,333 annually~~ from June 1, 2023 to May
19 30, 2026; and \$26,500,000 annually thereafter;

20 (2) for costs related to the Clean Energy Contractor
21 Incubator Program, up to \$21,000,000 annually prior to
22 June 1, 2026 and up to \$22,687,403 thereafter;

23 (3) for costs related to the Clean Energy Primes
24 Contractor Accelerator Program, up to \$9,000,000 annually;

25 (4) for costs related to the Barrier Reduction
26 Program, up to \$21,000,000 annually prior to June 1, 2026

1 and up to \$22,143,079 annually thereafter;

2 (5) for costs related to the Jobs and Environmental
3 Justice Grant Program, up to \$34,000,000 annually prior to
4 June 1, 2026 and up to \$41,000,000 annually thereafter;

5 (6) for costs related to the Returning Residents Clean
6 Jobs Training Program, up to \$6,000,000 annually;

7 (7) for costs related to Energy Transition Navigators,
8 up to \$6,000,000 annually prior to June 1, 2026 and up to
9 \$6,500,000 annually thereafter;

10 (8) for costs related to the Illinois Climate Works
11 Preapprenticeship Program, up to \$10,000,000 annually;

12 (9) for costs related to Energy Transition Community
13 Support Grants, up to \$40,000,000 annually;

14 (10) for costs related to the Displaced Energy Worker
15 Dependent Scholarship, upon request by the Illinois
16 Student Assistance Commission, up to \$1,100,000 annually;

17 (11) up to \$10,000,000 annually shall be transferred
18 to the Public Utilities Fund for use by the Illinois
19 Commerce Commission for costs of administering the changes
20 made to the Public Utilities Act by this amendatory Act of
21 the 102nd General Assembly;

22 (12) up to \$4,000,000 annually shall be transferred to
23 the Illinois Power Agency Operations Fund for use by the
24 Illinois Power Agency; and

25 (13) for costs related to the Clean Energy Jobs and
26 Justice Fund, up to \$1,000,000 annually.

1 The Department is authorized to utilize up to 10% of the
2 Energy Transition Assistance Fund for administrative and
3 operational expenses to implement the requirements of this
4 Act.

5 (b-5) Beginning January 1, 2028, at the direction of the
6 Department, the State Comptroller shall direct and the State
7 Treasurer shall transfer up to \$84,800,000 annually into the
8 Electric Vehicle and Charging Fund from the Energy Transition
9 Assistance Fund for costs related to transportation
10 electrification programs, as described in Section 36 of the
11 Electric Vehicle Rebate Act. The Environmental Protection
12 Agency may use up to 3% of the annual allocation under this
13 subsection (b-5) for administrative and operational expenses.

14 (c) Within 30 days after the effective date of this
15 amendatory Act of the 102nd General Assembly, each electric
16 utility serving more than 500,000 customers in the State shall
17 report to the Department its total kilowatt-hours of energy
18 delivered during the 12 months ending on the immediately
19 preceding May 31. By October 31, 2021 and each October 31
20 thereafter, each electric utility serving more than 500,000
21 customers in the State shall report to the Department its
22 total kilowatt-hours of energy delivered during the 12 months
23 ending on the immediately preceding May 31.

24 (d) The Department shall, within 60 days after the
25 effective date of this amendatory Act of the 102nd General
26 Assembly:

1 (1) determine the amount necessary, but not more than
2 \$180,000,000, to meet the funding needs of the programs
3 reliant upon the Energy Transition Assistance Fund as a
4 revenue source for the period between the effective date
5 of this amendatory Act of the 102nd General Assembly and
6 December 31, 2021;

7 (2) determine, based on the kilowatt-hour deliveries
8 for the 12 months ending May 31, 2021 reported by the
9 electric utilities under subsection (c), the total energy
10 transition assistance charge to be allocated to each
11 electric utility for the period between the effective date
12 of this amendatory Act of the 102nd General Assembly and
13 December 31, 2021; and

14 (3) report the total energy transition assistance
15 charge applicable until December 31, 2021 to each electric
16 utility serving more than 500,000 customers in the State
17 and the Illinois Commerce Commission for purposes of
18 filing the tariff pursuant to Section 16-108.30 of the
19 Public Utilities Act.

20 (d-5) Notwithstanding subsection (d), the Department
21 shall, within 60 days after the effective date of this
22 amendatory Act of the 104th General Assembly, determine the
23 amount necessary, but not more than \$192,000,000, to meet the
24 funding needs of the programs reliant upon the Energy
25 Transition Assistance Fund as a revenue source.

26 (e) The Department shall by November 30, 2021, and each

1 November 30 thereafter:

2 (1) determine the amount necessary, but not more than
3 \$180,000,000 before the effective date of this amendatory
4 Act of the 104th General Assembly and not more than
5 \$192,000,000, plus the amount needed to fund the programs
6 described in subsection (b-5), after the effective date of
7 this amendatory Act of the 104th General Assembly, to meet
8 the funding needs of the programs reliant upon the Energy
9 Transition Assistance Fund as a revenue source for the
10 immediately following calendar year;

11 (2) determine, based on the kilowatt-hour deliveries
12 for the 12 months ending on the immediately preceding May
13 31 reported to it by the electric utilities under
14 subsection (c), the total energy transition assistance
15 charge to be allocated to each electric utility for the
16 immediately following calendar year; and

17 (3) report the energy transition assistance charge
18 applicable for the immediately following calendar year to
19 each electric utility serving more than 500,000 customers
20 in the State and the Illinois Commerce Commission for
21 purposes of filing the tariff pursuant to Section
22 16-108.30 of the Public Utilities Act.

23 (f) The energy transition assistance charge may not exceed
24 \$192,000,000 plus the amount needed to fund the programs
25 described in subsection (b-5) ~~\$180,000,000~~ annually. If, at
26 the end of the calendar year, any surplus remains in the Energy

1 Transition Assistance Fund, the Department may allocate the
2 surplus from the fund in the following order of priority:

3 (1) for costs related to the development of the
4 Stretch Energy Codes and other standards at the Capital
5 Development Board, up to \$500,000 annually, at the request
6 of the Board;

7 (2) up to \$7,000,000 annually shall be transferred to
8 the Energy Efficiency Trust Fund and Clean Air Act Permit
9 Fund for use by the Environmental Protection Agency for
10 costs related to energy efficiency and weatherization, and
11 costs of implementation, administration, and enforcement
12 of the Clean Air Act; and

13 (3) for costs related to State fleet electrification
14 at the Department of Central Management Services, up to
15 \$10,000,000 annually, at the request of the Department.

16 (Source: P.A. 102-662, eff. 9-15-21.)

17 Section 90-6. The Electric Vehicle Act is amended by
18 changing Sections 45 and 55 as follows:

19 (20 ILCS 627/45)

20 Sec. 45. Beneficial electrification.

21 (a) It is the intent of the General Assembly to decrease
22 reliance on fossil fuels, reduce pollution from the
23 transportation sector, increase access to electrification for
24 all consumers, and ensure that electric vehicle adoption and

1 increased electricity usage and demand do not place
2 significant additional burdens on the electric system and
3 create benefits for Illinois residents.

4 (1) Illinois should increase the adoption of electric
5 vehicles in the State to 1,000,000 by 2030.

6 (2) Illinois should strive to be the best state in the
7 nation in which to drive and manufacture electric
8 vehicles.

9 (3) Widespread adoption of electric vehicles is
10 necessary to electrify the transportation sector,
11 diversify the transportation fuel mix, drive economic
12 development, and protect air quality.

13 (4) Accelerating the adoption of electric vehicles
14 will drive the decarbonization of Illinois' transportation
15 sector.

16 (5) Expanded infrastructure investment will help
17 Illinois more rapidly decarbonize the transportation
18 sector.

19 (6) Statewide adoption of electric vehicles requires
20 increasing access to electrification for all consumers.

21 (7) Widespread adoption of electric vehicles requires
22 increasing public access to charging equipment throughout
23 Illinois, especially in low-income and environmental
24 justice communities, where levels of air pollution burden
25 tend to be higher.

26 (8) Widespread adoption of electric vehicles and

1 charging equipment has the potential to provide customers
2 with fuel cost savings and electric utility customers with
3 cost-saving benefits.

4 (9) Widespread adoption of electric vehicles can
5 improve an electric utility's electric system efficiency
6 and operational flexibility, including the ability of the
7 electric utility to integrate renewable energy resources
8 and make use of off-peak generation resources that support
9 the operation of charging equipment.

10 (10) Widespread adoption of electric vehicles should
11 stimulate innovation, competition, and increased choices
12 in charging equipment and networks and should also attract
13 private capital investments and create high-quality jobs
14 in Illinois.

15 (b) As used in this Section:

16 "Agency" means the Environmental Protection Agency.

17 "Beneficial electrification programs" means programs that
18 lower carbon dioxide emissions, replace fossil fuel use,
19 create cost savings, improve electric grid operations, reduce
20 increases to peak demand, improve electric usage load shape,
21 and align electric usage with times of renewable generation.
22 All beneficial electrification programs shall provide for
23 incentives such that customers are induced to use electricity
24 at times of low overall system usage or at times when
25 generation from renewable energy sources is high. "Beneficial
26 electrification programs" include a portfolio of the

1 following:

2 (1) time-of-use electric rates;

3 (2) hourly pricing electric rates;

4 (3) optimized charging programs or programs that
5 encourage charging at times beneficial to the electric
6 grid;

7 (4) optional demand-response programs specifically
8 related to electrification efforts;

9 (5) incentives for electrification and associated
10 infrastructure tied to using electricity at off-peak
11 times;

12 (6) incentives for electrification and associated
13 infrastructure targeted to medium-duty and heavy-duty
14 vehicles used by transit agencies;

15 (7) incentives for electrification and associated
16 infrastructure targeted to school buses;

17 (8) incentives for electrification and associated
18 infrastructure for medium-duty and heavy-duty government
19 and private fleet vehicles;

20 (9) low-income programs that provide access to
21 electric vehicles for communities where car ownership or
22 new car ownership is not common;

23 (10) incentives for electrification in eligible
24 communities;

25 (11) incentives or programs to enable quicker adoption
26 of electric vehicles by developing public charging

1 stations in dense areas, workplaces, and low-income
2 communities;

3 (12) incentives or programs to develop electric
4 vehicle infrastructure that minimizes range anxiety,
5 filling the gaps in deployment, particularly in rural
6 areas and along highway corridors;

7 (13) incentives to encourage the development of
8 electrification and renewable energy generation in close
9 proximity in order to reduce grid congestion;

10 (14) offer support to low-income communities who are
11 experiencing financial and accessibility barriers such
12 that electric vehicle ownership is not an option; and

13 (15) other such programs as defined by the Commission.

14 "Black, indigenous, and people of color" or "BIPOC" means
15 people who are members of the groups described in
16 subparagraphs (a) through (e) of paragraph (A) of subsection
17 (1) of Section 2 of the Business Enterprise for Minorities,
18 Women, and Persons with Disabilities Act.

19 "Commission" means the Illinois Commerce Commission.

20 "Coordinator" means the Electric Vehicle Coordinator.

21 "Electric vehicle" means a vehicle that is exclusively
22 powered by and refueled by electricity, must be plugged in to
23 charge, and is licensed to drive on public roadways. "Electric
24 vehicle" does not include electric mopeds, electric
25 off-highway vehicles, or hybrid electric vehicles and
26 extended-range electric vehicles that are also equipped with

1 conventional fueled propulsion or auxiliary engines.

2 "Electric vehicle charging station" means a station that
3 delivers electricity from a source outside an electric vehicle
4 into one or more electric vehicles.

5 "Environmental justice communities" means the definition
6 of that term based on existing methodologies and findings,
7 used and as may be updated by the Illinois Power Agency and its
8 program administrator in the Illinois Solar for All Program.

9 "Equity investment eligible community" or "eligible
10 community" means the geographic areas throughout Illinois
11 which would most benefit from equitable investments by the
12 State designed to combat discrimination and foster sustainable
13 economic growth. Specifically, "eligible community" means the
14 following areas:

15 (1) areas where residents have been historically
16 excluded from economic opportunities, including
17 opportunities in the energy sector, as defined pursuant to
18 Section 10-40 of the Cannabis Regulation and Tax Act; and

19 (2) areas where residents have been historically
20 subject to disproportionate burdens of pollution,
21 including pollution from the energy sector, as established
22 by environmental justice communities as defined by the
23 Illinois Power Agency pursuant to Illinois Power Agency
24 Act, excluding any racial or ethnic indicators.

25 "Equity investment eligible person" or "eligible person"
26 means the persons who would most benefit from equitable

1 investments by the State designed to combat discrimination and
2 foster sustainable economic growth. Specifically, "eligible
3 person" means the following people:

4 (1) persons whose primary residence is in an equity
5 investment eligible community;

6 (2) persons who are graduates of or currently enrolled
7 in the foster care system; or

8 (3) persons who were formerly incarcerated.

9 "Low-income" means persons and families whose income does
10 not exceed 80% of the state median income for the current State
11 fiscal year as established by the U.S. Department of Health
12 and Human Services.

13 "Make-ready infrastructure" means the electrical and
14 construction work necessary between the distribution circuit
15 to the connection point of charging equipment.

16 "Optimized charging programs" mean programs whereby owners
17 of electric vehicles can set their vehicles to be charged
18 based on the electric system's current demand, retail or
19 wholesale market rates, incentives, the carbon or other
20 pollution intensity of the electric generation mix, the
21 provision of grid services, efficient use of the electric
22 grid, or the availability of clean energy generation.
23 Optimized charging programs may be operated by utilities as
24 well as third parties.

25 (c) The Commission shall initiate a workshop process no
26 later than November 30, 2021 for the purpose of soliciting

1 input on the design of beneficial electrification programs
2 that the utility shall offer. The workshop shall be
3 coordinated by the Staff of the Commission, or a facilitator
4 retained by Staff, and shall be organized and facilitated in a
5 manner that encourages representation from diverse
6 stakeholders, including stakeholders representing
7 environmental justice and low-income communities, and ensures
8 equitable opportunities for participation, without requiring
9 formal intervention or representation by an attorney.

10 The stakeholder workshop process shall take into
11 consideration the benefits of electric vehicle adoption and
12 barriers to adoption, including:

13 (1) the benefit of lower bills for customers who do
14 not charge electric vehicles;

15 (2) benefits to the distribution system from electric
16 vehicle usage;

17 (3) the avoidance and reduction in capacity costs from
18 optimized charging and off-peak charging;

19 (4) energy price and cost reductions;

20 (5) environmental benefits, including greenhouse gas
21 emission and other pollution reductions;

22 (6) current barriers to mass-market adoption,
23 including cost of ownership and availability of charging
24 stations;

25 (7) current barriers to increasing access among
26 populations that have limited access to electric vehicle

1 ownership, communities significantly impacted by
2 transportation-related pollution, and market segments that
3 create disproportionate pollution impacts;

4 (8) benefits of and incentives for medium-duty and
5 heavy-duty fleet vehicle electrification;

6 (9) opportunities for eligible communities to benefit
7 from electrification;

8 (10) geographic areas and market segments that should
9 be prioritized for electrification infrastructure
10 investment.

11 The workshops shall consider barriers, incentives,
12 enabling rate structures, and other opportunities for the bill
13 reduction and environmental benefits described in this
14 subsection.

15 The workshop process shall conclude no later than February
16 28, 2022. Following the workshop, the Staff of the Commission,
17 or the facilitator retained by the Staff, shall prepare and
18 submit a report, no later than March 31, 2022, to the
19 Commission that includes, but is not limited to,
20 recommendations for transportation electrification investment
21 or incentives in the following areas:

22 (i) publicly accessible Level 2 and fast-charging
23 stations, with a focus on bringing access to
24 transportation electrification in densely populated areas
25 and workplaces within eligible communities;

26 (ii) medium-duty and heavy-duty charging

1 infrastructure used by government and private fleet
2 vehicles that serve or travel through environmental
3 justice or eligible communities;

4 (iii) medium-duty and heavy-duty charging
5 infrastructure used in school bus operations, whether
6 private or public, that primarily serve governmental or
7 educational institutions, and also serve or travel through
8 environmental justice or eligible communities;

9 (iv) public transit medium-duty and heavy-duty
10 charging infrastructure, developed in consultation with
11 public transportation agencies; and

12 (v) publicly accessible Level 2 and fast-charging
13 stations targeted to fill gaps in deployment, particularly
14 in rural areas and along State highway corridors.

15 The report must also identify the participants in the
16 process, program designs proposed during the process,
17 estimates of the costs and benefits of proposed programs, any
18 material issues that remained unresolved at the conclusions of
19 such process, and any recommendations for workshop process
20 improvements. The report shall be used by the Commission to
21 inform and evaluate the cost-effectiveness ~~cost-effectiveness~~
22 and achievement of goals within the submitted Beneficial
23 Electrification Plans.

24 (d) No later than July 1, 2022, electric utilities serving
25 greater than 500,000 customers in the State shall file a
26 Beneficial Electrification Plan with the Illinois Commerce

1 Commission for programs that start no later than January 1,
2 2023. The plan shall take into consideration recommendations
3 from the workshop report described in this Section. Within 45
4 days after the filing of the Beneficial Electrification Plan,
5 the Commission shall, with reasonable notice, open an
6 investigation to consider whether the plan meets the
7 objectives and contains the information required by this
8 Section. The Commission shall determine if the proposed plan
9 is cost-beneficial and in the public interest. When
10 considering if the plan is in the public interest and
11 determining appropriate levels of cost recovery for
12 investments and expenditures related to programs proposed by
13 an electric utility, the Commission shall consider whether the
14 investments and other expenditures are designed and reasonably
15 expected to:

16 (1) maximize total energy cost savings and rate
17 reductions so that nonparticipants can benefit;

18 (2) address environmental justice interests by
19 ensuring there are significant opportunities for residents
20 and businesses in eligible communities to directly
21 participate in and benefit from beneficial electrification
22 programs;

23 (3) support at least a 40% investment of make-ready
24 infrastructure incentives to facilitate the rapid
25 deployment of charging equipment in or serving
26 environmental justice, low-income, and eligible

1 communities; however, nothing in this subsection is
2 intended to require a specific amount of spending in a
3 particular geographic area;

4 (4) support at least a 5% investment target in
5 electrifying medium-duty and heavy-duty school bus and
6 diesel public transportation vehicles located in or
7 serving environmental justice, low-income, and eligible
8 communities in order to provide those communities and
9 businesses with greater economic investment,
10 transportation opportunities, and a cleaner environment so
11 they can directly benefit from transportation
12 electrification efforts; however, nothing in this
13 subsection is intended to require a specific amount of
14 spending in a particular geographic area;

15 (5) stimulate innovation, competition, private
16 investment, and increased consumer choices in electric
17 vehicle charging equipment and networks;

18 (6) contribute to the reduction of carbon emissions
19 and meeting air quality standards, including improving air
20 quality in eligible communities who disproportionately
21 suffer from emissions from the medium-duty and heavy-duty
22 transportation sector;

23 (7) support the efficient and cost-effective use of
24 the electric grid in a manner that supports electric
25 vehicle charging operations; and

26 (8) provide resources to support private investment in

1 charging equipment for uses in public and private charging
2 applications, including residential, multi-family, fleet,
3 transit, community, and corridor applications.

4 The plan shall be determined to be cost-beneficial if the
5 total cost of beneficial electrification expenditures is less
6 than the net present value of increased electricity costs
7 (defined as marginal avoided energy, avoided capacity, and
8 avoided transmission and distribution system costs) avoided by
9 programs under the plan, the net present value of reductions
10 in other customer energy costs, net revenue from all electric
11 charging in the service territory, and the societal value of
12 reduced carbon emissions and surface-level pollutants,
13 particularly in environmental justice communities. The
14 calculation of costs and benefits should be based on net
15 impacts, including the impact on customer rates.

16 The Commission shall approve, approve with modifications,
17 or reject the plan within 270 days from the date of filing. The
18 Commission may approve the plan if it finds that the plan will
19 achieve the goals described in this Section and contains the
20 information described in this Section. Proceedings under this
21 Section shall proceed according to the rules provided by
22 Article IX of the Public Utilities Act. Information contained
23 in the approved plan shall be considered part of the record in
24 any Commission proceeding under Section 16-107.6 of the Public
25 Utilities Act, provided that a final order has not been
26 entered prior to the initial filing date. The Beneficial

1 Electrification Plan shall specifically address, at a minimum,
2 the following:

3 (i) make-ready investments to facilitate the rapid
4 deployment of charging equipment throughout the State,
5 facilitate the electrification of public transit and other
6 vehicle fleets in the light-duty, medium-duty, and
7 heavy-duty sectors, and align with Agency-issued rebates
8 for charging equipment;

9 (ii) the development and implementation of beneficial
10 electrification programs, including time-of-use rates and
11 their benefit for electric vehicle users and for all
12 customers, optimized charging programs to achieve savings
13 identified, and new contracts and compensation for
14 services in those programs, through signals that allow
15 electric vehicle charging to respond to local system
16 conditions, manage critical peak periods, serve as a
17 demand response or peak resource, and maximize renewable
18 energy use and integration into the grid;

19 (iii) optional commercial tariffs utilizing
20 alternatives to traditional demand-based rate structures
21 to facilitate charging for light-duty, heavy-duty, and
22 fleet electric vehicles;

23 (iv) financial and other challenges to electric
24 vehicle usage in low-income communities, and strategies
25 for overcoming those challenges, particularly in
26 communities where and for people for whom car ownership is

1 not an option;

2 (v) methods of minimizing ratepayer impacts and
3 exempting or minimizing, to the extent possible,
4 low-income ratepayers from the costs associated with
5 facilitating the expansion of electric vehicle charging;

6 (vi) plans to increase access to Level 3 Public
7 Electric Vehicle Charging Infrastructure to serve vehicles
8 that need quicker charging times and vehicles of persons
9 who have no other access to charging infrastructure,
10 regardless of whether those projects participate in
11 optimized charging programs;

12 (vii) whether to establish charging standards for type
13 of plugs eligible for investment or incentive programs,
14 and if so, what standards;

15 (viii) opportunities for coordination and cohesion
16 with electric vehicle and electric vehicle charging
17 equipment incentives established by any agency,
18 department, board, or commission of the State, any other
19 unit of government in the State, any national programs, or
20 any unit of the federal government;

21 (ix) ideas for the development of online tools,
22 applications, and data sharing that provide essential
23 information to those charging electric vehicles, and
24 enable an automated charging response to price signals,
25 emission signals, real-time renewable generation
26 production, and other Commission-approved or

1 customer-desired indicators of beneficial charging times;
2 and

3 (x) customer education, outreach, and incentive
4 programs that increase awareness of the programs and the
5 benefits of transportation electrification, including
6 direct outreach to eligible communities.

7 (e) Proceedings under this Section shall proceed according
8 to the rules provided by Article IX of the Public Utilities
9 Act. Information contained in the approved plan shall be
10 considered part of the record in any Commission proceeding
11 under Section 16-107.6 of the Public Utilities Act, provided
12 that a final order has not been entered prior to the initial
13 filing date.

14 (f) The utility shall file an update to the plan on July 1,
15 2024 ~~and every 3 years thereafter~~. This update shall describe
16 transportation investments made during the prior plan period,
17 investments planned for the following 24 months, and updates
18 to the information required by this Section. ~~Beginning with~~
19 ~~the first update, the~~ The utility shall develop the plan in
20 conjunction with the distribution system planning process
21 described in Section 16-105.17, including incorporation of
22 stakeholder feedback from that process.

23 (g) Within 35 days after the utility files its report, the
24 Commission shall, upon its own initiative, open an
25 investigation regarding the utility's plan update to
26 investigate whether the objectives described in this Section

1 are being achieved. The Commission shall determine whether
2 investment targets should be increased based on achievement of
3 spending goals outlined in the Beneficial Electrification Plan
4 and consistency with outcomes directed in the plan stakeholder
5 workshop report. If the Commission finds, after notice and
6 hearing, that the utility's plan is materially deficient, the
7 Commission shall issue an order requiring the utility to
8 devise a corrective action plan, subject to Commission
9 approval, to bring the plan into compliance with the goals of
10 this Section. The Commission's order shall be entered within
11 270 days after the utility files its annual report. The
12 contents of a plan filed under this Section shall be available
13 for evidence in Commission proceedings. However, omission from
14 an approved plan shall not render any future utility
15 expenditure to be considered unreasonable or imprudent. The
16 Commission may, upon sufficient evidence, allow expenditures
17 that were not part of any particular distribution plan. The
18 Commission shall consider revenues from electric vehicles in
19 the utility's service territory in evaluating the retail rate
20 impact. The retail rate impact from the development of
21 electric vehicle infrastructure shall not exceed 1% per year
22 of the total annual revenue requirements of the utility.

23 (h) In meeting the requirements of this Section, the
24 utility shall demonstrate efforts to increase the use of
25 contractors and electric vehicle charging station installers
26 that meet multiple workforce equity actions, including, but

1 not limited to:

2 (1) the business is headquartered in or the person
3 resides in an eligible community;

4 (2) the business is majority owned by eligible person
5 or the contractor is an eligible person;

6 (3) the business or person is certified by another
7 municipal, State, federal, or other certification for
8 disadvantaged businesses;

9 (4) the business or person meets the eligibility
10 criteria for a certification program such as:

11 (A) certified under Section 2 of the Business
12 Enterprise for Minorities, Women, and Persons with
13 Disabilities Act;

14 (B) certified by another municipal, State,
15 federal, or other certification for disadvantaged
16 businesses;

17 (C) submits an affidavit showing that the vendor
18 meets the eligibility criteria for a certification
19 program such as those in items (A) and (B);

20 (D) if the vendor is a nonprofit, meets any of the
21 criteria in those in item (A), (B), or (C) with the
22 exception that the nonprofit is not required to meet
23 any criteria related to being a for-profit entity, or
24 is controlled by a board of directors that consists of
25 51% or greater individuals who are equity investment
26 eligible persons; or

1 (E) ensuring that program implementation
2 contractors and electric vehicle charging station
3 installers pay employees working on electric vehicle
4 charging installations at or above the prevailing wage
5 rate as published by the Department of Labor.

6 Utilities shall establish reporting procedures for vendors
7 that ensure compliance with this subsection, but are
8 structured to avoid, wherever possible, placing an undue
9 administrative burden on vendors.

10 (i) Program data collection.

11 (1) In order to ensure that the benefits provided to
12 Illinois residents and business by the clean energy
13 economy are equitably distributed across the State, it is
14 necessary to accurately measure the applicants and
15 recipients of this Program. The purpose of this paragraph
16 is to require the implementing utilities to collect all
17 data from Program applicants and beneficiaries to track
18 and improve equitable distribution of benefits across
19 Illinois communities. The further purpose is to measure
20 any potential impact of racial discrimination on the
21 distribution of benefits and provide the utilities the
22 information necessary to correct any discrimination
23 through methods consistent with State and federal law.

24 (2) The implementing utilities shall collect
25 demographic and geographic data for each applicant and
26 each person or business awarded benefits or contracts

1 under this Program.

2 (3) The implementing utilities shall collect the
3 following information from applicants and Program or
4 procurement beneficiaries where applicable:

5 (A) demographic information, including racial or
6 ethnic identity for real persons employed, contracted,
7 or subcontracted through the program;

8 (B) demographic information, including racial or
9 ethnic identity of business owners;

10 (C) geographic location of the residency of real
11 persons or geographic location of the headquarters for
12 businesses; and

13 (D) any other information necessary for the
14 purpose of achieving the purpose of this paragraph.

15 (4) The utility shall publish, at least annually,
16 aggregated information on the demographics of program and
17 procurement applicants and beneficiaries. The utilities
18 shall protect personal and confidential business
19 information as necessary.

20 (5) The utilities shall conduct a regular review
21 process to confirm the accuracy of reported data.

22 (6) On a quarterly basis, utilities shall collect data
23 necessary to ensure compliance with this Section and shall
24 communicate progress toward compliance to program
25 implementation contractors and electric vehicle charging
26 station installation vendors.

1 (7) Utilities filing Beneficial Electrification Plans
2 under this Section shall report annually to the Illinois
3 Commerce Commission and the General Assembly on how
4 hiring, contracting, job training, and other practices
5 related to its beneficial ~~Beneficial~~ electrification
6 programs enhance the diversity of vendors working on such
7 programs. These reports must include data on vendor and
8 employee diversity.

9 (j) Any Beneficial Electrification Plan under this Section
10 shall terminate on December 31, 2028. Beginning January 1,
11 2029, utilities shall continue to support transportation
12 electrification by maintaining responsibility for the
13 following through the Multi-Year Integrated Grid Plans
14 implemented by electric utilities pursuant to Section
15 16-105.17 of the Public Utilities Act, beginning with the
16 plans that include a time period that is after January 1, 2029:

17 (i) make-ready investments and other programs that
18 facilitate the rapid deployment of charging equipment
19 throughout the State, especially deployment that targets
20 medium-duty and heavy-duty vehicle electrification and
21 multi-unit buildings;

22 (ii) the development and implementation of (1)
23 time-of-use rates and the benefit of the rates for
24 electric vehicle users and for all customers, (2)
25 optimized charging programs to achieve identified savings,
26 and (3) new contracts and compensation for services in the

1 optimized charging programs, through signals that allow
2 electric vehicle charging to respond to local system
3 conditions, manage critical peak periods, serve as a
4 demand response or peak resource, and maximize renewable
5 energy use and integration into the grid; and

6 (iii) commercial tariffs that utilize alternatives to
7 traditional demand-based rate structures to facilitate
8 charging for light-duty, heavy-duty, and fleet electric
9 vehicles.

10 Utilities shall demonstrate methods of minimizing
11 ratepayer impacts and exempting or minimizing, to the extent
12 possible, low-income ratepayers from the costs associated with
13 facilitating the expansion of electric vehicle charging.

14 (k) ~~(j)~~ The provisions of this Section are severable under
15 Section 1.31 of the Statute on Statutes.

16 (Source: P.A. 102-662, eff. 9-15-21; 102-820, eff. 5-13-22;
17 103-154, eff. 6-30-23.)

18 (20 ILCS 627/55)

19 Sec. 55. Charging rebate program.

20 (a) In order to substantially offset the installation
21 costs of electric vehicle charging infrastructure, beginning
22 July 1, 2022, and continuing as long as funds are available,
23 the Agency shall issue rebates, consistent with the
24 Commission-approved Beneficial Electrification Plans in
25 accordance with Section 45, to public and private

1 organizations and companies to install and maintain Level 2 or
2 Level 3 charging stations.

3 (b) The Agency shall award rebates or grants that fund up
4 to 80% of the cost of the installation of charging stations.
5 The Agency shall award additional incentives per port for
6 every charging station installed in an eligible community and
7 every charging station located to support eligible persons. In
8 order to be eligible to receive a rebate or grant, the
9 organization or company must submit an application to the
10 Agency and commit to paying the prevailing wage for the
11 installation project. The Agency shall by rule provide
12 application and other programmatic details and requirements,
13 including additional incentives for eligible communities. The
14 Agency may determine per port or project caps based on a review
15 of best practices and stakeholder engagement. The Agency shall
16 accept applications on a rolling basis and shall award rebates
17 or grants within 60 days of each application. The Agency must
18 require that any grant or rebate applicant comply with the
19 requirements of the Prevailing Wage Act for any installation
20 of a charging station for which it seeks a rebate or grant.

21 (c) This Section is repealed on January 1, 2029.

22 (Source: P.A. 102-662, eff. 9-15-21; 102-673, eff. 11-30-21.)

23 Section 90-7. The Energy Transition Act is amended by
24 changing Sections 5-35, 5-40, and 5-60 as follows:

1 (20 ILCS 730/5-35)

2 (Section scheduled to be repealed on September 15, 2045)

3 Sec. 5-35. Energy Transition Navigators.

4 (a) As used in this Section:

5 "Community-based provider" means a not-for-profit
6 organization that has a history of serving low-wage or
7 low-skilled workers or individuals from economically
8 disadvantaged communities.

9 "Economically disadvantaged community" means areas of one
10 or more census tracts where the average household income does
11 not exceed 80% of the area median income.

12 (b) In order to engage eligible individuals to participate
13 in the Clean Jobs Workforce Network Program, the Illinois
14 Climate Works Preapprenticeship Program, Returning Residents
15 Clean Jobs Program, Clean Energy Contractor Incubator Program,
16 and Clean Energy Primes Contractor Accelerator Program and
17 utilize the services offered under the Energy Transition
18 Barrier Reduction Program, the Department shall, subject to
19 appropriation, contract with community-based providers to
20 serve as Energy Transition Navigators. Energy Transition
21 Navigators shall provide education, outreach, and recruitment
22 services to equity focused populations, prioritizing
23 individuals eligible for the Clean Jobs Workforce Network
24 Program or Illinois Climate Works Preapprenticeship Program,
25 to make sure they are aware of and engaged in the statewide and
26 local workforce development systems. Additional strategies may

1 include, but are not limited to, recruitment activities and
2 events.

3 (c) For members of equity focused populations,
4 prioritizing individuals eligible for the Clean Jobs Workforce
5 Network Program or Illinois Climate Works Preapprenticeship
6 Program, who may be interested in entrepreneurial pursuits,
7 Energy Transition Navigators may connect these individuals
8 with their area Small Business Development Center, Procurement
9 Technical Assistance Centers, or economic development
10 organization to engage in services, including, but not limited
11 to, business consulting, business planning, regulatory
12 compliance, marketing, training, accessing capital, government
13 bid, and certification assistance.

14 (d) Energy Transition Navigators shall engage equity
15 focused populations, prioritizing individuals eligible for the
16 Clean Jobs Workforce Network Program or Illinois Climate Works
17 Preapprenticeship Program, organizations working with these
18 populations, local workforce innovation boards, and other
19 relevant stakeholders to coordinate outreach initiatives to
20 promote information regarding programs and services offered
21 under the Clean Jobs Workforce Network Program, the Illinois
22 Climate Works Preapprenticeship Program, and the Energy
23 Transition Barrier Reduction Program. Energy Transition
24 Navigators shall provide support where reasonable to
25 individuals and entities applying for these services and
26 programs.

1 (e) Community education, outreach, and recruitment
2 regarding the Clean Jobs Workforce Network Program, the
3 Illinois Climate Works Preapprenticeship Program, and Energy
4 Transition Barrier Reduction Program shall be targeted to the
5 equity focused populations, prioritizing individuals eligible
6 for the Clean Jobs Workforce Network Program or Illinois
7 Climate Works Preapprenticeship Program.

8 (f) Community-based providers shall partner with
9 educational institutions or organizations working with equity
10 focused populations, local employers, labor unions, and others
11 to identify members of equity focused populations in eligible
12 communities who are unable to advance in their careers due to
13 inadequate skills. Community-based providers shall provide
14 information and consultation to equity focused populations,
15 prioritizing individuals eligible for the Clean Jobs Workforce
16 Network Program or Illinois Climate Works Preapprenticeship
17 Program, on various educational opportunities and supportive
18 services available to them.

19 (g) Community-based providers shall establish partnerships
20 with employers, educational institutions, local economic
21 development organizations, environmental justice
22 organizations, trades groups, labor unions, and entities that
23 provide jobs, including businesses and other nonprofit
24 organizations, to target the skill needs of local industry.
25 The community-based provider shall work with local workforce
26 innovation boards and other relevant partners to develop skill

1 curriculum and career pathway support for disadvantaged
2 individuals in equity focused populations, prioritizing
3 individuals eligible for the Clean Jobs Workforce Network
4 Program or Illinois Climate Works Preapprenticeship Program,
5 that meets local employers' needs and establishes job
6 placement opportunities after training.

7 (h) Funding for the Program is subject to appropriation
8 from the Energy Transition Assistance Fund. ~~Priority in~~
9 ~~awarding grants under this Section will be given to~~
10 ~~organizations that also have experience serving populations~~
11 ~~impacted by climate change.~~

12 (i) Each community-based organization that receives
13 funding from the Department as an Energy Transition Navigator
14 shall provide an annual report to the Department by April 1 of
15 each calendar year. The annual report shall include the
16 following information:

17 (1) a description of the community-based
18 organization's recruitment, screening, and training
19 efforts;

20 (2) the number of individuals who apply to,
21 participate in, and complete programs offered through the
22 Energy Transition Workforce Program, broken down by race,
23 gender, age, and location; and

24 (3) any other information deemed necessary by the
25 Department.

26 (Source: P.A. 102-662, eff. 9-15-21.)

1 (20 ILCS 730/5-40)

2 (Section scheduled to be repealed on September 15, 2045)

3 Sec. 5-40. Illinois Climate Works Preapprenticeship
4 Program.

5 (a) Subject to appropriation, the Department shall
6 develop, and through Regional Administrators administer, the
7 Illinois Climate Works Preapprenticeship Program. The goal of
8 the Illinois Climate Works Preapprenticeship Program is to
9 create a network of hubs throughout the State that will
10 recruit, prescreen, and provide preapprenticeship skills
11 training, for which participants may attend free of charge and
12 receive a stipend, to create a qualified, diverse pipeline of
13 workers who are prepared for careers in the construction and
14 building trades and clean energy jobs opportunities therein.
15 Upon completion of the Illinois Climate Works
16 Preapprenticeship Program, the candidates will be connected to
17 and prepared to successfully complete an apprenticeship
18 program.

19 (b) Each Climate Works Hub that receives funding from the
20 Energy Transition Assistance Fund shall provide an annual
21 report to the Illinois Works Review Panel by April 1 of each
22 calendar year. The annual report shall include the following
23 information:

24 (1) a description of the Climate Works Hub's
25 recruitment, screening, and training efforts, including a

1 description of training related to construction and
2 building trades opportunities in clean energy jobs;

3 (2) the number of individuals who apply to,
4 participate in, and complete the Climate Works Hub's
5 program, broken down by race, gender, age, and veteran
6 status;

7 (3) the number of the individuals referenced in
8 paragraph (2) of this subsection who are initially
9 accepted and placed into apprenticeship programs in the
10 construction and building trades; and

11 (4) the number of individuals referenced in paragraph
12 (2) of this subsection who remain in apprenticeship
13 programs in the construction and building trades or have
14 become journeymen one calendar year after their placement,
15 as referenced in paragraph (3) of this subsection.

16 (c) Subject to appropriation, the Department shall provide
17 funding to 3 Climate Works Hubs throughout the State,
18 including one to the Illinois Department of Transportation
19 Region 1, one to the Illinois Department of Transportation
20 Regions 2 and 3, and one to the Illinois Department of
21 Transportation Regions 4 and 5. An eligible organization may
22 serve as the designated Climate Works Hub for all 5 regions.
23 Climate Works Hubs shall be awarded grants in multi-year
24 increments not to exceed 36 months. Each grant shall come with
25 a one year initial term, with the Department renewing each
26 year for 2 additional years unless the grantee either declines

1 to continue or fails to meet reasonable performance measures
2 that consider apprenticeship programs timeframes. The
3 Department may take into account experience and performance as
4 a previous grantee of the Climate Works Hub as part of the
5 selection criteria for subsequent years.

6 (d) Each Climate Works Hub that receives funding from the
7 Energy Transition Assistance Fund shall recruit, prescreen,
8 and provide preapprenticeship training to program
9 participants. Each Climate Works Hub that receives funding
10 from the Energy Transition Assistance Fund shall:

11 (1) in each Hub Site where the applicant pool allows,
12 comply with the following:

13 (A) dedicate at least one-third of Program
14 placements to applicants who reside in a geographic
15 area that is impacted by economic and environmental
16 challenges, defined as an area that is both (i) an R3
17 Area, as defined pursuant to Section 10-40 of the
18 Cannabis Regulation and Tax Act, and (ii) an
19 environmental justice community, as defined by the
20 Illinois Power Agency under the Illinois Power Agency
21 Act, excluding any racial or ethnic indicators used by
22 the Agency unless and until the constitutional basis
23 for the inclusion of the factors in determining
24 Program admissions is established; among applicants
25 that satisfy these criteria, preference shall be given
26 to applicants who face barriers to employment,

1 including low educational attainment, prior
2 involvement with the criminal justice system, and
3 language barriers, and applicants that are graduates
4 of or currently enrolled in the foster care system;
5 and

6 (B) dedicate at least two-thirds of Program
7 placements to applicants who reside in a geographic
8 area that is impacted by economic or environmental
9 challenges, defined as an area that is either (i) an R3
10 Area, as defined pursuant to Section 10-40 of the
11 Cannabis Regulation and Tax Act, or (ii) an
12 environmental justice community, as defined by the
13 Illinois Power Agency in the Illinois Power Agency
14 Act, excluding any racial or ethnic indicators used by
15 the Agency unless and until the constitutional basis
16 for the inclusion of the factors in determining
17 Program admissions is established; among applicants
18 that satisfy these criteria, preference shall be given
19 to applicants who face barriers to employment,
20 including low educational attainment, prior
21 involvement with the criminal legal system, and
22 language barriers, and applicants that are graduates
23 of or currently enrolled in the foster care system;
24 and

25 (C) prioritize the remaining Program placements
26 for the following:

1 (i) applicants who are displaced energy
2 workers, as defined in the Energy Community
3 Reinvestment Act;

4 (ii) persons who face barriers to employment,
5 including low educational attainment, prior
6 involvement with the criminal justice system, and
7 language barriers; and

8 (iii) applicants who are graduates of or
9 currently enrolled in the foster care system,
10 regardless of the applicant's area of residence;

11 ~~Each Climate Works Hub that receives funding from~~
12 ~~the Energy Transition Assistance Fund shall:~~

13 ~~(1) recruit, prescreen, and provide preapprenticeship~~
14 ~~training to equity investment eligible persons;~~

15 (2) provide training information related to
16 opportunities and certifications relevant to clean energy
17 jobs in the construction and building trades; and

18 (3) provide preapprentices with stipends they receive
19 that may vary depending on the occupation the individual
20 is training for.

21 (d-5) Priority shall be given to Climate Works Hubs that
22 have an agreement with North American Building Trades Unions
23 (NABTU) to utilize the Multi-Craft Core Curriculum or
24 successor curriculums.

25 (e) Funding for the Program is subject to appropriation
26 from the Energy Transition Assistance Fund.

1 (f) The Department shall adopt any rules deemed necessary
2 to implement this Section.

3 (Source: P.A. 102-662, eff. 9-15-21; 102-1031, eff. 5-27-22;
4 102-1123, eff. 1-27-23.)

5 (20 ILCS 730/5-60)

6 (Section scheduled to be repealed on September 15, 2045)

7 Sec. 5-60. Jobs and Environmental Justice Grant Program.

8 (a) In order to provide upfront capital to support the
9 development of projects, businesses, community organizations,
10 and jobs creating opportunity for historically disadvantaged
11 populations, and to provide seed capital to support community
12 ownership of renewable energy projects, the Department of
13 Commerce and Economic Opportunity shall create and administer
14 a Jobs and Environmental Justice Grant Program. The grant
15 program shall be designed to help remove barriers to project,
16 community, and business development caused by a lack of
17 capital.

18 (b) The grant program shall provide grant awards of up to
19 \$1,000,000 per application to support the development of
20 renewable energy resources as defined in Section 1-10 of the
21 Illinois Power Agency Act, and energy efficiency measures as
22 defined in Section 8-103B of the Public Utilities Act. The
23 amount of a grant award shall be based on a project's size and
24 scope. Grants shall be provided upfront, in advance of other
25 incentives, to provide businesses, organizations, and

1 community groups with capital needed to plan, develop, and
2 execute a project. Grants shall be designed to coordinate with
3 and supplement existing incentive programs, such as the
4 Adjustable Block program, the Illinois Solar for All Program,
5 the community renewable generation projects, and renewable
6 energy procurements as described in the Illinois Power Agency
7 Act, as well as utility energy efficiency measures as
8 described in Section 8-103B of the Public Utilities Act.

9 (c) The Jobs and Environmental Justice Grant Program shall
10 include 2 subprograms:

11 (1) the Equitable Energy Future Grant Program; and

12 (2) the Community Solar Energy Sovereignty Grant
13 Program.

14 (d) The Equitable Energy Future Grant Program is designed
15 to provide seed funding and pre-development funding
16 opportunities for equity eligible contractors and support for
17 compliance with or fulfillment of project labor agreement and
18 prevailing wage requirements in the clean energy economy.

19 (1) The Equitable Energy Future Grant shall be awarded
20 to businesses and nonprofit organizations for costs
21 related to the following activities and project needs:

22 (i) planning and project development, including
23 costs for professional services such as architecture,
24 design, engineering, auditing, consulting, and
25 developer services;

26 (ii) project application, deposit, and approval;

1 (iii) purchasing and leasing of land;
2 (iv) permitting and zoning;
3 (v) interconnection application costs and fees,
4 studies, and expenses;
5 (vi) equipment and supplies;
6 (vii) community outreach, marketing, and
7 engagement; ~~and~~
8 (viii) staff and operations expenses; and ~~-~~
9 (ix) any support needed to comply with or fulfill
10 prevailing wage and project labor agreement
11 requirements in the clean energy economy.

12 (2) Grants shall be awarded to projects that most
13 effectively provide opportunities for equity eligible
14 contractors and equity investment eligible communities,
15 and should consider the following criteria:

16 (i) projects that provide community benefits,
17 which are projects that have one or more of the
18 following characteristics: (A) greater than 50% of the
19 project's energy provided or saved benefits low-income
20 residents, or (B) the project benefits not-for-profit
21 organizations providing services to low-income
22 households, affordable housing owners, or
23 community-based limited liability companies providing
24 services to low-income households;

25 (ii) projects that are located in equity
26 investment eligible communities;

1 (iii) projects that provide on-the-job training;

2 (iv) projects that contract with contractors who
3 are participating or have participated in the Clean
4 Energy Contractor Incubator Program, Clean Energy
5 Primes Contractor Accelerator Program, or similar
6 programs; ~~and~~

7 (v) projects employ a minimum of 51% of its
8 workforce from participants and graduates of the Clean
9 Jobs Workforce Network Program, Illinois Climate Works
10 Preapprenticeship Program, and Returning Residents
11 Clean Jobs Training Program; and -

12 (vi) equity eligible contractors and contractors
13 participating in either the Clean Energy Primes
14 Contractor Accelerator Program or the Clean Energy
15 Contractor Incubator Program and that demonstrate
16 support needed on a company or project-specific basis
17 to comply with prevailing wage and project labor
18 agreement requirements in the clean energy economy.

19 (3) Grants shall be awarded to applicants that meet
20 the following criteria:

21 (i) are equity eligible contractors per the equity
22 accountability systems described in subsection (c-10)
23 of Section 1-75 of the Illinois Power Agency Act, or
24 meet the equity building criteria in paragraph (9.5)
25 of subsection (g) of Section 8-103B of the Public
26 Utilities Act; and

1 (ii) provide demonstrable proof of a historical or
2 future, and persisting, long-term partnership with the
3 community in which the project will be located.

4 (e) The Community Solar Energy Sovereignty Grant Program
5 shall be designed to support the pre-development and
6 development of community solar projects that promote community
7 ownership and energy sovereignty.

8 (1) Grants shall be awarded to applicants that best
9 demonstrate the ability and intent to create community
10 ownership and other local community benefits, including
11 local community wealth building via community renewable
12 generation projects. Grants shall be prioritized to
13 applicants for whom:

14 (i) the proposed project is located in and
15 supporting an equity investment eligible community or
16 communities; and

17 (ii) the proposed project provides additional
18 benefits for participating low-income households.

19 (2) Grant funds shall be awarded to support project
20 pre-development work and may also be awarded to support
21 the development of programs and entities to assist in the
22 long-term governance, management, and maintenance of
23 community solar projects, such as community solar
24 cooperatives. For example, funds may be awarded for:

25 (i) early stage project planning;

26 (ii) project team organization;

1 (iii) site identification;
2 (iv) organizing a project business model and
3 securing financing;
4 (v) procurement and contracting;
5 (vi) customer outreach and enrollment;
6 (vii) preliminary site assessments;
7 (viii) development of cooperative or community
8 ownership model; and
9 (ix) development of project models that allocate
10 benefits to equity investment eligible communities.

11 (3) Grant recipients shall submit reports to the
12 Department at the end of the grant term on the activities
13 pursued under their grant and any lessons learned for
14 publication on the Department's website so that other
15 energy sovereignty projects may learn from their
16 experience.

17 (4) Eligible applicants shall include community-based
18 organizations, as defined in the Illinois Power Agency's
19 long-term renewable resources procurement plan, or
20 technical service providers working in direct partnership
21 with community-based organizations.

22 (5) The amount of a grant shall be based on a projects'
23 size and scope. Grants shall allow for a significant
24 portion, or the entirety, of the grant value to be made
25 upfront, in advance of other incentives, to ensure
26 businesses and organizations have the capital needed to

1 plan, develop, and execute a project.

2 (f) The application process for both subprograms shall not
3 be burdensome on applicants, nor require extensive technical
4 knowledge, and shall be able to be completed on less than 4
5 standard letter-sized pages.

6 (g) These grant subprograms may be coordinated with
7 low-interest and no-interest financing opportunities offered
8 through the Clean Energy Jobs and Justice Fund.

9 (h) The grant subprograms may have a budget of up to
10 \$41,000,000 ~~\$34,000,000~~ per year. No more than \$8,500,000 ~~25%~~
11 of the allocated budget shall go to the Community Solar Energy
12 Sovereignty Grant Program. No more than \$7,000,000 of the
13 allocated budget shall go to financial assistance or technical
14 assistance to support compliance with prevailing wage and
15 project labor agreement requirements.

16 (i) The Department shall endeavor to make expanded
17 Equitable Energy Future Grant Program grants available in line
18 with the timing of projects being constructed that have to
19 comply with newly applicable project labor agreements
20 requirements as a result of this amendatory Act of the 104th
21 General Assembly.

22 (j) The Department may engage contractors or provide
23 grants to nonprofit organizations in order to provide
24 technical assistance as part of this Program to equity
25 eligible contractors and contractors participating in either
26 the Clean Energy Primes Contractor Accelerator Program or

1 Clean Energy Contractor Incubator Program that need support to
2 comply with and fulfill prevailing wage and project labor
3 agreement requirements in the clean energy economy.

4 (Source: P.A. 102-662, eff. 9-15-21.)

5 Section 90-8. The Nuclear Safety Law of 2004 is amended by
6 changing Sections 8 and 40 as follows:

7 (20 ILCS 3310/8)

8 Sec. 8. Definitions. In this Act:

9 "IEMA-OHS" means the Illinois Emergency Management Agency
10 and Office of Homeland Security, or its successor agency.

11 "Director" means the Director of IEMA-OHS.

12 "Nuclear facilities" means nuclear power plants,
13 facilities housing nuclear test and research reactors,
14 facilities for the chemical conversion of uranium, and
15 facilities for the storage of spent nuclear fuel or high-level
16 radioactive waste.

17 "Nuclear power plant" or "nuclear steam-generating
18 facility" means a thermal power plant in which the energy
19 (heat) released by the fissioning of nuclear fuel is used to
20 boil water to produce steam.

21 "Nuclear power reactor" means an apparatus, other than an
22 atomic weapon, designed or used to sustain nuclear fission in
23 a self-supporting chain reaction.

24 ~~"Small modular reactor" or "SMR" means an advanced nuclear~~

1 ~~reactor: (1) with a rated nameplate capacity of 300 electrical~~
2 ~~megawatts or less; and (2) that may be constructed and~~
3 ~~operated in combination with similar reactors at a single~~
4 ~~site.~~

5 (Source: P.A. 103-569, eff. 6-1-24.)

6 (20 ILCS 3310/40)

7 Sec. 40. Regulation of nuclear safety.

8 (a) The Agency shall have primary responsibility for the
9 coordination and oversight of all State governmental functions
10 concerning the regulation of nuclear power, including low
11 level waste management, environmental monitoring,
12 environmental radiochemical analysis, and transportation of
13 nuclear waste. Functions performed by the Illinois State
14 Police and the Department of Transportation in the area of
15 nuclear safety, on the effective date of this Act, may
16 continue to be performed by these agencies but under the
17 direction of the Agency. All other governmental functions
18 regulating nuclear safety shall be coordinated by the Agency.

19 (b) (Blank). ~~IEMA OHS, in consultation with the Illinois~~
20 ~~Environmental Protection Agency, shall adopt rules for the~~
21 ~~regulation of small modular reactors. The rules shall be~~
22 ~~adopted by January 1, 2026 and shall include criteria for~~
23 ~~decommissioning, environmental monitoring, and emergency~~
24 ~~preparedness. The rules shall include a fee structure to cover~~
25 ~~IEMA OHS costs for regulation and inspection. The fee~~

~~structure may include fees to cover costs of local government emergency response preparedness through grants administered by IEMA OHS. None of the rules developed by the Illinois Emergency Management Agency and Office of Homeland Security or any other State agency, board, or commission pursuant to this Act shall be construed to supersede the authority of the U.S. Nuclear Regulatory Commission. The changes made by this amendatory Act of the 103rd General Assembly shall not apply to the uprate, renewal, or subsequent renewal of any license for an existing nuclear power reactor that began operation prior to the effective date of this amendatory Act of the 103rd General Assembly. Any fees collected under this subsection shall be deposited into the Nuclear Safety Emergency Preparedness Fund created pursuant to Section 7 of the Illinois Nuclear Safety Preparedness Act.~~

(c) (Blank). ~~Consistent with federal law and policy statements of and cooperative agreements with the U.S. Nuclear Regulatory Commission with respect to State participation in health and safety regulation of nuclear facilities, and in recognition of the role provided for the states by such laws, policy statements, and cooperative agreements, IEMA OHS may develop and implement a program for inspections of small modular reactors, both operational and non-operational. The owner of each small modular reactor shall allow access to IEMA OHS inspectors of all premises and records of the small modular reactor. The IEMA OHS inspectors shall operate in~~

~~accordance with any cooperative agreements executed between IEMA OHS and the U.S. Nuclear Regulatory Commission. The IEMA OHS inspectors shall operate in accordance with the security plan for the small modular reactor. IEMA OHS programs and activities under this Section shall not be inconsistent with federal law.~~

~~(d) (Blank). IEMA OHS shall be authorized to conduct activities specified in Section 8 of the Illinois Nuclear Safety Preparedness Act in regard to small modular reactors.~~

(Source: P.A. 102-133, eff. 7-23-21; 102-538, eff. 8-20-21; 102-813, eff. 5-13-22; 103-569, eff. 6-1-24.)

(20 ILCS 3310/75 rep.)

(20 ILCS 3310/90 rep.)

Section 90-10. The Nuclear Safety Law of 2004 is amended by repealing Sections 75 and 90.

Section 90-11. The Illinois Finance Authority Act is amended by changing Section 801-10 and by adding Section 850-20 as follows:

(20 ILCS 3501/801-10)

Sec. 801-10. Definitions. The following terms, whenever used or referred to in this Act, shall have the following meanings, except in such instances where the context may clearly indicate otherwise:

1 (a) The term "Authority" means the Illinois Finance
2 Authority created by this Act.

3 (b) The term "project" means an industrial project, clean
4 energy project, energy storage project, conservation project,
5 housing project, public purpose project, higher education
6 project, health facility project, cultural institution
7 project, municipal bond program project, PACE Project,
8 agricultural facility or agribusiness, and "project" may
9 include any combination of one or more of the foregoing
10 undertaken jointly by any person with one or more other
11 persons.

12 (c) The term "public purpose project" means (i) any
13 project or facility, including without limitation land,
14 buildings, structures, machinery, equipment and all other real
15 and personal property, which is authorized or required by law
16 to be acquired, constructed, improved, rehabilitated,
17 reconstructed, replaced or maintained by any unit of
18 government or any other lawful public purpose, including
19 provision of working capital, which is authorized or required
20 by law to be undertaken by any unit of government or (ii) costs
21 incurred and other expenditures, including expenditures for
22 management, investment, or working capital costs, incurred in
23 connection with the reform, consolidation, or implementation
24 of the transition process as described in Articles 22B and 22C
25 of the Illinois Pension Code.

26 (d) The term "industrial project" means the acquisition,

1 construction, refurbishment, creation, development or
2 redevelopment of any facility, equipment, machinery, real
3 property or personal property for use by any instrumentality
4 of the State or its political subdivisions, for use by any
5 person or institution, public or private, for profit or not
6 for profit, or for use in any trade or business, including, but
7 not limited to, any industrial, manufacturing, clean energy,
8 or commercial enterprise that is located within or outside the
9 State, provided that, with respect to a project involving
10 property located outside the State, the property must be
11 owned, operated, leased or managed by an entity located within
12 the State or an entity affiliated with an entity located
13 within the State, and which is (1) a capital project or clean
14 energy project, including, but not limited to: (i) land and
15 any rights therein, one or more buildings, structures or other
16 improvements, machinery and equipment, whether now existing or
17 hereafter acquired, and whether or not located on the same
18 site or sites; (ii) all appurtenances and facilities
19 incidental to the foregoing, including, but not limited to,
20 utilities, access roads, railroad sidings, track, docking and
21 similar facilities, parking facilities, dockage, wharfage,
22 railroad roadbed, track, trestle, depot, terminal, switching
23 and signaling or related equipment, site preparation and
24 landscaping; and (iii) all non-capital costs and expenses
25 relating thereto or (2) any addition to, renovation,
26 rehabilitation or improvement of a capital project or a clean

1 energy project, or (3) any activity or undertaking within or
2 outside the State, provided that, with respect to a project
3 involving property located outside the State, the property
4 must be owned, operated, leased or managed by an entity
5 located within the State or an entity affiliated with an
6 entity located within the State, which the Authority
7 determines will aid, assist or encourage economic growth,
8 development or redevelopment within the State or any area
9 thereof, will promote the expansion, retention or
10 diversification of employment opportunities within the State
11 or any area thereof or will aid in stabilizing or developing
12 any industry or economic sector of the State economy. The term
13 "industrial project" also means the production of motion
14 pictures.

15 (e) The term "bond" or "bonds" shall include bonds, notes
16 (including bond, grant or revenue anticipation notes),
17 certificates and/or other evidences of indebtedness
18 representing an obligation to pay money, including refunding
19 bonds.

20 (f) The terms "lease agreement" and "loan agreement" shall
21 mean: (i) an agreement whereby a project acquired by the
22 Authority by purchase, gift or lease is leased to any person,
23 corporation or unit of local government which will use or
24 cause the project to be used as a project as heretofore defined
25 upon terms providing for lease rental payments at least
26 sufficient to pay when due all principal of, interest and

1 premium, if any, on any bonds of the Authority issued with
2 respect to such project, providing for the maintenance,
3 insuring and operation of the project on terms satisfactory to
4 the Authority, providing for disposition of the project upon
5 termination of the lease term, including purchase options or
6 abandonment of the premises, and such other terms as may be
7 deemed desirable by the Authority, (ii) any agreement pursuant
8 to which the Authority agrees to loan the proceeds of its bonds
9 issued with respect to a project or other funds of the
10 Authority to any person which will use or cause the project to
11 be used as a project as heretofore defined or for any other
12 lawful purpose upon terms providing for loan repayment
13 installments at least sufficient to pay when due all principal
14 of, interest and premium, if any, on any bonds of the
15 Authority, if any, issued with respect to the project or for
16 any other lawful purpose, and providing for maintenance,
17 insurance and other matters as may be deemed desirable by the
18 Authority, or (iii) any financing or refinancing agreement
19 entered into by the Authority under subsection (aa) of Section
20 801-40.

21 (g) The term "financial aid" means the expenditure of
22 Authority funds or funds provided by the Authority through the
23 issuance of its bonds, notes or other evidences of
24 indebtedness or from other sources for the development,
25 construction, acquisition or improvement of a project.

26 (h) The term "person" means an individual, corporation,

1 unit of government, business trust, estate, trust, partnership
2 or association, 2 or more persons having a joint or common
3 interest, or any other legal entity.

4 (i) The term "unit of government" means the federal
5 government, the State or unit of local government, a school
6 district, or any agency or instrumentality, office, officer,
7 department, division, bureau, commission, college or
8 university thereof.

9 (j) The term "health facility" means: (a) any public or
10 private institution, place, building, or agency required to be
11 licensed under the Hospital Licensing Act; (b) any public or
12 private institution, place, building, or agency required to be
13 licensed under the Nursing Home Care Act, the Specialized
14 Mental Health Rehabilitation Act of 2013, the ID/DD Community
15 Care Act, or the MC/DD Act; (c) any public or licensed private
16 hospital as defined in the Mental Health and Developmental
17 Disabilities Code; (d) any such facility exempted from such
18 licensure when the Director of Public Health attests that such
19 exempted facility meets the statutory definition of a facility
20 subject to licensure; (e) any other public or private health
21 service institution, place, building, or agency which the
22 Director of Public Health attests is subject to certification
23 by the Secretary, U.S. Department of Health and Human Services
24 under the Social Security Act, as now or hereafter amended, or
25 which the Director of Public Health attests is subject to
26 standard-setting by a recognized public or voluntary

1 accrediting or standard-setting agency; (f) any public or
2 private institution, place, building or agency engaged in
3 providing one or more supporting services to a health
4 facility; (g) any public or private institution, place,
5 building or agency engaged in providing training in the
6 healing arts, including, but not limited to, schools of
7 medicine, dentistry, osteopathy, optometry, podiatry, pharmacy
8 or nursing, schools for the training of x-ray, laboratory or
9 other health care technicians and schools for the training of
10 para-professionals in the health care field; (h) any public or
11 private congregate, life or extended care or elderly housing
12 facility or any public or private home for the aged or infirm,
13 including, without limitation, any Facility as defined in the
14 Life Care Facilities Act; (i) any public or private mental,
15 emotional or physical rehabilitation facility or any public or
16 private educational, counseling, or rehabilitation facility or
17 home, for those persons with a developmental disability, those
18 who are physically ill or disabled, the emotionally disturbed,
19 those persons with a mental illness or persons with learning
20 or similar disabilities or problems; (j) any public or private
21 alcohol, drug or substance abuse diagnosis, counseling
22 treatment or rehabilitation facility, (k) any public or
23 private institution, place, building or agency licensed by the
24 Department of Children and Family Services or which is not so
25 licensed but which the Director of Children and Family
26 Services attests provides child care, child welfare or other

1 services of the type provided by facilities subject to such
2 licensure; (l) any public or private adoption agency or
3 facility; and (m) any public or private blood bank or blood
4 center. "Health facility" also means a public or private
5 structure or structures suitable primarily for use as a
6 laboratory, laundry, nurses or interns residence or other
7 housing or hotel facility used in whole or in part for staff,
8 employees or students and their families, patients or
9 relatives of patients admitted for treatment or care in a
10 health facility, or persons conducting business with a health
11 facility, physician's facility, surgicenter, administration
12 building, research facility, maintenance, storage or utility
13 facility and all structures or facilities related to any of
14 the foregoing or required or useful for the operation of a
15 health facility, including parking or other facilities or
16 other supporting service structures required or useful for the
17 orderly conduct of such health facility. "Health facility"
18 also means, with respect to a project located outside the
19 State, any public or private institution, place, building, or
20 agency which provides services similar to those described
21 above, provided that such project is owned, operated, leased
22 or managed by a participating health institution located
23 within the State, or a participating health institution
24 affiliated with an entity located within the State.

25 (k) The term "participating health institution" means (i)
26 a private corporation or association or (ii) a public entity

1 of this State, in either case authorized by the laws of this
2 State or the applicable state to provide or operate a health
3 facility as defined in this Act and which, pursuant to the
4 provisions of this Act, undertakes the financing, construction
5 or acquisition of a project or undertakes the refunding or
6 refinancing of obligations, loans, indebtedness or advances as
7 provided in this Act.

8 (l) The term "health facility project", means a specific
9 health facility work or improvement to be financed or
10 refinanced (including without limitation through reimbursement
11 of prior expenditures), acquired, constructed, enlarged,
12 remodeled, renovated, improved, furnished, or equipped, with
13 funds provided in whole or in part hereunder, any accounts
14 receivable, working capital, liability or insurance cost or
15 operating expense financing or refinancing program of a health
16 facility with or involving funds provided in whole or in part
17 hereunder, or any combination thereof.

18 (m) The term "bond resolution" means the resolution or
19 resolutions authorizing the issuance of, or providing terms
20 and conditions related to, bonds issued under this Act and
21 includes, where appropriate, any trust agreement, trust
22 indenture, indenture of mortgage or deed of trust providing
23 terms and conditions for such bonds.

24 (n) The term "property" means any real, personal or mixed
25 property, whether tangible or intangible, or any interest
26 therein, including, without limitation, any real estate,

1 leasehold interests, appurtenances, buildings, easements,
2 equipment, furnishings, furniture, improvements, machinery,
3 rights of way, structures, accounts, contract rights or any
4 interest therein.

5 (o) The term "revenues" means, with respect to any
6 project, the rents, fees, charges, interest, principal
7 repayments, collections and other income or profit derived
8 therefrom.

9 (p) The term "higher education project" means, in the case
10 of a private institution of higher education, an educational
11 facility to be acquired, constructed, enlarged, remodeled,
12 renovated, improved, furnished, or equipped, or any
13 combination thereof.

14 (q) The term "cultural institution project" means, in the
15 case of a cultural institution, a cultural facility to be
16 acquired, constructed, enlarged, remodeled, renovated,
17 improved, furnished, or equipped, or any combination thereof.

18 (r) The term "educational facility" means any property
19 located within the State, or any property located outside the
20 State, provided that, if the property is located outside the
21 State, it must be owned, operated, leased or managed by an
22 entity located within the State or an entity affiliated with
23 an entity located within the State, in each case constructed
24 or acquired before or after the effective date of this Act,
25 which is or will be, in whole or in part, suitable for the
26 instruction, feeding, recreation or housing of students, the

1 conducting of research or other work of a private institution
2 of higher education, the use by a private institution of
3 higher education in connection with any educational, research
4 or related or incidental activities then being or to be
5 conducted by it, or any combination of the foregoing,
6 including, without limitation, any such property suitable for
7 use as or in connection with any one or more of the following:
8 an academic facility, administrative facility, agricultural
9 facility, assembly hall, athletic facility, auditorium,
10 boating facility, campus, communication facility, computer
11 facility, continuing education facility, classroom, dining
12 hall, dormitory, exhibition hall, fire fighting facility, fire
13 prevention facility, food service and preparation facility,
14 gymnasium, greenhouse, health care facility, hospital,
15 housing, instructional facility, laboratory, library,
16 maintenance facility, medical facility, museum, offices,
17 parking area, physical education facility, recreational
18 facility, research facility, stadium, storage facility,
19 student union, study facility, theatre or utility.

20 (s) The term "cultural facility" means any property
21 located within the State, or any property located outside the
22 State, provided that, if the property is located outside the
23 State, it must be owned, operated, leased or managed by an
24 entity located within the State or an entity affiliated with
25 an entity located within the State, in each case constructed
26 or acquired before or after the effective date of this Act,

1 which is or will be, in whole or in part, suitable for the
2 particular purposes or needs of a cultural institution,
3 including, without limitation, any such property suitable for
4 use as or in connection with any one or more of the following:
5 an administrative facility, aquarium, assembly hall,
6 auditorium, botanical garden, exhibition hall, gallery,
7 greenhouse, library, museum, scientific laboratory, theater or
8 zoological facility, and shall also include, without
9 limitation, books, works of art or music, animal, plant or
10 aquatic life or other items for display, exhibition or
11 performance. The term "cultural facility" includes buildings
12 on the National Register of Historic Places which are owned or
13 operated by nonprofit entities.

14 (t) "Private institution of higher education" means a
15 not-for-profit educational institution which is not owned by
16 the State or any political subdivision, agency,
17 instrumentality, district or municipality thereof, which is
18 authorized by law to provide a program of education beyond the
19 high school level and which:

20 (1) Admits as regular students only individuals having
21 a certificate of graduation from a high school, or the
22 recognized equivalent of such a certificate;

23 (2) Provides an educational program for which it
24 awards a bachelor's degree, or provides an educational
25 program, admission into which is conditioned upon the
26 prior attainment of a bachelor's degree or its equivalent,

1 for which it awards a postgraduate degree, or provides not
2 less than a 2-year program which is acceptable for full
3 credit toward such a degree, or offers a 2-year program in
4 engineering, mathematics, or the physical or biological
5 sciences which is designed to prepare the student to work
6 as a technician and at a semiprofessional level in
7 engineering, scientific, or other technological fields
8 which require the understanding and application of basic
9 engineering, scientific, or mathematical principles or
10 knowledge;

11 (3) Is accredited by a nationally recognized
12 accrediting agency or association or, if not so
13 accredited, is an institution whose credits are accepted,
14 on transfer, by not less than 3 institutions which are so
15 accredited, for credit on the same basis as if transferred
16 from an institution so accredited, and holds an unrevoked
17 certificate of approval under the Private College Act from
18 the Board of Higher Education, or is qualified as a
19 "degree granting institution" under the Academic Degree
20 Act; and

21 (4) Does not discriminate in the admission of students
22 on the basis of race or color. "Private institution of
23 higher education" also includes any "academic
24 institution".

25 (u) The term "academic institution" means any
26 not-for-profit institution which is not owned by the State or

1 any political subdivision, agency, instrumentality, district
2 or municipality thereof, which institution engages in, or
3 facilitates academic, scientific, educational or professional
4 research or learning in a field or fields of study taught at a
5 private institution of higher education. Academic institutions
6 include, without limitation, libraries, archives, academic,
7 scientific, educational or professional societies,
8 institutions, associations or foundations having such
9 purposes.

10 (v) The term "cultural institution" means any
11 not-for-profit institution which is not owned by the State or
12 any political subdivision, agency, instrumentality, district
13 or municipality thereof, which institution engages in the
14 cultural, intellectual, scientific, educational or artistic
15 enrichment of the people of the State. Cultural institutions
16 include, without limitation, aquaria, botanical societies,
17 historical societies, libraries, museums, performing arts
18 associations or societies, scientific societies and zoological
19 societies.

20 (w) The term "affiliate" means, with respect to financing
21 of an agricultural facility or an agribusiness, any lender,
22 any person, firm or corporation controlled by, or under common
23 control with, such lender, and any person, firm or corporation
24 controlling such lender.

25 (x) The term "agricultural facility" means land, any
26 building or other improvement thereon or thereto, and any

1 personal properties deemed necessary or suitable for use,
2 whether or not now in existence, in farming, ranching, the
3 production of agricultural commodities (including, without
4 limitation, the products of aquaculture, hydroponics and
5 silviculture) or the treating, processing or storing of such
6 agricultural commodities when such activities are customarily
7 engaged in by farmers as a part of farming and which land,
8 building, improvement or personal property is located within
9 the State, or is located outside the State, provided that, if
10 such property is located outside the State, it must be owned,
11 operated, leased, or managed by an entity located within the
12 State or an entity affiliated with an entity located within
13 the State.

14 (y) The term "lender" with respect to financing of an
15 agricultural facility or an agribusiness, means any federal or
16 State chartered bank, Federal Land Bank, Production Credit
17 Association, Bank for Cooperatives, federal or State chartered
18 savings and loan association or building and loan association,
19 Small Business Investment Company or any other institution
20 qualified within this State to originate and service loans,
21 including, but without limitation to, insurance companies,
22 credit unions and mortgage loan companies. "Lender" also means
23 a wholly owned subsidiary of a manufacturer, seller or
24 distributor of goods or services that makes loans to
25 businesses or individuals, commonly known as a "captive
26 finance company".

1 (z) The term "agribusiness" means any sole proprietorship,
2 limited partnership, co-partnership, joint venture,
3 corporation or cooperative which operates or will operate a
4 facility located within the State or outside the State,
5 provided that, if any facility is located outside the State,
6 it must be owned, operated, leased, or managed by an entity
7 located within the State or an entity affiliated with an
8 entity located within the State, that is related to the
9 processing of agricultural commodities (including, without
10 limitation, the products of aquaculture, hydroponics and
11 silviculture) or the manufacturing, production or construction
12 of agricultural buildings, structures, equipment, implements,
13 and supplies, or any other facilities or processes used in
14 agricultural production. Agribusiness includes but is not
15 limited to the following:

16 (1) grain handling and processing, including grain
17 storage, drying, treatment, conditioning, mailing and
18 packaging;

19 (2) seed and feed grain development and processing;

20 (3) fruit and vegetable processing, including
21 preparation, canning and packaging;

22 (4) processing of livestock and livestock products,
23 dairy products, poultry and poultry products, fish or
24 apiarian products, including slaughter, shearing,
25 collecting, preparation, canning and packaging;

26 (5) fertilizer and agricultural chemical

1 manufacturing, processing, application and supplying;

2 (6) farm machinery, equipment and implement
3 manufacturing and supplying;

4 (7) manufacturing and supplying of agricultural
5 commodity processing machinery and equipment, including
6 machinery and equipment used in slaughter, treatment,
7 handling, collecting, preparation, canning or packaging of
8 agricultural commodities;

9 (8) farm building and farm structure manufacturing,
10 construction and supplying;

11 (9) construction, manufacturing, implementation,
12 supplying or servicing of irrigation, drainage and soil
13 and water conservation devices or equipment;

14 (10) fuel processing and development facilities that
15 produce fuel from agricultural commodities or byproducts;

16 (11) facilities and equipment for processing and
17 packaging agricultural commodities specifically for
18 export;

19 (12) facilities and equipment for forestry product
20 processing and supplying, including sawmilling operations,
21 wood chip operations, timber harvesting operations, and
22 manufacturing of prefabricated buildings, paper, furniture
23 or other goods from forestry products;

24 (13) facilities and equipment for research and
25 development of products, processes and equipment for the
26 production, processing, preparation or packaging of

1 agricultural commodities and byproducts.

2 (aa) The term "asset" with respect to financing of any
3 agricultural facility or any agribusiness, means, but is not
4 limited to the following: cash crops or feed on hand;
5 livestock held for sale; breeding stock; marketable bonds and
6 securities; securities not readily marketable; accounts
7 receivable; notes receivable; cash invested in growing crops;
8 net cash value of life insurance; machinery and equipment;
9 cars and trucks; farm and other real estate including life
10 estates and personal residence; value of beneficial interests
11 in trusts; government payments or grants; and any other
12 assets.

13 (bb) The term "liability" with respect to financing of any
14 agricultural facility or any agribusiness shall include, but
15 not be limited to the following: accounts payable; notes or
16 other indebtedness owed to any source; taxes; rent; amounts
17 owed on real estate contracts or real estate mortgages;
18 judgments; accrued interest payable; and any other liability.

19 (cc) The term "Predecessor Authorities" means those
20 authorities as described in Section 845-75.

21 (dd) The term "housing project" means a specific work or
22 improvement located within the State or outside the State and
23 undertaken to provide residential dwelling accommodations,
24 including the acquisition, construction or rehabilitation of
25 lands, buildings and community facilities and in connection
26 therewith to provide nonhousing facilities which are part of

1 the housing project, including land, buildings, improvements,
2 equipment and all ancillary facilities for use for offices,
3 stores, retirement homes, hotels, financial institutions,
4 service, health care, education, recreation or research
5 establishments, or any other commercial purpose which are or
6 are to be related to a housing development, provided that any
7 work or improvement located outside the State is owned,
8 operated, leased or managed by an entity located within the
9 State, or any entity affiliated with an entity located within
10 the State.

11 (ee) The term "conservation project" means any project
12 including the acquisition, construction, rehabilitation,
13 maintenance, operation, or upgrade that is intended to create
14 or expand open space or to reduce energy usage through
15 efficiency measures. For the purpose of this definition, "open
16 space" has the definition set forth under Section 10 of the
17 Illinois Open Land Trust Act.

18 (ff) The term "significant presence" means the existence
19 within the State of the national or regional headquarters of
20 an entity or group or such other facility of an entity or group
21 of entities where a significant amount of the business
22 functions are performed for such entity or group of entities.

23 (gg) The term "municipal bond issuer" means the State or
24 any other state or commonwealth of the United States, or any
25 unit of local government, school district, agency or
26 instrumentality, office, department, division, bureau,

1 commission, college or university thereof located in the State
2 or any other state or commonwealth of the United States.

3 (hh) The term "municipal bond program project" means a
4 program for the funding of the purchase of bonds, notes or
5 other obligations issued by or on behalf of a municipal bond
6 issuer.

7 (ii) The term "participating lender" means any trust
8 company, bank, savings bank, credit union, merchant bank,
9 investment bank, broker, investment trust, pension fund,
10 building and loan association, savings and loan association,
11 insurance company, venture capital company, or other
12 institution approved by the Authority which provides a portion
13 of the financing for a project.

14 (jj) The term "loan participation" means any loan in which
15 the Authority co-operates with a participating lender to
16 provide all or a portion of the financing for a project.

17 (kk) The term "PACE Project" means an energy project as
18 defined in Section 5 of the Property Assessed Clean Energy
19 Act.

20 (ll) The term "clean energy" means energy generation that
21 is substantially free (90% or more) of carbon dioxide
22 emissions by design or operations, or that otherwise
23 contributes to the reduction in emissions of environmentally
24 hazardous materials or reduces the volume of environmentally
25 dangerous materials.

26 (mm) The term "clean energy project" means the

1 acquisition, construction, refurbishment, creation,
2 development or redevelopment of any facility, equipment,
3 machinery, real property, or personal property for use by the
4 State or any unit of local government, school district, agency
5 or instrumentality, office, department, division, bureau,
6 commission, college, or university of the State, for use by
7 any person or institution, public or private, for profit or
8 not for profit, or for use in any trade or business, which the
9 Authority determines will aid, assist, or encourage the
10 development or implementation of clean energy in the State, or
11 as otherwise contemplated by Article 850.

12 (nn) The term "Climate Bank" means the Authority in the
13 exercise of those powers conferred on it by this Act related to
14 clean energy or clean water, drinking water, or wastewater
15 treatment.

16 (oo) "Equity investment eligible community" and "eligible
17 community" mean the geographic areas throughout Illinois that
18 would most benefit from equitable investments by the State
19 designed to combat discrimination. Specifically, the eligible
20 communities shall be defined as the following areas:

21 (1) R3 Areas as established pursuant to Section 10-40
22 of the Cannabis Regulation and Tax Act, where residents
23 have historically been excluded from economic
24 opportunities, including opportunities in the energy
25 sector; and

26 (2) Environmental justice communities, as defined by

1 the Illinois Power Agency pursuant to the Illinois Power
2 Agency Act, where residents have historically been subject
3 to disproportionate burdens of pollution, including
4 pollution from the energy sector.

5 (pp) "Equity investment eligible person" and "eligible
6 person" mean the persons who would most benefit from equitable
7 investments by the State designed to combat discrimination.
8 Specifically, eligible persons means the following people:

9 (1) persons whose primary residence is in an equity
10 investment eligible community;

11 (2) persons who are graduates of or currently enrolled
12 in the foster care system; or

13 (3) persons who were formerly incarcerated.

14 (qq) "Environmental justice community" means the
15 definition of that term based on existing methodologies and
16 findings used and as may be updated by the Illinois Power
17 Agency and its program administrator in the Illinois Solar for
18 All Program.

19 (rr) "Energy storage project" means a project that uses
20 technology for the storage of energy, including, without
21 limitation, the use of battery or electrochemical storage
22 technology for mobile or stationary applications.

23 (Source: P.A. 104-6, eff. 6-16-25.)

24 (20 ILCS 3501/850-20 new)

25 Sec. 850-20. Thermal Energy Network Revolving Loan and

1 Financial Assistance Program.

2 (a) As used in this Section:

3 "Program" means the Thermal Energy Network Revolving Loan
4 and Financial Assistance Program established under this
5 Section.

6 "Thermal energy network" means all real estate, fixtures,
7 and personal property operated, owned, used, or to be used for
8 in connection with or to facilitate a community-scale
9 distribution infrastructure project that transfers heat into
10 and out of buildings using non-combusting thermal energy,
11 sourced from zero-emission technologies, including geothermal
12 energy, for the purpose of reducing emissions. "Thermal energy
13 network" includes, but is not limited to, real estate,
14 fixtures, and personal property that is operated, owned, or
15 used by multiple parties and community geothermal systems.

16 (b) In its role as the Climate Bank for the State, the
17 Authority may, subject to available funding, establish and
18 administer a Thermal Energy Network Revolving Loan and
19 Financial Assistance Program. The Program shall provide access
20 to capital for thermal energy network projects that take into
21 consideration the risks involved in the development of shared
22 heating and cooling systems and the required coordination
23 among multiple customers, as well as the benefits of enabling
24 low-cost decarbonization of residential, commercial, and
25 industrial buildings and processes. The Program may provide
26 loans, grants, or other financial assistance for thermal

1 energy network projects.

2 (c) The Authority may establish internal accounts
3 necessary to administer the Program, identify sources of
4 public and private funding and financial capital, and develop
5 any requirements or agreements necessary to successfully
6 execute the Program.

7 (d) The Authority shall coordinate and enter into any
8 necessary agreements with the Illinois Commerce Commission to
9 (i) develop and offer funding and financing to thermal energy
10 network pilot projects approved by the Commission under
11 subsection (a) of Section 8-513 of the Public Utilities Act,
12 (ii) receive funds as necessary and as approved by the
13 Commission under subsection (b) of Section 8-513 of the Public
14 Utilities Act, and (iii) establish any requirements necessary
15 to ensure compliance with the objectives of any federal
16 funding sources secured to support the Program.

17 (e) All repayments of loans or other financial assistance
18 made under the Program shall be used or leveraged to provide
19 additional capital to thermal energy network pilot projects
20 that support the clean energy goals of the State, in
21 coordination with any rules established by the Illinois
22 Commerce Commission.

23 (f) The Authority may adopt any resolutions, plans, or
24 rules and fix, determine, charge, or collect any fees,
25 charges, costs, and expenses necessary to administer the
26 Program under this Section.

1 Section 90-12. The Illinois Power Agency Act is amended by
2 changing Sections 1-10, 1-20, 1-56, 1-75, and 1-125 as
3 follows:

4 (20 ILCS 3855/1-10)

5 Sec. 1-10. Definitions.

6 "Agency" means the Illinois Power Agency.

7 "Agency loan agreement" means any agreement pursuant to
8 which the Illinois Finance Authority agrees to loan the
9 proceeds of revenue bonds issued with respect to a project to
10 the Agency upon terms providing for loan repayment
11 installments at least sufficient to pay when due all principal
12 of, interest and premium, if any, on those revenue bonds, and
13 providing for maintenance, insurance, and other matters in
14 respect of the project.

15 "Authority" means the Illinois Finance Authority.

16 "Brownfield site photovoltaic project" means photovoltaics
17 that are either:

18 (1) interconnected to an electric utility as defined
19 in this Section, a municipal utility as defined in this
20 Section, a public utility as defined in Section 3-105 of
21 the Public Utilities Act, or an electric cooperative as
22 defined in Section 3-119 of the Public Utilities Act and
23 located at a site that is regulated by any of the following
24 entities under the following programs:

1 (A) the United States Environmental Protection
2 Agency under the federal Comprehensive Environmental
3 Response, Compensation, and Liability Act of 1980, as
4 amended;

5 (B) the United States Environmental Protection
6 Agency under the Corrective Action Program of the
7 federal Resource Conservation and Recovery Act, as
8 amended;

9 (C) the Illinois Environmental Protection Agency
10 under the Illinois Site Remediation Program; or

11 (D) the Illinois Environmental Protection Agency
12 under the Illinois Solid Waste Program; or

13 (2) located at the site of a coal mine that has
14 permanently ceased coal production, permanently halted any
15 re-mining operations, and is no longer accepting any coal
16 combustion residues; has both completed all clean-up and
17 remediation obligations under the federal Surface Mining
18 and Reclamation Act of 1977 and all applicable Illinois
19 rules and any other clean-up, remediation, or ongoing
20 monitoring to safeguard the health and well-being of the
21 people of the State of Illinois, as well as demonstrated
22 compliance with all applicable federal and State
23 environmental rules and regulations, including, but not
24 limited, to 35 Ill. Adm. Code Part 845 and any rules for
25 historic fill of coal combustion residuals, including any
26 rules finalized in Subdocket A of Illinois Pollution

1 Control Board docket R2020-019.

2 "Clean coal facility" means an electric generating
3 facility that uses primarily coal as a feedstock and that
4 captures and sequesters carbon dioxide emissions at the
5 following levels: at least 50% of the total carbon dioxide
6 emissions that the facility would otherwise emit if, at the
7 time construction commences, the facility is scheduled to
8 commence operation before 2016, at least 70% of the total
9 carbon dioxide emissions that the facility would otherwise
10 emit if, at the time construction commences, the facility is
11 scheduled to commence operation during 2016 or 2017, and at
12 least 90% of the total carbon dioxide emissions that the
13 facility would otherwise emit if, at the time construction
14 commences, the facility is scheduled to commence operation
15 after 2017. The power block of the clean coal facility shall
16 not exceed allowable emission rates for sulfur dioxide,
17 nitrogen oxides, carbon monoxide, particulates and mercury for
18 a natural gas-fired combined-cycle facility the same size as
19 and in the same location as the clean coal facility at the time
20 the clean coal facility obtains an approved air permit. All
21 coal used by a clean coal facility shall have high volatile
22 bituminous rank and greater than 1.7 pounds of sulfur per
23 million Btu content, unless the clean coal facility does not
24 use gasification technology and was operating as a
25 conventional coal-fired electric generating facility on June
26 1, 2009 (the effective date of Public Act 95-1027).

1 "Clean coal SNG brownfield facility" means a facility that
2 (1) has commenced construction by July 1, 2015 on an urban
3 brownfield site in a municipality with at least 1,000,000
4 residents; (2) uses a gasification process to produce
5 substitute natural gas; (3) uses coal as at least 50% of the
6 total feedstock over the term of any sourcing agreement with a
7 utility and the remainder of the feedstock may be either
8 petroleum coke or coal, with all such coal having a high
9 bituminous rank and greater than 1.7 pounds of sulfur per
10 million Btu content unless the facility reasonably determines
11 that it is necessary to use additional petroleum coke to
12 deliver additional consumer savings, in which case the
13 facility shall use coal for at least 35% of the total feedstock
14 over the term of any sourcing agreement; and (4) captures and
15 sequesters at least 85% of the total carbon dioxide emissions
16 that the facility would otherwise emit.

17 "Clean coal SNG facility" means a facility that uses a
18 gasification process to produce substitute natural gas, that
19 sequesters at least 90% of the total carbon dioxide emissions
20 that the facility would otherwise emit, that uses at least 90%
21 coal as a feedstock, with all such coal having a high
22 bituminous rank and greater than 1.7 pounds of sulfur per
23 million Btu content, and that has a valid and effective permit
24 to construct emission sources and air pollution control
25 equipment and approval with respect to the federal regulations
26 for Prevention of Significant Deterioration of Air Quality

1 (PSD) for the plant pursuant to the federal Clean Air Act;
2 provided, however, a clean coal SNG brownfield facility shall
3 not be a clean coal SNG facility.

4 "Clean energy" means energy generation that is 90% or
5 greater free of carbon dioxide emissions.

6 "Commission" means the Illinois Commerce Commission.

7 "Community renewable generation project" means an electric
8 generating facility that:

9 (1) is powered by wind, solar thermal energy,
10 photovoltaic cells or panels, biodiesel, crops and
11 untreated and unadulterated organic waste biomass, and
12 hydropower that does not involve new construction of dams;

13 (2) is interconnected at the distribution system level
14 of an electric utility as defined in this Section, a
15 municipal utility as defined in this Section that owns or
16 operates electric distribution facilities, a public
17 utility as defined in Section 3-105 of the Public
18 Utilities Act, or an electric cooperative, as defined in
19 Section 3-119 of the Public Utilities Act;

20 (3) credits the value of electricity generated by the
21 facility to the subscribers of the facility; and

22 (4) is limited in nameplate capacity to less than or
23 equal to 10,000 ~~5,000~~ kilowatts.

24 "Costs incurred in connection with the development and
25 construction of a facility" means:

26 (1) the cost of acquisition of all real property,

1 fixtures, and improvements in connection therewith and
2 equipment, personal property, and other property, rights,
3 and easements acquired that are deemed necessary for the
4 operation and maintenance of the facility;

5 (2) financing costs with respect to bonds, notes, and
6 other evidences of indebtedness of the Agency;

7 (3) all origination, commitment, utilization,
8 facility, placement, underwriting, syndication, credit
9 enhancement, and rating agency fees;

10 (4) engineering, design, procurement, consulting,
11 legal, accounting, title insurance, survey, appraisal,
12 escrow, trustee, collateral agency, interest rate hedging,
13 interest rate swap, capitalized interest, contingency, as
14 required by lenders, and other financing costs, and other
15 expenses for professional services; and

16 (5) the costs of plans, specifications, site study and
17 investigation, installation, surveys, other Agency costs
18 and estimates of costs, and other expenses necessary or
19 incidental to determining the feasibility of any project,
20 together with such other expenses as may be necessary or
21 incidental to the financing, insuring, acquisition, and
22 construction of a specific project and starting up,
23 commissioning, and placing that project in operation.

24 "Delivery services" has the same definition as found in
25 Section 16-102 of the Public Utilities Act.

26 "Delivery year" means the consecutive 12-month period

1 beginning June 1 of a given year and ending May 31 of the
2 following year.

3 "Department" means the Department of Commerce and Economic
4 Opportunity.

5 "Director" means the Director of the Illinois Power
6 Agency.

7 "Demand response ~~Demand response~~" means measures that
8 decrease peak electricity demand or shift demand from peak to
9 off-peak periods.

10 "Distributed renewable energy generation device" means a
11 device that is:

12 (1) powered by wind, solar thermal energy,
13 photovoltaic cells or panels, biodiesel, crops and
14 untreated and unadulterated organic waste biomass, tree
15 waste, and hydropower that does not involve new
16 construction of dams, waste heat to power systems, or
17 qualified combined heat and power systems;

18 (2) interconnected at the distribution system level of
19 either an electric utility as defined in this Section, a
20 municipal utility as defined in this Section that owns or
21 operates electric distribution facilities, or a rural
22 electric cooperative as defined in Section 3-119 of the
23 Public Utilities Act;

24 (3) located on the customer side of the customer's
25 electric meter and is primarily used to offset that
26 customer's electricity load; and

1 (4) (blank).

2 "Energy efficiency" means measures that reduce the amount
3 of electricity or natural gas consumed in order to achieve a
4 given end use. "Energy efficiency" includes voltage
5 optimization measures that optimize the voltage at points on
6 the electric distribution voltage system and thereby reduce
7 electricity consumption by electric customers' end use
8 devices. "Energy efficiency" also includes measures that
9 reduce the total Btus of electricity, natural gas, and other
10 fuels needed to meet the end use or uses.

11 "Energy storage system" has the meaning given to that term
12 in Section 16-135 of the Public Utilities Act. "Energy storage
13 system" does not include technologies that require combustion.

14 "Energy storage resources" means the operational output or
15 capabilities of energy storage systems. "Energy storage
16 resources" includes, but is not limited to, energy, capacity,
17 and energy storage credits.

18 "Electric utility" has the same definition as found in
19 Section 16-102 of the Public Utilities Act.

20 "Equity investment eligible community" or "eligible
21 community" are synonymous and mean the geographic areas
22 throughout Illinois which would most benefit from equitable
23 investments by the State designed to combat discrimination.
24 Specifically, the eligible communities shall be defined as the
25 following areas:

26 (1) R3 Areas as established pursuant to Section 10-40

1 of the Cannabis Regulation and Tax Act, where residents
2 have historically been excluded from economic
3 opportunities, including opportunities in the energy
4 sector; and

5 (2) environmental justice communities, as defined by
6 the Illinois Power Agency pursuant to the Illinois Power
7 Agency Act, where residents have historically been subject
8 to disproportionate burdens of pollution, including
9 pollution from the energy sector.

10 "Equity eligible persons" or "eligible persons" means
11 persons who would most benefit from equitable investments by
12 the State designed to combat discrimination, specifically:

13 (1) persons who graduate from or are current or former
14 participants in the Clean Jobs Workforce Network Program,
15 the Clean Energy Contractor Incubator Program, the
16 Illinois Climate Works Preapprenticeship Program,
17 Returning Residents Clean Jobs Training Program, or the
18 Clean Energy Primes Contractor Accelerator Program, and
19 the solar training pipeline and multi-cultural jobs
20 program created in paragraphs (1) and (3) of subsection
21 (a) ~~(a)(1)~~ and ~~(a)(3)~~ of Section 16-108.12 ~~16-208.12~~ of
22 the Public Utilities Act;

23 (2) persons who are graduates of or currently enrolled
24 in the foster care system;

25 (3) persons who were formerly incarcerated;

26 (4) persons whose primary residence is in an equity

1 investment eligible community.

2 "Equity eligible contractor" means a business that is
3 majority-owned by eligible persons, or a nonprofit or
4 cooperative that is majority-governed by eligible persons, or
5 is a natural person that is an eligible person offering
6 personal services as an independent contractor.

7 "Facility" means an electric generating unit or a
8 co-generating unit that produces electricity along with
9 related equipment necessary to connect the facility to an
10 electric transmission or distribution system.

11 "General contractor" means the entity or organization with
12 main responsibility for the building of a construction project
13 and who is the party signing the prime construction contract
14 for the project.

15 "Governmental aggregator" means one or more units of local
16 government that individually or collectively procure
17 electricity to serve residential retail electrical loads
18 located within its or their jurisdiction.

19 "High voltage direct current converter station" means the
20 collection of equipment that converts direct current energy
21 from a high voltage direct current transmission line into
22 alternating current using Voltage Source Conversion technology
23 and that is interconnected with transmission or distribution
24 assets located in Illinois.

25 "High voltage direct current renewable energy credit"
26 means a renewable energy credit associated with a renewable

1 energy resource where the renewable energy resource has
2 entered into a contract to transmit the energy associated with
3 such renewable energy credit over high voltage direct current
4 transmission facilities.

5 "High voltage direct current transmission facilities"
6 means the collection of installed equipment that converts
7 alternating current energy in one location to direct current
8 and transmits that direct current energy to a high voltage
9 direct current converter station using Voltage Source
10 Conversion technology. "High voltage direct current
11 transmission facilities" includes the high voltage direct
12 current converter station itself and associated high voltage
13 direct current transmission lines. Notwithstanding the
14 preceding, after September 15, 2021 (the effective date of
15 Public Act 102-662), an otherwise qualifying collection of
16 equipment does not qualify as high voltage direct current
17 transmission facilities unless (1) its developer entered into
18 a project labor agreement, is capable of transmitting
19 electricity at 525kv with an Illinois converter station
20 located and interconnected in the region of the PJM
21 Interconnection, LLC, and the system does not operate as a
22 public utility, as that term is defined in Section 3-105 of the
23 Public Utilities Act, serving more than 100,000 customers as
24 of January 1, 2021; or (2) its developer has entered into a
25 project labor agreement prior to construction, the project is
26 capable of transmitting electricity at 525 kilovolts or above,

1 and the project has a converter station that is located in this
2 State or in a state adjacent to this State and is
3 interconnected to PJM Interconnection, LLC, the Midcontinent
4 Independent System Operator, Inc., or their successor.

5 "Hydropower" means any method of electricity generation or
6 storage that results from the flow of water, including
7 impoundment facilities, diversion facilities, and pumped
8 storage facilities.

9 "Index price" means the real-time energy settlement price
10 at the applicable Illinois trading hub, such as PJM-NIHUB or
11 MISO-IL, for a given settlement period.

12 "Indexed renewable energy credit" means a tradable credit
13 that represents the environmental attributes of one megawatt
14 hour of energy produced from a renewable energy resource, the
15 price of which shall be calculated by subtracting the strike
16 price offered by a new utility-scale wind project or a new
17 utility-scale photovoltaic project from the index price in a
18 given settlement period.

19 "Indexed renewable energy credit counterparty" has the
20 same meaning as "public utility" as defined in Section 3-105
21 of the Public Utilities Act.

22 "Local government" means a unit of local government as
23 defined in Section 1 of Article VII of the Illinois
24 Constitution.

25 "Modernized" or "retooled" means the construction, repair,
26 maintenance, or significant expansion of turbines and existing

1 hydropower dams.

2 "Municipality" means a city, village, or incorporated
3 town.

4 "Municipal utility" means a public utility owned and
5 operated by any subdivision or municipal corporation of this
6 State.

7 "Nameplate capacity" means the aggregate inverter
8 nameplate capacity in kilowatts AC.

9 "Person" means any natural person, firm, partnership,
10 corporation, either domestic or foreign, company, association,
11 limited liability company, joint stock company, or association
12 and includes any trustee, receiver, assignee, or personal
13 representative thereof.

14 "Project" means the planning, bidding, and construction of
15 a facility.

16 "Project labor agreement" means a pre-hire collective
17 bargaining agreement that covers all terms and conditions of
18 employment on a specific construction project and must include
19 the following:

20 (1) provisions establishing the minimum hourly wage
21 for each class of labor organization employee;

22 (2) provisions establishing the benefits and other
23 compensation for each class of labor organization
24 employee;

25 (3) provisions establishing that no strike or disputes
26 will be engaged in by the labor organization employees;

1 (4) provisions establishing that no lockout or
2 disputes will be engaged in by the general contractor
3 building the project; and

4 (5) provisions for minorities and women, as defined
5 under the Business Enterprise for Minorities, Women, and
6 Persons with Disabilities Act, setting forth goals for
7 apprenticeship hours to be performed by minorities and
8 women and setting forth goals for total hours to be
9 performed by underrepresented minorities and women.

10 A labor organization and the general contractor building
11 the project shall have the authority to include other terms
12 and conditions as they deem necessary.

13 "Public utility" has the same definition as found in
14 Section 3-105 of the Public Utilities Act.

15 "Qualified combined heat and power systems" means systems
16 that, either simultaneously or sequentially, produce
17 electricity and useful thermal energy from a single fuel
18 source. Such systems are eligible for "renewable energy
19 credits" in an amount equal to its total energy output where a
20 renewable fuel is consumed or in an amount equal to the net
21 reduction in nonrenewable fuel consumed on a total energy
22 output basis.

23 "Real property" means any interest in land together with
24 all structures, fixtures, and improvements thereon, including
25 lands under water and riparian rights, any easements,
26 covenants, licenses, leases, rights-of-way, uses, and other

1 interests, together with any liens, judgments, mortgages, or
2 other claims or security interests related to real property.

3 "Renewable energy credit" means a tradable credit that
4 represents the environmental attributes of one megawatt hour
5 of energy produced from a renewable energy resource.

6 "Renewable energy resources" includes energy and its
7 associated renewable energy credit or renewable energy credits
8 from wind, solar thermal energy, photovoltaic cells and
9 panels, biodiesel, anaerobic digestion, crops and untreated
10 and unadulterated organic waste biomass, and hydropower that
11 does not involve new construction of dams, waste heat to power
12 systems, ~~or~~ qualified combined heat and power systems, or
13 geothermal heating and cooling systems that qualify for the
14 Geothermal Homes and Businesses Program. For purposes of this
15 Act, landfill gas produced in the State is considered a
16 renewable energy resource. "Renewable energy resources" does
17 not include the incineration or burning of tires, garbage,
18 general household, institutional, and commercial waste,
19 industrial lunchroom or office waste, landscape waste,
20 railroad crossties, utility poles, or construction or
21 demolition debris, other than untreated and unadulterated
22 waste wood. "Renewable energy resources" also includes high
23 voltage direct current renewable energy credits and the
24 associated energy converted to alternating current by a high
25 voltage direct current converter station to the extent that:
26 (1) the generator of such renewable energy resource contracted

1 with a third party to transmit the energy over the high voltage
2 direct current transmission facilities, and (2) the
3 third-party contracting for delivery of renewable energy
4 resources over the high voltage direct current transmission
5 facilities have ownership rights over the unretired associated
6 high voltage direct current renewable energy credit.

7 "Retail customer" has the same definition as found in
8 Section 16-102 of the Public Utilities Act.

9 "Revenue bond" means any bond, note, or other evidence of
10 indebtedness issued by the Authority, the principal and
11 interest of which is payable solely from revenues or income
12 derived from any project or activity of the Agency.

13 "Sequester" means permanent storage of carbon dioxide by
14 injecting it into a saline aquifer, a depleted gas reservoir,
15 or an oil reservoir, directly or through an enhanced oil
16 recovery process that may involve intermediate storage,
17 regardless of whether these activities are conducted by a
18 clean coal facility, a clean coal SNG facility, a clean coal
19 SNG brownfield facility, or a party with which a clean coal
20 facility, clean coal SNG facility, or clean coal SNG
21 brownfield facility has contracted for such purposes.

22 "Service area" has the same definition as found in Section
23 16-102 of the Public Utilities Act.

24 "Settlement period" means the period of time utilized by
25 MISO and PJM and their successor organizations as the basis
26 for settlement calculations in the real-time energy market.

1 "Sourcing agreement" means (i) in the case of an electric
2 utility, an agreement between the owner of a clean coal
3 facility and such electric utility, which agreement shall have
4 terms and conditions meeting the requirements of paragraph (3)
5 of subsection (d) of Section 1-75, (ii) in the case of an
6 alternative retail electric supplier, an agreement between the
7 owner of a clean coal facility and such alternative retail
8 electric supplier, which agreement shall have terms and
9 conditions meeting the requirements of Section 16-115(d) (5) of
10 the Public Utilities Act, and (iii) in case of a gas utility,
11 an agreement between the owner of a clean coal SNG brownfield
12 facility and the gas utility, which agreement shall have the
13 terms and conditions meeting the requirements of subsection
14 (h-1) of Section 9-220 of the Public Utilities Act.

15 "Strike price" means a contract price for energy and
16 renewable energy credits from a new utility-scale wind project
17 or a new utility-scale photovoltaic project.

18 "Subscriber" means a person who (i) takes delivery service
19 from an electric utility, and (ii) has a subscription of no
20 less than 200 watts to a community renewable generation
21 project that is located in the electric utility's service
22 area. No subscriber's subscriptions may total more than 40% of
23 the nameplate capacity of an individual community renewable
24 generation project. Entities that are affiliated by virtue of
25 a common parent shall not represent multiple subscriptions
26 that total more than 40% of the nameplate capacity of an

1 individual community renewable generation project.

2 "Subscription" means an interest in a community renewable
3 generation project expressed in kilowatts, which is sized
4 primarily to offset part or all of the subscriber's
5 electricity usage.

6 "Substitute natural gas" or "SNG" means a gas manufactured
7 by gasification of hydrocarbon feedstock, which is
8 substantially interchangeable in use and distribution with
9 conventional natural gas.

10 "Total resource cost test" or "TRC test" means a standard
11 that is met if, for an investment in energy efficiency or
12 demand-response measures, the benefit-cost ratio is greater
13 than one. The benefit-cost ratio is the ratio of the net
14 present value of the total benefits of the program to the net
15 present value of the total costs as calculated over the
16 lifetime of the measures. A total resource cost test compares
17 the sum of avoided electric utility costs, representing the
18 benefits that accrue to the system and the participant in the
19 delivery of those efficiency measures and including avoided
20 costs associated with reduced use of natural gas or other
21 fuels, avoided costs associated with reduced water
22 consumption, ~~and~~ avoided costs associated with reduced
23 operation and maintenance costs, and avoided societal costs
24 associated with reductions in greenhouse gas emissions, as
25 well as other quantifiable societal benefits, to the sum of
26 all incremental costs of end-use measures that are implemented

1 due to the program (including both utility and participant
2 contributions), plus costs to administer, deliver, and
3 evaluate each demand-side program, to quantify the net savings
4 obtained by substituting the demand-side program for supply
5 resources. The societal costs associated with greenhouse gas
6 emissions shall be \$200 per short ton, expressed in 2025
7 dollars or the most recently approved estimate developed by
8 the federal government using a real discount rate consistent
9 with long-term Treasury bond yields, whichever is greater.
10 Changes in greenhouse gas emissions due to changes in
11 electricity consumption shall be estimated using long-run
12 marginal emissions rates developed by the National Renewable
13 Energy Laboratory's Cambium model or other Illinois-specific
14 modeling of comparable analytical rigor. ~~In calculating~~
15 ~~avoided costs of power and energy that an electric utility~~
16 ~~would otherwise have had to acquire, reasonable estimates~~
17 ~~shall be included of financial costs likely to be imposed by~~
18 ~~future regulations and legislation on emissions of greenhouse~~
19 ~~gases.~~ In discounting future ~~societal~~ costs and benefits for
20 the purpose of calculating net present values, a societal
21 discount rate based on actual, long-term Treasury bond yields
22 should be used. Notwithstanding anything to the contrary, the
23 TRC test shall not include or take into account a calculation
24 of market price suppression effects or demand reduction
25 induced price effects.

26 "Utility-scale solar project" means an electric generating

1 facility that:

2 (1) generates electricity using photovoltaic cells;

3 and

4 (2) has a nameplate capacity that is greater than
5 5,000 kilowatts alternating current (AC).

6 "Utility-scale wind project" means an electric generating
7 facility that:

8 (1) generates electricity using wind; and

9 (2) has a nameplate capacity that is greater than
10 5,000 kilowatts.

11 "Waste Heat to Power Systems" means systems that capture
12 and generate electricity from energy that would otherwise be
13 lost to the atmosphere without the use of additional fuel.

14 "Zero emission credit" means a tradable credit that
15 represents the environmental attributes of one megawatt hour
16 of energy produced from a zero emission facility.

17 "Zero emission facility" means a facility that: (1) is
18 fueled by nuclear power; and (2) is interconnected with PJM
19 Interconnection, LLC or the Midcontinent Independent System
20 Operator, Inc., or their successors.

21 (Source: P.A. 102-662, eff. 9-15-21; 103-154, eff. 6-28-23;
22 103-380, eff. 1-1-24.)

23 (20 ILCS 3855/1-20)

24 Sec. 1-20. General powers and duties of the Agency.

25 (a) The Agency is authorized to do each of the following:

1 (1) Develop electricity procurement plans to ensure
2 adequate, reliable, affordable, efficient, and
3 environmentally sustainable electric service at the lowest
4 total cost over time, taking into account any benefits of
5 price stability, for electric utilities that on December
6 31, 2005 provided electric service to at least 100,000
7 customers in Illinois and for small multi-jurisdictional
8 electric utilities that (A) on December 31, 2005 served
9 less than 100,000 customers in Illinois and (B) request a
10 procurement plan for their Illinois jurisdictional load.
11 Except as provided in paragraph (1.5) of this subsection
12 (a), the electricity procurement plans shall be updated on
13 an annual basis and shall include electricity generated
14 from renewable resources sufficient to achieve the
15 standards specified in this Act. Beginning with the
16 delivery year commencing June 1, 2017, develop procurement
17 plans to include zero emission credits generated from zero
18 emission facilities sufficient to achieve the standards
19 specified in this Act. Beginning with the delivery year
20 commencing on June 1, 2022, the Agency is authorized to
21 develop carbon mitigation credit procurement plans to
22 include carbon mitigation credits generated from
23 carbon-free energy resources sufficient to achieve the
24 standards specified in this Act.

25 (1.5) Develop a long-term renewable resources
26 procurement plan in accordance with subsection (c) of

1 Section 1-75 of this Act for renewable energy credits in
2 amounts sufficient to achieve the standards specified in
3 this Act for delivery years commencing June 1, 2017 and
4 for the programs and renewable energy credits specified in
5 Section 1-56 of this Act. Electricity procurement plans
6 for delivery years commencing after May 31, 2017, shall
7 not include procurement of renewable energy resources.

8 (2) Conduct competitive procurement processes to
9 procure the supply resources identified in the electricity
10 procurement plan, pursuant to Section 16-111.5 of the
11 Public Utilities Act, and, for the delivery year
12 commencing June 1, 2017, conduct procurement processes to
13 procure zero emission credits from zero emission
14 facilities, under subsection (d-5) of Section 1-75 of this
15 Act. For the delivery year commencing June 1, 2022, the
16 Agency is authorized to conduct procurement processes to
17 procure carbon mitigation credits from carbon-free energy
18 resources, under subsection (d-10) of Section 1-75 of this
19 Act.

20 (2.5) Beginning with the procurement for the 2017
21 delivery year, conduct competitive procurement processes
22 and implement programs to procure renewable energy credits
23 identified in the long-term renewable resources
24 procurement plan developed and approved under subsection
25 (c) of Section 1-75 of this Act and Section 16-111.5 of the
26 Public Utilities Act.

1 (2.10) Oversee the procurement by electric utilities
2 that served more than 300,000 customers in this State as
3 of January 1, 2019 of renewable energy credits from new
4 renewable energy facilities to be installed, along with
5 energy storage facilities, at or adjacent to the sites of
6 electric generating facilities that burned coal as their
7 primary fuel source as of January 1, 2016 in accordance
8 with subsection (c-5) of Section 1-75 of this Act.

9 (2.15) Oversee the procurement by electric utilities
10 of renewable energy credits from newly modernized or
11 retooled hydropower dams or dams that have been converted
12 to support hydropower generation.

13 (3) Develop electric generation and co-generation
14 facilities that use indigenous coal or renewable
15 resources, or both, financed with bonds issued by the
16 Illinois Finance Authority.

17 (4) Supply electricity from the Agency's facilities at
18 cost to one or more of the following: municipal electric
19 systems, governmental aggregators, or rural electric
20 cooperatives in Illinois.

21 (5) Develop a long-term energy storage resources
22 procurement plan and conduct competitive procurement
23 processes in accordance with subsection (d-20) of Section
24 1-75.

25 (b) Except as otherwise limited by this Act, the Agency
26 has all of the powers necessary or convenient to carry out the

1 purposes and provisions of this Act, including without
2 limitation, each of the following:

3 (1) To have a corporate seal, and to alter that seal at
4 pleasure, and to use it by causing it or a facsimile to be
5 affixed or impressed or reproduced in any other manner.

6 (2) To use the services of the Illinois Finance
7 Authority necessary to carry out the Agency's purposes.

8 (3) To negotiate and enter into loan agreements and
9 other agreements with the Illinois Finance Authority.

10 (4) To obtain and employ personnel and hire
11 consultants that are necessary to fulfill the Agency's
12 purposes, and to make expenditures for that purpose within
13 the appropriations for that purpose.

14 (5) To purchase, receive, take by grant, gift, devise,
15 bequest, or otherwise, lease, or otherwise acquire, own,
16 hold, improve, employ, use, and otherwise deal in and
17 with, real or personal property whether tangible or
18 intangible, or any interest therein, within the State.

19 (6) To acquire real or personal property, whether
20 tangible or intangible, including without limitation
21 property rights, interests in property, franchises,
22 obligations, contracts, and debt and equity securities,
23 and to do so by the exercise of the power of eminent domain
24 in accordance with Section 1-21; except that any real
25 property acquired by the exercise of the power of eminent
26 domain must be located within the State.

1 (7) To sell, convey, lease, exchange, transfer,
2 abandon, or otherwise dispose of, or mortgage, pledge, or
3 create a security interest in, any of its assets,
4 properties, or any interest therein, wherever situated.

5 (8) To purchase, take, receive, subscribe for, or
6 otherwise acquire, hold, make a tender offer for, vote,
7 employ, sell, lend, lease, exchange, transfer, or
8 otherwise dispose of, mortgage, pledge, or grant a
9 security interest in, use, and otherwise deal in and with,
10 bonds and other obligations, shares, or other securities
11 (or interests therein) issued by others, whether engaged
12 in a similar or different business or activity.

13 (9) To make and execute agreements, contracts, and
14 other instruments necessary or convenient in the exercise
15 of the powers and functions of the Agency under this Act,
16 including contracts with any person, including personal
17 service contracts, or with any local government, State
18 agency, or other entity; and all State agencies and all
19 local governments are authorized to enter into and do all
20 things necessary to perform any such agreement, contract,
21 or other instrument with the Agency. No such agreement,
22 contract, or other instrument shall exceed 40 years.

23 (10) To lend money, invest and reinvest its funds in
24 accordance with the Public Funds Investment Act, and take
25 and hold real and personal property as security for the
26 payment of funds loaned or invested.

1 (11) To borrow money at such rate or rates of interest
2 as the Agency may determine, issue its notes, bonds, or
3 other obligations to evidence that indebtedness, and
4 secure any of its obligations by mortgage or pledge of its
5 real or personal property, machinery, equipment,
6 structures, fixtures, inventories, revenues, grants, and
7 other funds as provided or any interest therein, wherever
8 situated.

9 (12) To enter into agreements with the Illinois
10 Finance Authority to issue bonds whether or not the income
11 therefrom is exempt from federal taxation.

12 (13) To procure insurance against any loss in
13 connection with its properties or operations in such
14 amount or amounts and from such insurers, including the
15 federal government, as it may deem necessary or desirable,
16 and to pay any premiums therefor.

17 (14) To negotiate and enter into agreements with
18 trustees or receivers appointed by United States
19 bankruptcy courts or federal district courts or in other
20 proceedings involving adjustment of debts and authorize
21 proceedings involving adjustment of debts and authorize
22 legal counsel for the Agency to appear in any such
23 proceedings.

24 (15) To file a petition under Chapter 9 of Title 11 of
25 the United States Bankruptcy Code or take other similar
26 action for the adjustment of its debts.

1 (16) To enter into management agreements for the
2 operation of any of the property or facilities owned by
3 the Agency.

4 (17) To enter into an agreement to transfer and to
5 transfer any land, facilities, fixtures, or equipment of
6 the Agency to one or more municipal electric systems,
7 governmental aggregators, or rural electric agencies or
8 cooperatives, for such consideration and upon such terms
9 as the Agency may determine to be in the best interest of
10 the residents of Illinois.

11 (18) To enter upon any lands and within any building
12 whenever in its judgment it may be necessary for the
13 purpose of making surveys and examinations to accomplish
14 any purpose authorized by this Act.

15 (19) To maintain an office or offices at such place or
16 places in the State as it may determine.

17 (20) To request information, and to make any inquiry,
18 investigation, survey, or study that the Agency may deem
19 necessary to enable it effectively to carry out the
20 provisions of this Act.

21 (21) To accept and expend appropriations.

22 (22) To engage in any activity or operation that is
23 incidental to and in furtherance of efficient operation to
24 accomplish the Agency's purposes, including hiring
25 employees that the Director deems essential for the
26 operations of the Agency.

1 (23) To adopt, revise, amend, and repeal rules with
2 respect to its operations, properties, and facilities as
3 may be necessary or convenient to carry out the purposes
4 of this Act, subject to the provisions of the Illinois
5 Administrative Procedure Act and Sections 1-22 and 1-35 of
6 this Act.

7 (24) To establish and collect charges and fees as
8 described in this Act.

9 (25) To conduct competitive gasification feedstock
10 procurement processes to procure the feedstocks for the
11 clean coal SNG brownfield facility in accordance with the
12 requirements of Section 1-78 of this Act.

13 (26) To review, revise, and approve sourcing
14 agreements and mediate and resolve disputes between gas
15 utilities and the clean coal SNG brownfield facility
16 pursuant to subsection (h-1) of Section 9-220 of the
17 Public Utilities Act.

18 (27) To request, review and accept proposals, execute
19 contracts, purchase renewable energy credits and otherwise
20 dedicate funds from the Illinois Power Agency Renewable
21 Energy Resources Fund to create and carry out the
22 objectives of the Illinois Solar for All Program in
23 accordance with Section 1-56 of this Act.

24 (28) To ensure Illinois residents and business benefit
25 from programs administered by the Agency and are properly
26 protected from any deceptive or misleading marketing

1 practices by participants in the Agency's programs and
2 procurements.

3 (c) In conducting the procurement of electricity or other
4 products, beginning January 1, 2022, the Agency shall not
5 procure any products or services from persons or organizations
6 that are in violation of the Displaced Energy Workers Bill of
7 Rights, as provided under the Energy Community Reinvestment
8 Act at the time of the procurement event or fail to comply the
9 labor standards established in subparagraph (Q) of paragraph
10 (1) of subsection (c) of Section 1-75.

11 (Source: P.A. 102-662, eff. 9-15-21; 103-380, eff. 1-1-24.)

12 (20 ILCS 3855/1-56)

13 Sec. 1-56. Illinois Power Agency Renewable Energy
14 Resources Fund; Illinois Solar for All Program.

15 (a) The Illinois Power Agency Renewable Energy Resources
16 Fund is created as a special fund in the State treasury.

17 (b) The Illinois Power Agency Renewable Energy Resources
18 Fund shall be administered by the Agency as described in this
19 subsection (b), provided that the changes to this subsection
20 (b) made by Public Act 99-906 shall not interfere with
21 existing contracts under this Section.

22 (1) The Illinois Power Agency Renewable Energy
23 Resources Fund shall be used to purchase renewable energy
24 credits according to any approved procurement plan
25 developed by the Agency prior to June 1, 2017.

1 (2) The Illinois Power Agency Renewable Energy
2 Resources Fund shall also be used to create the Illinois
3 Solar for All Program, which provides incentives for
4 low-income distributed generation and community solar
5 projects, and other associated approved expenditures. The
6 objectives of the Illinois Solar for All Program are to
7 bring photovoltaics to low-income communities in this
8 State in a manner that maximizes the development of new
9 photovoltaic generating facilities, to create a long-term,
10 low-income solar marketplace throughout this State, to
11 integrate, through interaction with stakeholders, with
12 existing energy efficiency initiatives, and to minimize
13 administrative costs. The Illinois Solar for All Program
14 shall be implemented in a manner that seeks to minimize
15 administrative costs, and maximize efficiencies and
16 synergies available through coordination with similar
17 initiatives, including the Adjustable Block program
18 described in subparagraphs (K) through (M) of paragraph
19 (1) of subsection (c) of Section 1-75, energy efficiency
20 programs, job training programs, ~~and~~ community action
21 agencies, and agencies that administer the Low-Income Home
22 Energy Assistance Program. The Agency shall strive to
23 ensure that renewable energy credits procured through the
24 Illinois Solar for All Program and each of its subprograms
25 are purchased from projects across the breadth of
26 low-income and environmental justice communities in

1 Illinois, including both urban and rural communities, are
2 not concentrated in a few communities, and do not exclude
3 particular low-income or environmental justice
4 communities. The Agency shall include a description of its
5 proposed approach to the design, administration,
6 implementation and evaluation of the Illinois Solar for
7 All Program, as part of the long-term renewable resources
8 procurement plan authorized by subsection (c) of Section
9 1-75 of this Act, and the program shall be designed to grow
10 the low-income solar market. The Agency or utility, as
11 applicable, shall purchase renewable energy credits from
12 the (i) photovoltaic distributed renewable energy
13 generation projects and (ii) community solar projects that
14 are procured under procurement processes authorized by the
15 long-term renewable resources procurement plans approved
16 by the Commission.

17 The Illinois Solar for All Program shall include the
18 program offerings described in subparagraphs (A) through
19 (E) of this paragraph (2), which the Agency shall
20 implement through contracts with third-party providers
21 and, subject to appropriation, pay the approximate amounts
22 identified using monies available in the Illinois Power
23 Agency Renewable Energy Resources Fund. Each contract that
24 provides for the installation of solar facilities shall
25 provide that the solar facilities will produce energy and
26 economic benefits, at a level determined by the Agency to

1 be reasonable, for the participating low-income customers.
2 The monies available in the Illinois Power Agency
3 Renewable Energy Resources Fund and not otherwise
4 committed to contracts executed under subsection (i) of
5 this Section, as well as, in the case of the programs
6 described under subparagraphs (A) through (E) of this
7 paragraph (2), funding authorized pursuant to subparagraph
8 (O) of paragraph (1) of subsection (c) of Section 1-75 of
9 this Act, shall initially be allocated among the programs
10 described in this paragraph (2), as follows: 35% of these
11 funds shall be allocated to programs described in
12 subparagraphs (A) and (E) of this paragraph (2), 40% of
13 these funds shall be allocated to programs described in
14 subparagraph (B) of this paragraph (2), and 25% of these
15 funds shall be allocated to programs described in
16 subparagraph (C) of this paragraph (2). The allocation of
17 funds among subparagraphs (A), (B), (C), and (E) of this
18 paragraph (2) may be changed if the Agency, after
19 receiving input through a stakeholder process, determines
20 incentives in subparagraph ~~subparagraphs~~ (A), (B), (C), or
21 (E) of this paragraph (2) have not been adequately
22 subscribed to fully utilize available Illinois Solar for
23 All Program funds.

24 Contracts that will be paid with funds in the Illinois
25 Power Agency Renewable Energy Resources Fund shall be
26 executed by the Agency. Contracts that will be paid with

1 funds collected by an electric utility shall be executed
2 by the electric utility.

3 Contracts under the Illinois Solar for All Program
4 shall include an approach, as set forth in the long-term
5 renewable resources procurement plans, to ensure the
6 wholesale market value of the energy is credited to
7 participating low-income customers or organizations and to
8 ensure tangible economic benefits flow directly to program
9 participants, except in the case of low-income
10 multi-family housing where the low-income customer does
11 not directly pay for energy. Priority shall be given to
12 projects that demonstrate meaningful involvement of
13 low-income community members in designing the initial
14 proposals. Acceptable proposals to implement projects must
15 demonstrate the applicant's ability to conduct initial
16 community outreach, education, and recruitment of
17 low-income participants in the community. Projects
18 submitted by approved vendors must either comply with the
19 minimum equity standard set forth in subsection (c-10) of
20 Section 1-75 of this Act or ~~must~~ include job training
21 opportunities if available, with the specific level of
22 trainee usage to be determined through the Agency's
23 long-term renewable resources procurement plan, and the
24 Illinois Solar for All Program Administrator shall
25 coordinate with the job training programs described in
26 paragraph (1) of subsection (a) of Section 16-108.12 of

1 the Public Utilities Act and in the Energy Transition Act.

2 The Agency shall make every effort to ensure that
3 small and emerging businesses, particularly those located
4 in low-income and environmental justice communities, are
5 able to participate in the Illinois Solar for All Program.
6 These efforts may include, but shall not be limited to,
7 proactive support from the program administrator,
8 different or preferred access to subprograms and
9 administrator-identified customers or grassroots
10 education provider-identified customers, and different
11 incentive levels. The Agency shall report on progress and
12 barriers to participation of small and emerging businesses
13 in the Illinois Solar for All Program at least once a year.
14 The report shall be made available on the Agency's website
15 and, in years when the Agency is updating its long-term
16 renewable resources procurement plan, included in that
17 Plan.

18 (A) Low-income single-family and small multifamily
19 solar incentive. This program will provide incentives
20 to low-income customers, either directly or through
21 solar providers, to increase the participation of
22 low-income households in photovoltaic on-site
23 distributed generation at residential buildings
24 containing one to 4 units. Companies participating in
25 this program that install solar panels shall commit to
26 meeting a minimum equity standard or hiring job

1 trainees for a portion of their low-income
2 installations, and an administrator shall facilitate
3 partnering the companies that install solar panels
4 with entities that provide solar panel installation
5 job training. It is a goal of this program that a
6 minimum of 25% of the incentives for this program be
7 allocated to projects located within environmental
8 justice communities. Contracts entered into under this
9 paragraph may be entered into with an entity that will
10 develop and administer the program and shall also
11 include contracts for renewable energy credits from
12 the photovoltaic distributed generation that is the
13 subject of the program, as set forth in the long-term
14 renewable resources procurement plan. Additionally:

15 (i) The Agency shall reserve a portion of this
16 program for projects that promote energy
17 sovereignty through ownership of projects by
18 low-income households, not-for-profit
19 organizations providing services to low-income
20 households, affordable housing owners, community
21 cooperatives, or community-based limited liability
22 companies providing services to low-income
23 households. Projects that feature energy ownership
24 should ensure that local people have control of
25 the project and reap benefits from the project
26 over and above energy bill savings. The Agency may

1 consider the inclusion of projects that promote
2 ownership over time or that involve partial
3 project ownership by communities, as promoting
4 energy sovereignty. Incentives for projects that
5 promote energy sovereignty may be higher than
6 incentives for equivalent projects that do not
7 promote energy sovereignty under this same
8 program.

9 (ii) Through its long-term renewable resources
10 procurement plan, the Agency shall consider
11 additional program and contract requirements to
12 ensure faithful compliance by applicants
13 benefiting from preferences for projects
14 designated to promote energy sovereignty. The
15 Agency shall make every effort to enable solar
16 providers already participating in the Adjustable
17 Block program ~~Program~~ under subparagraph (K) of
18 paragraph (1) of subsection (c) of Section 1-75 of
19 this Act, and particularly solar providers
20 developing projects under item (i) of subparagraph
21 (K) of paragraph (1) of subsection (c) of Section
22 1-75 of this Act to easily participate in the
23 Low-Income Distributed Generation Incentive
24 program described under this subparagraph (A), and
25 vice versa. This effort may include, but shall not
26 be limited to, utilizing similar or the same

1 application systems and processes, utilizing
2 similar or the same forms and formats of
3 communication, and providing active outreach to
4 companies participating in one program but not the
5 other. The Agency shall report on efforts made to
6 encourage this cross-participation in its
7 long-term renewable resources procurement plan.

8 (iii) To maximize equitable participation in
9 this program and overcome challenges facing the
10 development of residential solar projects, the
11 Agency may propose a payment structure for
12 contracts executed pursuant to this subparagraph
13 (A) under which applicant firms are advanced
14 capital that is disbursed after contract execution
15 but before the contracted project's energization,
16 upon a demonstration of qualification or need
17 under criteria established by the Agency that are
18 focused on supporting the small and emerging
19 businesses and the businesses that most acutely
20 face barriers to capital access, which severely
21 limits the businesses' participation in the
22 program described in this subparagraph (A). The
23 amount or percentage of capital advanced before
24 project energization shall be designed to overcome
25 the barriers in access to capital that are faced
26 by an applicant. The amount or percentage of

1 advanced capital may vary under this subparagraph
2 (A) by an applicant's demonstration of need, with
3 such levels to be established through the
4 Long-Term Renewable Resources Procurement Plan and
5 any application requirements or evaluation
6 criteria developed under that Plan.

7 (B) Low-Income Community Solar Project Initiative.
8 Incentives shall be offered to low-income customers,
9 either directly or through developers, to increase the
10 participation of low-income subscribers of community
11 solar projects. The developer of each project shall
12 identify its partnership with community stakeholders
13 regarding the location, development, and participation
14 in the project, provided that nothing shall preclude a
15 project from including an anchor tenant that does not
16 qualify as low-income. Companies participating in this
17 program that develop or install solar projects shall
18 commit to meeting a minimum equity standard or to
19 hiring job trainees for a portion of their low-income
20 installations, and an administrator shall facilitate
21 partnering the companies that install solar projects
22 with entities that provide solar installation and
23 related job training. It is a goal of this program that
24 a minimum of 25% of the incentives for this program be
25 allocated to community photovoltaic projects in
26 environmental justice communities. The Agency shall

1 reserve a portion of this program for projects that
2 promote energy sovereignty through ownership of
3 projects by low-income households, not-for-profit
4 organizations providing services to low-income
5 households, affordable housing owners, or
6 community-based limited liability companies providing
7 services to low-income households. Projects that
8 feature energy ownership should ensure that local
9 people have control of the project and reap benefits
10 from the project over and above energy bill savings.
11 The Agency may consider the inclusion of projects that
12 promote ownership over time or that involve partial
13 project ownership by communities, as promoting energy
14 sovereignty. Incentives for projects that promote
15 energy sovereignty may be higher than incentives for
16 equivalent projects that do not promote energy
17 sovereignty under this same program. Contracts entered
18 into under this paragraph may be entered into with
19 developers and shall also include contracts for
20 renewable energy credits related to the program.

21 (C) Incentives for non-profits and public
22 facilities. Under this program funds shall be used to
23 support on-site photovoltaic distributed renewable
24 energy generation devices to serve the load associated
25 with not-for-profit customers and to support
26 photovoltaic distributed renewable energy generation

1 that uses photovoltaic technology to serve the load
2 associated with public sector customers taking service
3 at public buildings. Master-metered multifamily
4 buildings that primarily house income-eligible
5 residents may qualify under this subparagraph (C).
6 Nonprofits and public facilities that can demonstrate
7 that the nonprofit or public facility serves
8 income-qualified or environmental justice communities
9 may potentially qualify for the program, regardless of
10 physical location. Qualification may be determined
11 using the same procedures applied to critical service
12 provider requests for the purpose of establishing
13 project eligibility in areas that are not designated
14 as income-eligible or environmental justice
15 communities. Companies participating in this program
16 that develop or install solar projects shall commit to
17 meeting a minimum equity standard or to hiring job
18 trainees for a portion of their low-income
19 installations, and an administrator shall facilitate
20 partnering the companies that install solar projects
21 with entities that provide solar installation and
22 related job training. Through its long-term renewable
23 resources procurement plan, the Agency shall consider
24 additional program and contract requirements to ensure
25 faithful compliance by applicants benefiting from
26 preferences for projects designated to promote energy

1 sovereignty. It is a goal of this program that at least
2 25% of the incentives for this program be allocated to
3 projects located in environmental justice communities.
4 Contracts entered into under this paragraph may be
5 entered into with an entity that will develop and
6 administer the program or with developers and shall
7 also include contracts for renewable energy credits
8 related to the program.

9 (D) (Blank).

10 (E) Low-income large multifamily solar incentive.
11 This program shall provide incentives to low-income
12 customers, either directly or through solar providers,
13 to increase the participation of low-income households
14 in photovoltaic on-site distributed generation at
15 residential buildings with 5 or more units. Companies
16 participating in this program that develop or install
17 solar projects shall commit to meeting a minimum
18 equity standard or to hiring job trainees for a
19 portion of their low-income installations, and an
20 administrator shall facilitate partnering the
21 companies that install solar projects with entities
22 that provide solar installation and related job
23 training. It is a goal of this program that a minimum
24 of 25% of the incentives for this program be allocated
25 to projects located within environmental justice
26 communities. The Agency shall reserve a portion of

1 this program for projects that promote energy
2 sovereignty through ownership of projects by
3 low-income households, not-for-profit organizations
4 providing services to low-income households,
5 affordable housing owners, or community-based limited
6 liability companies providing services to low-income
7 households. Projects that feature energy ownership
8 should ensure that local people have control of the
9 project and reap benefits from the project over and
10 above energy bill savings. The Agency may consider the
11 inclusion of projects that promote ownership over time
12 or that involve partial project ownership by
13 communities, as promoting energy sovereignty.
14 Incentives for projects that promote energy
15 sovereignty may be higher than incentives for
16 equivalent projects that do not promote energy
17 sovereignty under this same program.

18 The requirement that a qualified person, as defined in
19 paragraph (1) of subsection (i) of this Section, install
20 photovoltaic devices does not apply to the Illinois Solar
21 for All Program described in this subsection (b).

22 In addition to the programs outlined in paragraphs (A)
23 through (E), the Agency and other parties may propose
24 additional programs through the long-term renewable
25 resources procurement plan ~~Long-Term Renewable Resources~~
26 ~~Procurement Plan~~ developed and approved under paragraph

1 (5) of subsection (b) of Section 16-111.5 of the Public
2 Utilities Act. Additional programs may target market
3 segments not specified above and may also include
4 incentives targeted to increase the uptake of
5 nonphotovoltaic technologies by low-income customers,
6 including energy storage paired with photovoltaics, if the
7 Commission determines that the Illinois Solar for All
8 Program would provide greater benefits to the public
9 health and well-being of low-income residents through also
10 supporting that additional program versus supporting
11 programs already authorized.

12 (3) Costs associated with the Illinois Solar for All
13 Program and its components described in paragraph (2) of
14 this subsection (b), including, but not limited to, costs
15 associated with procuring experts, consultants, and the
16 program administrator referenced in this subsection (b)
17 and related incremental costs, costs related to income
18 verification and facilitating customer participation in
19 the program through referrals and other methods, costs
20 related to obtaining feedback on the program from parties
21 that do not have a financial interest, and costs related
22 to the evaluation of the Illinois Solar for All Program,
23 may be paid for using monies in the Illinois Power Agency
24 Renewable Energy Resources Fund, and funds allocated
25 pursuant to subparagraph (O) of paragraph (1) of
26 subsection (c) of Section 1-75, but the Agency or program

1 administrator shall strive to minimize costs in the
2 implementation of the program. The Agency or contracting
3 electric utility shall purchase renewable energy credits
4 from generation that is the subject of a contract under
5 subparagraphs (A) through (E) of paragraph (2) of this
6 subsection (b), and may pay for such renewable energy
7 credits through an upfront payment per installed kilowatt
8 of nameplate capacity paid once the device is
9 interconnected at the distribution system level of the
10 interconnecting utility and verified as energized. Unless
11 otherwise provided in the Agency's long-term renewable
12 resources procurement plan, payments ~~Payments~~ for
13 renewable energy credits shall be in exchange for all
14 renewable energy credits generated by the system during
15 the first 15 years of operation and shall be structured to
16 overcome barriers to participation in the solar market by
17 the low-income community. The incentives provided for in
18 this Section may be implemented through the pricing of
19 renewable energy credits where the prices paid for the
20 credits are higher than the prices from programs offered
21 under subsection (c) of Section 1-75 of this Act to
22 account for the additional capital necessary to
23 successfully access targeted market segments. The Agency
24 or contracting electric utility shall retire any renewable
25 energy credits purchased under this program and the
26 credits shall count toward the obligation under subsection

1 (c) of Section 1-75 of this Act for the electric utility to
2 which the project is interconnected, if applicable.

3 The Agency shall direct that up to 5% of the funds
4 available under the Illinois Solar for All Program to
5 community-based groups and other qualifying organizations
6 to assist in community-driven education efforts related to
7 the Illinois Solar for All Program, including general
8 energy education, job training program outreach efforts,
9 and other activities deemed to be qualified by the Agency.
10 Grassroots education funding shall not be used to support
11 the marketing by solar project development firms and
12 organizations, unless such education provides equal
13 opportunities for all applicable firms and organizations.

14 The Agency may direct up to 25% of the funds currently
15 allocated to subparagraphs (A), (C), and (E) of paragraph
16 (2) toward the Illinois Storage for All Program, which
17 provides incentives through grants, rebates, or other
18 incentives to encourage development of energy storage
19 colocated with photovoltaic distributed renewable energy
20 generation devices developed through the Illinois Solar
21 for All Program. Any unused Storage for All funds during a
22 program year may be reallocated to other Solar for All
23 Program projects that are waitlisted or otherwise not
24 selected due to funding limitation per the Agency's
25 defined process. The Illinois Storage for All Program
26 shall be available to current and future participants of

1 the low-income single-family and multifamily subprogram
2 described in subparagraphs (A) and (E) of paragraph (2),
3 and the subprogram for nonprofit and public facilities
4 described in subparagraph (C) of paragraph (2). If
5 developed, the Illinois Storage for All Program may be
6 designed to support community energy resilience, disaster
7 preparedness, and energy bill reductions, particularly for
8 residents of low-income and environmental justice
9 communities. The Agency may propose the funding amount,
10 structure, and details of the Illinois Storage for All
11 Program in the Agency's long-term renewable resources
12 procurement plan described in subsection (c) of Section
13 1-75 of this Act and Section 16-111.5 of the Public
14 Utilities Act, or through its energy storage resources
15 procurement plan described in subsection (d-20) of Section
16 1-75 of this Act. As part of the development of its initial
17 energy storage resources procurement plan, the Agency
18 shall engage stakeholders in the development of the
19 Illinois Storage for All Program, including, but not
20 limited to, members of the Illinois Commission on
21 Environmental Justice described in Section 10 of the
22 Environmental Justice Act, representatives of approved
23 vendors participating in the Illinois Solar for All
24 Program, representatives of community-based
25 organizations, and members of the Illinois Solar for All
26 Stakeholder Advisory Group. The stakeholder process shall

1 include, but not be limited to, an exploration of how to
2 ensure that the distributed storage will be accessible to
3 income-qualified households with zero upfront costs and in
4 coordination with job training programs, as well as how
5 the program may be supported by other programs or
6 initiatives to maximize storage benefits and limit
7 double-counting of incentives.

8 (4) The Agency shall, consistent with the requirements
9 of this subsection (b), propose the Illinois Solar for All
10 Program terms, conditions, and requirements, including the
11 prices to be paid for renewable energy credits, and which
12 prices may be determined through a formula, through the
13 development, review, and approval of the Agency's
14 long-term renewable resources procurement plan described
15 in subsection (c) of Section 1-75 of this Act and Section
16 16-111.5 of the Public Utilities Act. In the course of the
17 Commission proceeding initiated to review and approve the
18 plan, including the Illinois Solar for All Program
19 proposed by the Agency, a party may propose an additional
20 low-income solar or solar incentive program, or
21 modifications to the programs proposed by the Agency, and
22 the Commission may approve an additional program, or
23 modifications to the Agency's proposed program, if the
24 additional or modified program more effectively maximizes
25 the benefits to low-income customers after taking into
26 account all relevant factors, including, but not limited

1 to, the extent to which a competitive market for
2 low-income solar has developed. Following the Commission's
3 approval of the Illinois Solar for All Program, the Agency
4 or a party may propose adjustments to the program terms,
5 conditions, and requirements, including the price offered
6 to new systems, to ensure the long-term viability and
7 success of the program. The Commission shall review and
8 approve any modifications to the program through the plan
9 revision process described in Section 16-111.5 of the
10 Public Utilities Act.

11 (5) The Agency shall issue a request for
12 qualifications for a third-party program administrator or
13 administrators to administer all or a portion of the
14 Illinois Solar for All Program. The third-party program
15 administrator shall be chosen through a competitive bid
16 process based on selection criteria and requirements
17 developed by the Agency, including, but not limited to,
18 experience in administering low-income energy programs and
19 overseeing statewide clean energy or energy efficiency
20 services. If the Agency retains a program administrator or
21 administrators to implement all or a portion of the
22 Illinois Solar for All Program, each administrator shall
23 periodically submit reports to the Agency and Commission
24 for each program that it administers, at appropriate
25 intervals to be identified by the Agency in its long-term
26 renewable resources procurement plan, subject to

1 Commission approval, provided that the reporting interval
2 is at least an annual period ~~quarterly~~. The third-party
3 program administrator may be, but need not be, the same
4 administrator as for the Adjustable Block program
5 described in subparagraphs (K) through (M) of paragraph
6 (1) of subsection (c) of Section 1-75. The Agency, through
7 its long-term renewable resources procurement plan
8 approval process, shall also determine if individual
9 subprograms of the Illinois Solar for All Program are
10 better served by a different or separate Program
11 Administrator.

12 The third-party administrator's responsibilities
13 shall also include facilitating placement for graduates of
14 Illinois-based renewable energy-specific job training
15 programs, including the Clean Jobs Workforce Network
16 Program and the Illinois Climate Works Preapprenticeship
17 Program administered by the Department of Commerce and
18 Economic Opportunity and programs administered under
19 Section 16-108.12 of the Public Utilities Act. To increase
20 the uptake of trainees by participating firms, the
21 administrator shall also develop a web-based clearinghouse
22 for information available to both job training program
23 graduates and firms participating, directly or indirectly,
24 in Illinois solar incentive programs. The program
25 administrator shall also coordinate its activities with
26 entities implementing electric and natural gas

1 income-qualified energy efficiency programs, including
2 customer referrals to and from such programs, and connect
3 prospective low-income solar customers with any existing
4 deferred maintenance programs where applicable.

5 (6) The long-term renewable resources procurement plan
6 shall also provide for an independent evaluation of the
7 Illinois Solar for All Program. At least every 5 ~~2~~ years,
8 the Agency shall select an independent evaluator to review
9 and report on the Illinois Solar for All Program and the
10 performance of the third-party program administrator of
11 the Illinois Solar for All Program. The evaluation shall
12 be based on objective criteria developed through a public
13 stakeholder process. The process shall include feedback
14 and participation from Illinois Solar for All Program
15 stakeholders, including participants and organizations in
16 environmental justice and historically underserved
17 communities. The report shall include a summary of the
18 evaluation of the Illinois Solar for All Program based on
19 the stakeholder developed objective criteria. The report
20 shall include the number of projects installed; the total
21 installed capacity in kilowatts; the average cost per
22 kilowatt of installed capacity to the extent reasonably
23 obtainable by the Agency; the number of jobs or job
24 opportunities created; economic, social, and environmental
25 benefits created; and the total administrative costs
26 expended by the Agency and program administrator to

1 implement and evaluate the program. The report shall be
2 prepared at least every 2 years and shall be delivered to
3 the Commission and posted on the Agency's website, and
4 shall be used, as needed, to revise the Illinois Solar for
5 All Program. The Commission shall also consider the
6 results of the evaluation as part of its review of the
7 long-term renewable resources procurement plan under
8 subsection (c) of Section 1-75 of this Act.

9 (7) If additional funding for the programs described
10 in this subsection (b) is available under subsection (k)
11 of Section 16-108 of the Public Utilities Act, then the
12 Agency shall submit a procurement plan to the Commission
13 no later than September 1, 2018, that proposes how the
14 Agency will procure programs on behalf of the applicable
15 utility. After notice and hearing, the Commission shall
16 approve, or approve with modification, the plan no later
17 than November 1, 2018.

18 (8) As part of the development and update of the
19 long-term renewable resources procurement plan authorized
20 by subsection (c) of Section 1-75 of this Act, the Agency
21 shall plan for: (A) actions to refer customers from the
22 Illinois Solar for All Program to electric and natural gas
23 income-qualified energy efficiency programs, and vice
24 versa, with the goal of increasing participation in both
25 of these programs; (B) effective procedures for data
26 sharing, as needed, to effectuate referrals between the

1 Illinois Solar for All Program and both electric and
2 natural gas income-qualified energy efficiency programs,
3 including sharing customer information directly with the
4 utilities, as needed and appropriate; and (C) efforts to
5 identify any existing deferred maintenance programs for
6 which prospective Solar for All Program customers may be
7 eligible and connect prospective customers for whom
8 deferred maintenance is or may be a barrier to solar
9 installation to those programs.

10 Income verification for participation in the Illinois
11 Solar for All subprograms described in subparagraphs (A) and
12 (C) of paragraph (2) may include pathways for verification
13 that rely on self-attestation by the applicant if the
14 applicant's residence is located within a low-income or
15 environmental justice community as defined in this subsection
16 (b). The Agency shall proactively explore approaches that make
17 the income verification process less burdensome for residents
18 of low-income or environmental justice communities, as defined
19 in this subsection (b).

20 As used in this subsection (b), "low-income households"
21 means persons and families whose income does not exceed 80% of
22 area median income, adjusted for family size and revised every
23 year.

24 For the purposes of this subsection (b), the Agency shall
25 define "environmental justice community" based on the
26 methodologies and findings established by the Agency and the

1 Administrator for the Illinois Solar for All Program in its
2 initial long-term renewable resources procurement plan and as
3 updated by the Agency and the Administrator for the Illinois
4 Solar for All Program as part of the long-term renewable
5 resources procurement plan update.

6 (b-5) After the receipt of all payments required by
7 Section 16-115D of the Public Utilities Act, no additional
8 funds shall be deposited into the Illinois Power Agency
9 Renewable Energy Resources Fund unless directed by order of
10 the Commission.

11 (b-10) After the receipt of all payments required by
12 Section 16-115D of the Public Utilities Act and payment in
13 full of all contracts executed by the Agency under subsections
14 (b) and (i) of this Section, if the balance of the Illinois
15 Power Agency Renewable Energy Resources Fund is under \$5,000,
16 then the Fund shall be inoperative and any remaining funds and
17 any funds submitted to the Fund after that date, shall be
18 transferred to the Supplemental Low-Income Energy Assistance
19 Fund for use in the Low-Income Home Energy Assistance Program,
20 as authorized by the Energy Assistance Act.

21 (b-15) The prevailing wage requirements set forth in the
22 Prevailing Wage Act apply to each project that is undertaken
23 pursuant to one or more of the programs of incentives and
24 initiatives described in subsection (b) of this Section and
25 for which a project application is submitted to the program
26 after June 30, 2023 (the effective date of Public Act 103-188)

1 ~~this amendatory Act of the 103rd General Assembly~~, except (i)
2 projects that serve single-family or multi-family residential
3 buildings and (ii) projects with an aggregate capacity of less
4 than 100 kilowatts that serve houses of worship. The Agency
5 shall require verification that all construction performed on
6 a project by the renewable energy credit delivery contract
7 holder, its contractors, or its subcontractors relating to the
8 construction of the facility is performed by workers receiving
9 an amount for that work that is greater than or equal to the
10 general prevailing rate of wages as that term is defined in the
11 Prevailing Wage Act, and the Agency may adjust renewable
12 energy credit prices to account for increased labor costs.

13 In this subsection (b-15), "house of worship" has the
14 meaning given in subparagraph (Q) of paragraph (1) of
15 subsection (c) of Section 1-75.

16 (c) (Blank).

17 (d) (Blank).

18 (e) All renewable energy credits procured using monies
19 from the Illinois Power Agency Renewable Energy Resources Fund
20 shall be permanently retired.

21 (f) The selection of one or more third-party program
22 managers or administrators, the selection of the independent
23 evaluator, and the procurement processes described in this
24 Section are exempt from the requirements of the Illinois
25 Procurement Code, under Section 20-10 of that Code.

26 (g) All disbursements from the Illinois Power Agency

1 Renewable Energy Resources Fund shall be made only upon
2 warrants of the Comptroller drawn upon the Treasurer as
3 custodian of the Fund upon vouchers signed by the Director or
4 by the person or persons designated by the Director for that
5 purpose. The Comptroller is authorized to draw the warrant
6 upon vouchers so signed. The Treasurer shall accept all
7 warrants so signed and shall be released from liability for
8 all payments made on those warrants.

9 (h) The Illinois Power Agency Renewable Energy Resources
10 Fund shall not be subject to sweeps, administrative charges,
11 or chargebacks, including, but not limited to, those
12 authorized under Section 8h of the State Finance Act, that
13 would in any way result in the transfer of any funds from this
14 Fund to any other fund of this State or in having any such
15 funds utilized for any purpose other than the express purposes
16 set forth in this Section.

17 (h-5) The Agency may assess fees to each bidder to recover
18 the costs incurred in connection with a procurement process
19 held under this Section. Fees collected from bidders shall be
20 deposited into the Illinois Power Agency Renewable Energy
21 Resources Fund.

22 (i) Supplemental procurement process.

23 (1) Within 90 days after June 30, 2014 (the effective
24 date of Public Act 98-672), the Agency shall develop a
25 one-time supplemental procurement plan limited to the
26 procurement of renewable energy credits, if available,

1 from new or existing photovoltaics, including, but not
2 limited to, distributed photovoltaic generation. Nothing
3 in this subsection (i) requires procurement of wind
4 generation through the supplemental procurement.

5 Renewable energy credits procured from new
6 photovoltaics, including, but not limited to, distributed
7 photovoltaic generation, under this subsection (i) must be
8 procured from devices installed by a qualified person. In
9 its supplemental procurement plan, the Agency shall
10 establish contractually enforceable mechanisms for
11 ensuring that the installation of new photovoltaics is
12 performed by a qualified person.

13 For the purposes of this paragraph (1), "qualified
14 person" means a person who performs installations of
15 photovoltaics, including, but not limited to, distributed
16 photovoltaic generation, and who: (A) has completed an
17 apprenticeship as a journeyman electrician from a United
18 States Department of Labor registered electrical
19 apprenticeship and training program and received a
20 certification of satisfactory completion; or (B) does not
21 currently meet the criteria under clause (A) of this
22 paragraph (1), but is enrolled in a United States
23 Department of Labor registered electrical apprenticeship
24 program, provided that the person is directly supervised
25 by a person who meets the criteria under clause (A) of this
26 paragraph (1); or (C) has obtained one of the following

1 credentials in addition to attesting to satisfactory
2 completion of at least 5 years or 8,000 hours of
3 documented hands-on electrical experience: (i) a North
4 American Board of Certified Energy Practitioners (NABCEP)
5 Installer Certificate for Solar PV; (ii) an Underwriters
6 Laboratories (UL) PV Systems Installer Certificate; (iii)
7 an Electronics Technicians Association, International
8 (ETAI) Level 3 PV Installer Certificate; or (iv) an
9 Associate in Applied Science degree from an Illinois
10 Community College Board approved community college program
11 in renewable energy or a distributed generation
12 technology.

13 For the purposes of this paragraph (1), "directly
14 supervised" means that there is a qualified person who
15 meets the qualifications under clause (A) of this
16 paragraph (1) and who is available for supervision and
17 consultation regarding the work performed by persons under
18 clause (B) of this paragraph (1), including a final
19 inspection of the installation work that has been directly
20 supervised to ensure safety and conformity with applicable
21 codes.

22 For the purposes of this paragraph (1), "install"
23 means the major activities and actions required to
24 connect, in accordance with applicable building and
25 electrical codes, the conductors, connectors, and all
26 associated fittings, devices, power outlets, or

1 apparatuses mounted at the premises that are directly
2 involved in delivering energy to the premises' electrical
3 wiring from the photovoltaics, including, but not limited
4 to, to distributed photovoltaic generation.

5 The renewable energy credits procured pursuant to the
6 supplemental procurement plan shall be procured using up
7 to \$30,000,000 from the Illinois Power Agency Renewable
8 Energy Resources Fund. The Agency shall not plan to use
9 funds from the Illinois Power Agency Renewable Energy
10 Resources Fund in excess of the monies on deposit in such
11 fund or projected to be deposited into such fund. The
12 supplemental procurement plan shall ensure adequate,
13 reliable, affordable, efficient, and environmentally
14 sustainable renewable energy resources (including credits)
15 at the lowest total cost over time, taking into account
16 any benefits of price stability.

17 To the extent available, 50% of the renewable energy
18 credits procured from distributed renewable energy
19 generation shall come from devices of less than 25
20 kilowatts in nameplate capacity. Procurement of renewable
21 energy credits from distributed renewable energy
22 generation devices shall be done through multi-year
23 contracts of no less than 5 years. The Agency shall create
24 credit requirements for counterparties. In order to
25 minimize the administrative burden on contracting
26 entities, the Agency shall solicit the use of third

1 parties to aggregate distributed renewable energy. These
2 third parties shall enter into and administer contracts
3 with individual distributed renewable energy generation
4 device owners. An individual distributed renewable energy
5 generation device owner shall have the ability to measure
6 the output of his or her distributed renewable energy
7 generation device.

8 In developing the supplemental procurement plan, the
9 Agency shall hold at least one workshop open to the public
10 within 90 days after June 30, 2014 (the effective date of
11 Public Act 98-672) and shall consider any comments made by
12 stakeholders or the public. Upon development of the
13 supplemental procurement plan within this 90-day period,
14 copies of the supplemental procurement plan shall be
15 posted and made publicly available on the Agency's and
16 Commission's websites. All interested parties shall have
17 14 days following the date of posting to provide comment
18 to the Agency on the supplemental procurement plan. All
19 comments submitted to the Agency shall be specific,
20 supported by data or other detailed analyses, and, if
21 objecting to all or a portion of the supplemental
22 procurement plan, accompanied by specific alternative
23 wording or proposals. All comments shall be posted on the
24 Agency's and Commission's websites. Within 14 days
25 following the end of the 14-day review period, the Agency
26 shall revise the supplemental procurement plan as

1 necessary based on the comments received and file its
2 revised supplemental procurement plan with the Commission
3 for approval.

4 (2) Within 5 days after the filing of the supplemental
5 procurement plan at the Commission, any person objecting
6 to the supplemental procurement plan shall file an
7 objection with the Commission. Within 10 days after the
8 filing, the Commission shall determine whether a hearing
9 is necessary. The Commission shall enter its order
10 confirming or modifying the supplemental procurement plan
11 within 90 days after the filing of the supplemental
12 procurement plan by the Agency.

13 (3) The Commission shall approve the supplemental
14 procurement plan of renewable energy credits to be
15 procured from new or existing photovoltaics, including,
16 but not limited to, distributed photovoltaic generation,
17 if the Commission determines that it will ensure adequate,
18 reliable, affordable, efficient, and environmentally
19 sustainable electric service in the form of renewable
20 energy credits at the lowest total cost over time, taking
21 into account any benefits of price stability.

22 (4) The supplemental procurement process under this
23 subsection (i) shall include each of the following
24 components:

25 (A) Procurement administrator. The Agency may
26 retain a procurement administrator in the manner set

1 forth in item (2) of subsection (a) of Section 1-75 of
2 this Act to conduct the supplemental procurement or
3 may elect to use the same procurement administrator
4 administering the Agency's annual procurement under
5 Section 1-75.

6 (B) Procurement monitor. The procurement monitor
7 retained by the Commission pursuant to Section
8 16-111.5 of the Public Utilities Act shall:

9 (i) monitor interactions among the procurement
10 administrator and bidders and suppliers;

11 (ii) monitor and report to the Commission on
12 the progress of the supplemental procurement
13 process;

14 (iii) provide an independent confidential
15 report to the Commission regarding the results of
16 the procurement events;

17 (iv) assess compliance with the procurement
18 plan approved by the Commission for the
19 supplemental procurement process;

20 (v) preserve the confidentiality of supplier
21 and bidding information in a manner consistent
22 with all applicable laws, rules, regulations, and
23 tariffs;

24 (vi) provide expert advice to the Commission
25 and consult with the procurement administrator
26 regarding issues related to procurement process

1 design, rules, protocols, and policy-related
2 matters;

3 (vii) consult with the procurement
4 administrator regarding the development and use of
5 benchmark criteria, standard form contracts,
6 credit policies, and bid documents; and

7 (viii) perform, with respect to the
8 supplemental procurement process, any other
9 procurement monitor duties specifically delineated
10 within subsection (i) of this Section.

11 (C) Solicitation, prequalification, and
12 registration of bidders. The procurement administrator
13 shall disseminate information to potential bidders to
14 promote a procurement event, notify potential bidders
15 that the procurement administrator may enter into a
16 post-bid price negotiation with bidders that meet the
17 applicable benchmarks, provide supply requirements,
18 and otherwise explain the competitive procurement
19 process. In addition to such other publication as the
20 procurement administrator determines is appropriate,
21 this information shall be posted on the Agency's and
22 the Commission's websites. The procurement
23 administrator shall also administer the
24 prequalification process, including evaluation of
25 credit worthiness, compliance with procurement rules,
26 and agreement to the standard form contract developed

1 pursuant to item (D) of this paragraph (4). The
2 procurement administrator shall then identify and
3 register bidders to participate in the procurement
4 event.

5 (D) Standard contract forms and credit terms and
6 instruments. The procurement administrator, in
7 consultation with the Agency, the Commission, and
8 other interested parties and subject to Commission
9 oversight, shall develop and provide standard contract
10 forms for the supplier contracts that meet generally
11 accepted industry practices as well as include any
12 applicable State of Illinois terms and conditions that
13 are required for contracts entered into by an agency
14 of the State of Illinois. Standard credit terms and
15 instruments that meet generally accepted industry
16 practices shall be similarly developed. Contracts for
17 new photovoltaics shall include a provision attesting
18 that the supplier will use a qualified person for the
19 installation of the device pursuant to paragraph (1)
20 of subsection (i) of this Section. The procurement
21 administrator shall make available to the Commission
22 all written comments it receives on the contract
23 forms, credit terms, or instruments. If the
24 procurement administrator cannot reach agreement with
25 the parties as to the contract terms and conditions,
26 the procurement administrator must notify the

1 Commission of any disputed terms and the Commission
2 shall resolve the dispute. The terms of the contracts
3 shall not be subject to negotiation by winning
4 bidders, and the bidders must agree to the terms of the
5 contract in advance so that winning bids are selected
6 solely on the basis of price.

7 (E) Requests for proposals; competitive
8 procurement process. The procurement administrator
9 shall design and issue requests for proposals to
10 supply renewable energy credits in accordance with the
11 supplemental procurement plan, as approved by the
12 Commission. The requests for proposals shall set forth
13 a procedure for sealed, binding commitment bidding
14 with pay-as-bid settlement, and provision for
15 selection of bids on the basis of price, provided,
16 however, that no bid shall be accepted if it exceeds
17 the benchmark developed pursuant to item (F) of this
18 paragraph (4).

19 (F) Benchmarks. Benchmarks for each product to be
20 procured shall be developed by the procurement
21 administrator in consultation with Commission staff,
22 the Agency, and the procurement monitor for use in
23 this supplemental procurement.

24 (G) A plan for implementing contingencies in the
25 event of supplier default, Commission rejection of
26 results, or any other cause.

1 (5) Within 2 business days after opening the sealed
2 bids, the procurement administrator shall submit a
3 confidential report to the Commission. The report shall
4 contain the results of the bidding for each of the
5 products along with the procurement administrator's
6 recommendation for the acceptance and rejection of bids
7 based on the price benchmark criteria and other factors
8 observed in the process. The procurement monitor also
9 shall submit a confidential report to the Commission
10 within 2 business days after opening the sealed bids. The
11 report shall contain the procurement monitor's assessment
12 of bidder behavior in the process as well as an assessment
13 of the procurement administrator's compliance with the
14 procurement process and rules. The Commission shall review
15 the confidential reports submitted by the procurement
16 administrator and procurement monitor and shall accept or
17 reject the recommendations of the procurement
18 administrator within 2 business days after receipt of the
19 reports.

20 (6) Within 3 business days after the Commission
21 decision approving the results of a procurement event, the
22 Agency shall enter into binding contractual arrangements
23 with the winning suppliers using the standard form
24 contracts.

25 (7) The names of the successful bidders and the
26 average of the winning bid prices for each contract type

1 and for each contract term shall be made available to the
2 public within 2 days after the supplemental procurement
3 event. The Commission, the procurement monitor, the
4 procurement administrator, the Agency, and all
5 participants in the procurement process shall maintain the
6 confidentiality of all other supplier and bidding
7 information in a manner consistent with all applicable
8 laws, rules, regulations, and tariffs. Confidential
9 information, including the confidential reports submitted
10 by the procurement administrator and procurement monitor
11 pursuant to this Section, shall not be made publicly
12 available and shall not be discoverable by any party in
13 any proceeding, absent a compelling demonstration of need,
14 nor shall those reports be admissible in any proceeding
15 other than one for law enforcement purposes.

16 (8) The supplemental procurement provided in this
17 subsection (i) shall not be subject to the requirements
18 and limitations of subsections (c) and (d) of this
19 Section.

20 (9) Expenses incurred in connection with the
21 procurement process held pursuant to this Section,
22 including, but not limited to, the cost of developing the
23 supplemental procurement plan, the procurement
24 administrator, procurement monitor, and the cost of the
25 retirement of renewable energy credits purchased pursuant
26 to the supplemental procurement shall be paid for from the

1 Illinois Power Agency Renewable Energy Resources Fund. The
2 Agency shall enter into an interagency agreement with the
3 Commission to reimburse the Commission for its costs
4 associated with the procurement monitor for the
5 supplemental procurement process.

6 (Source: P.A. 102-662, eff. 9-15-21; 103-188, eff. 6-30-23;
7 103-605, eff. 7-1-24; 103-1066, eff. 2-20-25; revised
8 6-23-25.)

9 (20 ILCS 3855/1-75)

10 Sec. 1-75. Planning and Procurement Bureau. The Planning
11 and Procurement Bureau has the following duties and
12 responsibilities:

13 (a) The Planning and Procurement Bureau shall each year,
14 beginning in 2008, develop procurement plans and conduct
15 competitive procurement processes in accordance with the
16 requirements of Section 16-111.5 of the Public Utilities Act
17 for the eligible retail customers of electric utilities that
18 on December 31, 2005 provided electric service to at least
19 100,000 customers in Illinois. Beginning with the delivery
20 year commencing on June 1, 2017, the Planning and Procurement
21 Bureau shall develop plans and processes for the procurement
22 of zero emission credits from zero emission facilities in
23 accordance with the requirements of subsection (d-5) of this
24 Section. Beginning on the effective date of this amendatory
25 Act of the 102nd General Assembly, the Planning and

1 Procurement Bureau shall develop plans and processes for the
2 procurement of carbon mitigation credits from carbon-free
3 energy resources in accordance with the requirements of
4 subsection (d-10) of this Section. The Planning and
5 Procurement Bureau shall also develop procurement plans and
6 conduct competitive procurement processes in accordance with
7 the requirements of Section 16-111.5 of the Public Utilities
8 Act for the eligible retail customers of small
9 multi-jurisdictional electric utilities that (i) on December
10 31, 2005 served less than 100,000 customers in Illinois and
11 (ii) request a procurement plan for their Illinois
12 jurisdictional load. This Section shall not apply to a small
13 multi-jurisdictional utility until such time as a small
14 multi-jurisdictional utility requests the Agency to prepare a
15 procurement plan for their Illinois jurisdictional load. For
16 the purposes of this Section, the term "eligible retail
17 customers" has the same definition as found in Section
18 16-111.5(a) of the Public Utilities Act.

19 Beginning with the plan or plans to be implemented in the
20 2017 delivery year, the Agency shall no longer include the
21 procurement of renewable energy resources in the annual
22 procurement plans required by this subsection (a), except as
23 provided in subsection (q) of Section 16-111.5 of the Public
24 Utilities Act, and shall instead develop a long-term renewable
25 resources procurement plan in accordance with subsection (c)
26 of this Section and Section 16-111.5 of the Public Utilities

1 Act.

2 In accordance with subsection (c-5) of this Section, the
3 Planning and Procurement Bureau shall oversee the procurement
4 by electric utilities that served more than 300,000 retail
5 customers in this State as of January 1, 2019 of renewable
6 energy credits from new utility-scale solar projects to be
7 installed, along with energy storage facilities, at or
8 adjacent to the sites of electric generating facilities that,
9 as of January 1, 2016, burned coal as their primary fuel
10 source.

11 (1) The Agency shall each year, beginning in 2008, as
12 needed, issue a request for qualifications for experts or
13 expert consulting firms to develop the procurement plans
14 in accordance with Section 16-111.5 of the Public
15 Utilities Act. In order to qualify an expert or expert
16 consulting firm must have:

17 (A) direct previous experience assembling
18 large-scale power supply plans or portfolios for
19 end-use customers;

20 (B) an advanced degree in economics, mathematics,
21 engineering, risk management, or a related area of
22 study;

23 (C) 10 years of experience in the electricity
24 sector, including managing supply risk;

25 (D) expertise in wholesale electricity market
26 rules, including those established by the Federal

1 Energy Regulatory Commission and regional transmission
2 organizations;

3 (E) expertise in credit protocols and familiarity
4 with contract protocols;

5 (F) adequate resources to perform and fulfill the
6 required functions and responsibilities; and

7 (G) the absence of a conflict of interest and
8 inappropriate bias for or against potential bidders or
9 the affected electric utilities.

10 (2) The Agency shall each year, as needed, issue a
11 request for qualifications for a procurement administrator
12 to conduct the competitive procurement processes in
13 accordance with Section 16-111.5 of the Public Utilities
14 Act. In order to qualify an expert or expert consulting
15 firm must have:

16 (A) direct previous experience administering a
17 large-scale competitive procurement process;

18 (B) an advanced degree in economics, mathematics,
19 engineering, or a related area of study;

20 (C) 10 years of experience in the electricity
21 sector, including risk management experience;

22 (D) expertise in wholesale electricity market
23 rules, including those established by the Federal
24 Energy Regulatory Commission and regional transmission
25 organizations;

26 (E) expertise in credit and contract protocols;

1 (F) adequate resources to perform and fulfill the
2 required functions and responsibilities; and

3 (G) the absence of a conflict of interest and
4 inappropriate bias for or against potential bidders or
5 the affected electric utilities.

6 (3) The Agency shall provide affected utilities and
7 other interested parties with the lists of qualified
8 experts or expert consulting firms identified through the
9 request for qualifications processes that are under
10 consideration to develop the procurement plans and to
11 serve as the procurement administrator. The Agency shall
12 also provide each qualified expert's or expert consulting
13 firm's response to the request for qualifications. All
14 information provided under this subparagraph shall also be
15 provided to the Commission. The Agency may provide by rule
16 for fees associated with supplying the information to
17 utilities and other interested parties. These parties
18 shall, within 5 business days, notify the Agency in
19 writing if they object to any experts or expert consulting
20 firms on the lists. Objections shall be based on:

21 (A) failure to satisfy qualification criteria;

22 (B) identification of a conflict of interest; or

23 (C) evidence of inappropriate bias for or against
24 potential bidders or the affected utilities.

25 The Agency shall remove experts or expert consulting
26 firms from the lists within 10 days if there is a

1 reasonable basis for an objection and provide the updated
2 lists to the affected utilities and other interested
3 parties. If the Agency fails to remove an expert or expert
4 consulting firm from a list, an objecting party may seek
5 review by the Commission within 5 days thereafter by
6 filing a petition, and the Commission shall render a
7 ruling on the petition within 10 days. There is no right of
8 appeal of the Commission's ruling.

9 (4) The Agency shall issue requests for proposals to
10 the qualified experts or expert consulting firms to
11 develop a procurement plan for the affected utilities and
12 to serve as procurement administrator.

13 (5) The Agency shall select an expert or expert
14 consulting firm to develop procurement plans based on the
15 proposals submitted and shall award contracts of up to 5
16 years to those selected.

17 (6) The Agency shall select an expert or expert
18 consulting firm, with approval of the Commission, to serve
19 as procurement administrator based on the proposals
20 submitted. If the Commission rejects, within 5 days, the
21 Agency's selection, the Agency shall submit another
22 recommendation within 3 days based on the proposals
23 submitted. The Agency shall award a 5-year contract to the
24 expert or expert consulting firm so selected with
25 Commission approval.

26 (b) The experts or expert consulting firms retained by the

1 Agency shall, as appropriate, prepare procurement plans, and
2 conduct a competitive procurement process as prescribed in
3 Section 16-111.5 of the Public Utilities Act, to ensure
4 adequate, reliable, affordable, efficient, and environmentally
5 sustainable electric service at the lowest total cost over
6 time, taking into account any benefits of price stability, for
7 eligible retail customers of electric utilities that on
8 December 31, 2005 provided electric service to at least
9 100,000 customers in the State of Illinois, and for eligible
10 Illinois retail customers of small multi-jurisdictional
11 electric utilities that (i) on December 31, 2005 served less
12 than 100,000 customers in Illinois and (ii) request a
13 procurement plan for their Illinois jurisdictional load.

14 (c) Renewable portfolio standard.

15 (1) (A) The Agency shall develop a long-term renewable
16 resources procurement plan that shall include procurement
17 programs and competitive procurement events necessary to
18 meet the goals set forth in this subsection (c). The
19 initial long-term renewable resources procurement plan
20 shall be released for comment no later than 160 days after
21 June 1, 2017 (the effective date of Public Act 99-906).
22 The Agency shall review, and may revise on an expedited
23 basis, the long-term renewable resources procurement plan
24 at least every 2 years, which shall be conducted in
25 conjunction with the procurement plan under Section
26 16-111.5 of the Public Utilities Act to the extent

1 practicable to minimize administrative expense. No later
2 than 120 days after the effective date of this amendatory
3 Act of the 103rd General Assembly, the Agency shall
4 release for comment a revision to the long-term renewable
5 resources procurement plan, updating elements of the most
6 recently approved plan as needed to comply with this
7 amendatory Act of the 103rd General Assembly, and any
8 long-term renewable resources procurement plan update
9 published by the Agency but not yet approved by the
10 Illinois Commerce Commission shall be withdrawn. The
11 long-term renewable resources procurement plans shall be
12 subject to review and approval by the Commission under
13 Section 16-111.5 of the Public Utilities Act.

14 (B) Subject to subparagraph (F) of this paragraph (1),
15 the long-term renewable resources procurement plan shall
16 attempt to meet the goals for procurement of renewable
17 energy credits at levels of at least the following overall
18 percentages: 13% by the 2017 delivery year; increasing by
19 at least 1.5% each delivery year thereafter to at least
20 25% by the 2025 delivery year; increasing by at least 3%
21 each delivery year thereafter to at least 40% by the 2030
22 delivery year, and continuing at no less than 40% for each
23 delivery year thereafter. The Agency shall attempt to
24 procure 50% by delivery year 2040. The Agency shall
25 determine the annual increase between delivery year 2030
26 and delivery year 2040, if any, taking into account energy

1 demand, other energy resources, and other public policy
2 goals. In the event of a conflict between these goals and
3 the new wind, new photovoltaic, new geothermal heating and
4 cooling, and hydropower procurement requirements described
5 in items (i) through (iii) of subparagraph (C) of this
6 paragraph (1), the long-term plan shall prioritize
7 compliance with the new wind, new photovoltaic, new
8 geothermal heating and cooling, and hydropower procurement
9 requirements described in items (i) through (iii) of
10 subparagraph (C) of this paragraph (1) over the annual
11 percentage targets described in this subparagraph (B). The
12 Agency shall not comply with the annual percentage targets
13 described in this subparagraph (B) by procuring renewable
14 energy credits that are unlikely to lead to the
15 development of new renewable resources or new, modernized,
16 or retooled hydropower facilities.

17 For the delivery year beginning June 1, 2017, the
18 procurement plan shall attempt to include, subject to the
19 prioritization outlined in this subparagraph (B),
20 cost-effective renewable energy resources equal to at
21 least 13% of each utility's load for eligible retail
22 customers and 13% of the applicable portion of each
23 utility's load for retail customers who are not eligible
24 retail customers, which applicable portion shall equal 50%
25 of the utility's load for retail customers who are not
26 eligible retail customers on February 28, 2017.

1 For the delivery year beginning June 1, 2018, the
2 procurement plan shall attempt to include, subject to the
3 prioritization outlined in this subparagraph (B),
4 cost-effective renewable energy resources equal to at
5 least 14.5% of each utility's load for eligible retail
6 customers and 14.5% of the applicable portion of each
7 utility's load for retail customers who are not eligible
8 retail customers, which applicable portion shall equal 75%
9 of the utility's load for retail customers who are not
10 eligible retail customers on February 28, 2017.

11 For the delivery year beginning June 1, 2019, and for
12 each year thereafter, the procurement plans shall attempt
13 to include, subject to the prioritization outlined in this
14 subparagraph (B), cost-effective renewable energy
15 resources equal to a minimum percentage of each utility's
16 load for all retail customers as follows: 16% by June 1,
17 2019; increasing by 1.5% each year thereafter to 25% by
18 June 1, 2025; and 25% by June 1, 2026; increasing by at
19 least 3% each delivery year thereafter to at least 40% by
20 the 2030 delivery year, and continuing at no less than 40%
21 for each delivery year thereafter. The Agency shall
22 attempt to procure 50% by delivery year 2040. The Agency
23 shall determine the annual increase between delivery year
24 2030 and delivery year 2040, if any, taking into account
25 energy demand, other energy resources, and other public
26 policy goals.

1 For each delivery year, the Agency shall first
2 recognize each utility's obligations for that delivery
3 year under existing contracts. Any renewable energy
4 credits under existing contracts, including renewable
5 energy credits as part of renewable energy resources,
6 shall be used to meet the goals set forth in this
7 subsection (c) for the delivery year.

8 (C) The long-term renewable resources procurement plan
9 described in subparagraph (A) of this paragraph (1) shall
10 include the procurement of renewable energy credits from
11 new projects pursuant to the following terms:

12 (i) At least 10,000,000 renewable energy credits
13 delivered annually by the end of the 2021 delivery
14 year, and increasing ratably to reach 45,000,000
15 renewable energy credits delivered annually from new
16 wind and solar projects, from repowered wind projects,
17 or from retooled hydropower facilities by the end of
18 delivery year 2030 such that the goals in subparagraph
19 (B) of this paragraph (1) are met entirely by
20 procurements of renewable energy credits from new wind
21 and photovoltaic projects. Of that amount, to the
22 extent possible, the Agency shall endeavor to procure
23 45% from new and repowered wind and hydropower
24 projects and shall procure at least 55% from
25 photovoltaic projects. Of the amount to be procured
26 from photovoltaic projects, the Agency shall procure:

1 at least 50% from solar photovoltaic projects using
2 the program outlined in subparagraph (K) of this
3 paragraph (1) from distributed renewable energy
4 generation devices or community renewable generation
5 projects; at least 47% from utility-scale solar
6 projects; at least 3% from brownfield site
7 photovoltaic projects that are not community renewable
8 generation projects. The Agency may propose
9 adjustments to these percentages, including
10 establishing percentage-based goals for the
11 procurement of renewable energy credits from
12 modernized or retooled hydropower facilities and
13 repowered wind projects, through its long-term
14 renewable resources plan described in subparagraph (A)
15 of this paragraph (1) as necessary based on developer
16 interest, market conditions, budget considerations,
17 resource adequacy needs, or other factors.
18 Notwithstanding the percentage-based goals as
19 described in this Section, the Agency shall develop a
20 Geothermal Homes and Businesses Program for the
21 procurement of renewable energy credits from
22 geothermal heating and cooling systems.

23 In developing the long-term renewable resources
24 procurement plan, the Agency shall consider other
25 approaches, in addition to competitive procurements,
26 that can be used to procure renewable energy credits

1 from brownfield site photovoltaic projects and thereby
2 help return blighted or contaminated land to
3 productive use while enhancing public health and the
4 well-being of Illinois residents, including those in
5 environmental justice communities, as defined using
6 existing methodologies and findings used by the Agency
7 and its Administrator in its Illinois Solar for All
8 Program. The Agency shall also consider other
9 approaches, in addition to competitive procurements,
10 to procure renewable energy credits from new and
11 existing hydropower facilities to support the
12 development and maintenance of these facilities. The
13 Agency shall explore options to convert existing dams
14 but shall not consider approaches to develop new dams
15 where they do not already exist. To encourage the
16 continued operation of utility-scale wind projects,
17 the Agency shall consider and may propose other
18 approaches in addition to competitive procurements to
19 procure renewable energy credits from repowered wind
20 projects.

21 (ii) In any given delivery year, if forecasted
22 expenses are less than the maximum budget available
23 under subparagraph (E) of this paragraph (1), the
24 Agency shall continue to procure new renewable energy
25 credits until that budget is exhausted in the manner
26 outlined in item (i) of this subparagraph (C).

1 (iii) For purposes of this Section:

2 "New wind projects" means wind renewable energy
3 facilities that are energized after June 1, 2017 for
4 the delivery year commencing June 1, 2017.

5 "New photovoltaic projects" means photovoltaic
6 renewable energy facilities that are energized after
7 June 1, 2017. Photovoltaic projects developed under
8 Section 1-56 of this Act shall not apply towards the
9 new photovoltaic project requirements in this
10 subparagraph (C).

11 "Repowered wind projects" means utility-scale wind
12 projects featuring the removal, replacement, or
13 expansion of turbines at an existing project site, as
14 defined in the long-term renewable resources
15 procurement plan, after the effective date of this
16 amendatory Act of the 103rd General Assembly.
17 Renewable energy credit contract awards used to
18 support repowered wind projects shall only cover the
19 incremental increase in facility electricity
20 production resultant from repowering.

21 "Geothermal heating and cooling system" means a
22 system located in this State that meets all of the
23 following requirements:

24 (I) the system exchanges thermal energy from
25 groundwater or a shallow ground source to generate
26 thermal energy through an electric geothermal heat

1 pump or a system of electric geothermal heat pumps
2 interconnected with any geothermal extraction
3 facility that is (1) a closed loop or a series of
4 closed loop systems in which fluid is permanently
5 confined within a pipe or tubing and does not come
6 in contact with the outside environment or (2) an
7 open loop system in which ground or surface water
8 is circulated in an environmentally safe manner
9 directly into the facility and returned to the
10 same aquifer or surface water source;

11 (II) the system meets or exceeds federal
12 Energy Star product specification standards for
13 Geothermal Heat Pumps established on January 1,
14 2012, as clarified by the Environmental Protection
15 Agency guidance document released on February 28,
16 2012 entitled "Clarification to the Geothermal
17 Heat Pump Verification Testing Requirements and
18 Basic Model Group Definition", or any successor
19 standards that meet or exceed these standards;

20 (III) the system replaces or displaces less
21 efficient space or water heating systems,
22 regardless of fuel type;

23 (IV) the system replaces or displaces less
24 efficient space cooling systems, when applicable;

25 (V) the system does not feed electricity back
26 to the grid, as defined at the level of the

1 geothermal heat pump; and

2 (VI) the system became operational on or after
3 the effective date of this amendatory Act of the
4 104th General Assembly.

5 For purposes of calculating whether the Agency has
6 procured enough new wind and solar renewable energy
7 credits required by this subparagraph (C), renewable
8 energy facilities that have a multi-year renewable
9 energy credit delivery contract with the utility
10 through at least delivery year 2030 shall be
11 considered new, however no renewable energy credits
12 from contracts entered into before June 1, 2021 shall
13 be used to calculate whether the Agency has procured
14 the correct proportion of new wind and new solar
15 contracts described in this subparagraph (C) for
16 delivery year 2021 and thereafter.

17 (iv) The Agency may implement additional measures,
18 including eligibility requirements, to ensure that new
19 wind projects and new photovoltaic projects supported
20 through renewable energy credit contract awards are a
21 result of a contract award and are otherwise developed
22 pursuant to the financial certainty provided through a
23 contract award.

24 (D) Renewable energy credits shall be cost effective.
25 For purposes of this subsection (c), "cost effective"
26 means that the costs of procuring renewable energy

resources do not cause the limit stated in subparagraph (E) of this paragraph (1) to be exceeded and, for renewable energy credits procured through a competitive procurement event, do not exceed benchmarks based on market prices for like products in the region. For purposes of this subsection (c), "like products" means contracts for renewable energy credits from the same or substantially similar technology, same or substantially similar vintage (new or existing), the same or substantially similar quantity, and the same or substantially similar contract length and structure. Benchmarks shall reflect development, financing, or related costs resulting from requirements imposed through other provisions of State law, including, but not limited to, requirements in subparagraphs (P) and (Q) of this paragraph (1) and the Renewable Energy Facilities Agricultural Impact Mitigation Act. Confidential benchmarks shall be developed by the procurement administrator, in consultation with the Commission staff, Agency staff, and the procurement monitor and shall be subject to Commission review and approval. If price benchmarks for like products in the region are not available, the procurement administrator shall establish price benchmarks based on publicly available data on regional technology costs and expected current and future regional energy prices. The benchmarks in this Section

1 shall not be used to curtail or otherwise reduce
2 contractual obligations entered into by or through the
3 Agency prior to June 1, 2017 (the effective date of Public
4 Act 99-906).

5 (E) For purposes of this subsection (c), the required
6 procurement of cost-effective renewable energy resources
7 for a particular year commencing prior to June 1, 2017
8 shall be measured as a percentage of the actual amount of
9 electricity (megawatt-hours) supplied by the electric
10 utility to eligible retail customers in the delivery year
11 ending immediately prior to the procurement, and, for
12 delivery years commencing on and after June 1, 2017, the
13 required procurement of cost-effective renewable energy
14 resources for a particular year shall be measured as a
15 percentage of the actual amount of electricity
16 (megawatt-hours) delivered by the electric utility in the
17 delivery year ending immediately prior to the procurement,
18 to all retail customers in its service territory. For
19 purposes of this subsection (c), the amount paid per
20 kilowatthour means the total amount paid for electric
21 service expressed on a per kilowatthour basis. For
22 purposes of this subsection (c), the total amount paid for
23 electric service includes without limitation amounts paid
24 for supply, transmission, capacity, distribution,
25 surcharges, and add-on taxes.

26 Notwithstanding the requirements of this subsection

1 (c), and except as provided in subparagraph (E-5) of
2 paragraph (1) of this subsection (c) or except as
3 otherwise authorized by the Commission in its approval of
4 the integrated resource plan under Section 16-202 of the
5 Public Utilities Act, the total of renewable energy
6 resources procured under the procurement plan for any
7 single year shall be subject to the limitations of this
8 subparagraph (E). Such procurement shall be reduced for
9 all retail customers based on the amount necessary to
10 limit the annual estimated average net increase due to the
11 costs of these resources included in the amounts paid by
12 eligible retail customers in connection with electric
13 service to no more than 4.25% of the amount paid per
14 kilowatthour by those customers during the year ending May
15 31, 2009, adjusted annually for inflation starting with
16 the first adjustment in the delivery year commencing June
17 1, 2026. For the purposes of this Section, the inflation
18 adjustment shall not be accrued or applied retroactively
19 prior to the effective date of this amendatory Act of the
20 104th General Assembly and shall apply prospectively
21 starting in 2025. The limitation shall be increased by an
22 additional 1.65 percentage points of the amount paid per
23 kilowatthour by eligible retail customers during the year
24 ending May 31, 2009 starting with the delivery year
25 commencing June 1, 2027. To arrive at a maximum dollar
26 amount of renewable energy resources to be procured for

1 the particular delivery year, the resulting per
2 kilowatthour amount shall be applied to the actual amount
3 of kilowatthours of electricity delivered, or applicable
4 portion of such amount as specified in paragraph (1) of
5 this subsection (c), as applicable, by the electric
6 utility in the delivery year immediately prior to the
7 procurement to all retail customers in its service
8 territory. The calculations required by this subparagraph
9 (E) shall be made only once for each delivery year at the
10 time that the renewable energy resources are procured.
11 Once the determination as to the amount of renewable
12 energy resources to procure is made based on the
13 calculations set forth in this subparagraph (E) and the
14 contracts procuring those amounts are executed between the
15 seller and applicable electric utility, no subsequent rate
16 impact determinations shall be made and no adjustments to
17 those contract amounts shall be allowed. As provided in
18 subparagraph (E-5) of paragraph (1) of this subsection
19 (c), the seller shall be entitled to full, prompt, and
20 uninterrupted payment under the applicable contract
21 notwithstanding the application of this subparagraph (E),
22 and all costs incurred under such contracts shall be fully
23 recoverable by the electric utility as provided in this
24 Section.

25 (E-5) If, for a particular delivery year, the
26 limitation on the amount of renewable energy resources to

1 be procured, as calculated pursuant to subparagraph (E) of
2 paragraph (1) of this subsection (c), would result in an
3 insufficient collection of funds to fully pay amounts due
4 to a seller under existing contracts executed under this
5 Section or executed under Section 1-56 of this Act, then
6 the following provisions shall apply to ensure full and
7 uninterrupted payment is made to such seller or sellers:

8 (i) If the electric utility has retained unspent
9 funds in an interest-bearing account as prescribed in
10 subsection (k) of Section 16-108 of the Public
11 Utilities Act, then the utility shall use those funds
12 to remit full payment to the sellers to ensure prompt
13 and uninterrupted payment of existing contractual
14 obligation.

15 (ii) If the funds described in item (i) of this
16 subparagraph (E-5) are insufficient to satisfy all
17 existing contractual obligations, then the electric
18 utility shall, nonetheless, remit full payment to the
19 sellers to ensure prompt and uninterrupted payment of
20 existing contractual obligations, provided that the
21 full costs shall be recoverable by the utility in
22 accordance with part (ee) of item (iv) of this
23 subsection (E-5).

24 (iii) The Agency shall promptly notify the
25 Commission that existing contractual obligations are
26 reasonably expected to exceed the maximum collection

1 authorized under subparagraph (E) of paragraph (1) of
2 this subsection (c) for the applicable delivery year.
3 The Agency shall also explain and confirm how the
4 operation of items (i) and (ii) of this subparagraph
5 (E-5) ensures that the electric utility will continue
6 to make prompt and uninterrupted payment under
7 existing contractual obligations. The Agency shall
8 provide this information to the Commission through a
9 notice filed in the Commission docket approving the
10 Agency's operative Long-Term Renewable Resources
11 Procurement Plan that includes the applicable delivery
12 year.

13 (iv) The Agency shall suspend or reduce new
14 contract awards for the procurement of renewable
15 energy credits until an Agency determination is made
16 under subparagraph (E) that additional procurements
17 would not cause the rate impact limitation of
18 subparagraph (E) to be exceeded. At least once
19 annually after the notice provided for in item (iii)
20 of this subparagraph (E-5) is made, the Agency shall
21 analyze existing contract obligations, projected
22 prices for indexed renewable energy credit contracts
23 executed under item (v) of subparagraph (G) of
24 paragraph (1) of subsection (c) of Section 1-75 of
25 this Act, and expected collections authorized under
26 subparagraph (E) to determine whether and to what

1 extent the limitations of subparagraph (E) would be
2 exceeded by additional renewable energy credit
3 procurement contract awards.

4 (aa) If the Agency determines that additional
5 renewable energy credit procurement contract
6 awards could be made without exceeding the
7 limitations of subparagraph (E), then the
8 procurements shall be authorized at a scale
9 determined not to exceed the limitations of
10 subparagraph (E) in a manner consistent with the
11 priorities of this Section.

12 (bb) If the Agency determines that additional
13 renewable energy credit procurement contract
14 awards cannot be made without exceeding the
15 limitations of subparagraph (E), then the Agency
16 shall suspend any new contract awards for the
17 procurement of renewable energy credits until a
18 new rate impact determination is made under
19 subparagraph (E).

20 (cc) Agency determinations made under this
21 item (iv) shall be detailed and comprehensive and,
22 if not made through the Agency's Long-Term
23 Renewable Resources Procurement Plan, shall be
24 filed as a compliance filing in the most recent
25 docketed proceeding approving the Agency's
26 Long-Term Renewable Resources Procurement Plan.

1 (dd) With respect to the procurement of
2 renewable energy credits authorized through
3 programs administered under subsection (b) of
4 Section 1-56 and subparagraphs (K) through (M) of
5 paragraph (1) of subsection (k) of Section 1-75 of
6 this Act, the award of contracts for the
7 procurement of renewable energy credits shall be
8 suspended or reduced only at the conclusion of the
9 program year in which the notice provided for
10 under item (iii) of this subparagraph (E-5) is
11 made.

12 (ee) The contract shall provide that, so long
13 as at least one of: (i) the cost recovery
14 mechanisms referenced in subsection (k) of Section
15 16-108 and subsection (l) of Section 16-111.5 of
16 the Public Utilities Act remains in full force
17 without limitation or (ii) the utility is
18 otherwise authorized and or entitled to full,
19 prompt, and uninterrupted recovery of its costs
20 through any other mechanism, then such seller
21 shall be entitled to full, prompt, and
22 uninterrupted payment under the applicable
23 contract notwithstanding the application of this
24 subparagraph (E).

25 (F) If the limitation on the amount of renewable
26 energy resources procured in subparagraph (E) of this

1 paragraph (1) prevents the Agency from meeting all of the
2 goals in this subsection (c), the Agency's long-term plan
3 shall prioritize compliance with the requirements of this
4 subsection (c) regarding renewable energy credits in the
5 following order:

6 (i) renewable energy credits under existing
7 contractual obligations as of June 1, 2021;

8 (i-5) funding for the Illinois Solar for All
9 Program, as described in subparagraph (O) of this
10 paragraph (1);

11 (ii) renewable energy credits necessary to comply
12 with the new wind and new photovoltaic procurement
13 requirements described in items (i) through (iii) of
14 subparagraph (C) of this paragraph (1); and

15 (iii) renewable energy credits necessary to meet
16 the remaining requirements of this subsection (c).

17 (G) The following provisions shall apply to the
18 Agency's procurement of renewable energy credits under
19 this subsection (c):

20 (i) Notwithstanding whether a long-term renewable
21 resources procurement plan has been approved, the
22 Agency shall conduct an initial forward procurement
23 for renewable energy credits from new utility-scale
24 wind projects within 160 days after June 1, 2017 (the
25 effective date of Public Act 99-906). For the purposes
26 of this initial forward procurement, the Agency shall

1 solicit 15-year contracts for delivery of 1,000,000
2 renewable energy credits delivered annually from new
3 utility-scale wind projects to begin delivery on June
4 1, 2019, if available, but not later than June 1, 2021,
5 unless the project has delays in the establishment of
6 an operating interconnection with the applicable
7 transmission or distribution system as a result of the
8 actions or inactions of the transmission or
9 distribution provider, or other causes for force
10 majeure as outlined in the procurement contract, in
11 which case, not later than June 1, 2022. Payments to
12 suppliers of renewable energy credits shall commence
13 upon delivery. Renewable energy credits procured under
14 this initial procurement shall be included in the
15 Agency's long-term plan and shall apply to all
16 renewable energy goals in this subsection (c).

17 (ii) Notwithstanding whether a long-term renewable
18 resources procurement plan has been approved, the
19 Agency shall conduct an initial forward procurement
20 for renewable energy credits from new utility-scale
21 solar projects and brownfield site photovoltaic
22 projects within one year after June 1, 2017 (the
23 effective date of Public Act 99-906). For the purposes
24 of this initial forward procurement, the Agency shall
25 solicit 15-year contracts for delivery of 1,000,000
26 renewable energy credits delivered annually from new

1 utility-scale solar projects and brownfield site
2 photovoltaic projects to begin delivery on June 1,
3 2019, if available, but not later than June 1, 2021,
4 unless the project has delays in the establishment of
5 an operating interconnection with the applicable
6 transmission or distribution system as a result of the
7 actions or inactions of the transmission or
8 distribution provider, or other causes for force
9 majeure as outlined in the procurement contract, in
10 which case, not later than June 1, 2022. The Agency may
11 structure this initial procurement in one or more
12 discrete procurement events. Payments to suppliers of
13 renewable energy credits shall commence upon delivery.
14 Renewable energy credits procured under this initial
15 procurement shall be included in the Agency's
16 long-term plan and shall apply to all renewable energy
17 goals in this subsection (c).

18 (iii) Notwithstanding whether the Commission has
19 approved the periodic long-term renewable resources
20 procurement plan revision described in Section
21 16-111.5 of the Public Utilities Act, the Agency shall
22 conduct at least one subsequent forward procurement
23 for renewable energy credits from new utility-scale
24 wind projects, new utility-scale solar projects, and
25 new brownfield site photovoltaic projects within 240
26 days after the effective date of this amendatory Act

1 of the 102nd General Assembly in quantities necessary
2 to meet the requirements of subparagraph (C) of this
3 paragraph (1) through the delivery year beginning June
4 1, 2021.

5 (iv) Notwithstanding whether the Commission has
6 approved the periodic long-term renewable resources
7 procurement plan revision described in Section
8 16-111.5 of the Public Utilities Act, the Agency shall
9 open capacity for each category in the Adjustable
10 Block program within 90 days after the effective date
11 of this amendatory Act of the 102nd General Assembly
12 manner:

13 (1) The Agency shall open the first block of
14 annual capacity for the category described in item
15 (i) of subparagraph (K) of this paragraph (1). The
16 first block of annual capacity for item (i) shall
17 be for at least 75 megawatts of total nameplate
18 capacity. The price of the renewable energy credit
19 for this block of capacity shall be 4% less than
20 the price of the last open block in this category.
21 Projects on a waitlist shall be awarded contracts
22 first in the order in which they appear on the
23 waitlist. Notwithstanding anything to the
24 contrary, for those renewable energy credits that
25 qualify and are procured under this subitem (1) of
26 this item (iv), the renewable energy credit

1 delivery contract value shall be paid in full,
2 based on the estimated generation during the first
3 15 years of operation, by the contracting
4 utilities at the time that the facility producing
5 the renewable energy credits is interconnected at
6 the distribution system level of the utility and
7 verified as energized and in compliance by the
8 Program Administrator. The electric utility shall
9 receive and retire all renewable energy credits
10 generated by the project for the first 15 years of
11 operation. Renewable energy credits generated by
12 the project thereafter shall not be transferred
13 under the renewable energy credit delivery
14 contract with the counterparty electric utility.

15 (2) The Agency shall open the first block of
16 annual capacity for the category described in item
17 (ii) of subparagraph (K) of this paragraph (1).
18 The first block of annual capacity for item (ii)
19 shall be for at least 75 megawatts of total
20 nameplate capacity.

21 (A) The price of the renewable energy
22 credit for any project on a waitlist for this
23 category before the opening of this block
24 shall be 4% less than the price of the last
25 open block in this category. Projects on the
26 waitlist shall be awarded contracts first in

1 the order in which they appear on the
2 waitlist. Any projects that are less than or
3 equal to 25 kilowatts in size on the waitlist
4 for this capacity shall be moved to the
5 waitlist for paragraph (1) of this item (iv).
6 Notwithstanding anything to the contrary,
7 projects that were on the waitlist prior to
8 opening of this block shall not be required to
9 be in compliance with the requirements of
10 subparagraph (Q) of this paragraph (1) of this
11 subsection (c). Notwithstanding anything to
12 the contrary, for those renewable energy
13 credits procured from projects that were on
14 the waitlist for this category before the
15 opening of this block 20% of the renewable
16 energy credit delivery contract value, based
17 on the estimated generation during the first
18 15 years of operation, shall be paid by the
19 contracting utilities at the time that the
20 facility producing the renewable energy
21 credits is interconnected at the distribution
22 system level of the utility and verified as
23 energized by the Program Administrator. The
24 remaining portion shall be paid ratably over
25 the subsequent 4-year period. The electric
26 utility shall receive and retire all renewable

1 energy credits generated by the project during
2 the first 15 years of operation. Renewable
3 energy credits generated by the project
4 thereafter shall not be transferred under the
5 renewable energy credit delivery contract with
6 the counterparty electric utility.

7 (B) The price of renewable energy credits
8 for any project not on the waitlist for this
9 category before the opening of the block shall
10 be determined and published by the Agency.
11 Projects not on a waitlist as of the opening
12 of this block shall be subject to the
13 requirements of subparagraph (Q) of this
14 paragraph (1), as applicable. Projects not on
15 a waitlist as of the opening of this block
16 shall be subject to the contract provisions
17 outlined in item (iii) of subparagraph (L) of
18 this paragraph (1). The Agency shall strive to
19 publish updated prices and an updated
20 renewable energy credit delivery contract as
21 quickly as possible.

22 (3) For opening the first 2 blocks of annual
23 capacity for projects participating in item (iii)
24 of subparagraph (K) of paragraph (1) of subsection
25 (c), projects shall be selected exclusively from
26 those projects on the ordinal waitlists of

1 community renewable generation projects
2 established by the Agency based on the status of
3 those ordinal waitlists as of December 31, 2020,
4 and only those projects previously determined to
5 be eligible for the Agency's April 2019 community
6 solar project selection process.

7 The first 2 blocks of annual capacity for item
8 (iii) shall be for 250 megawatts of total
9 nameplate capacity, with both blocks opening
10 simultaneously under the schedule outlined in the
11 paragraphs below. Projects shall be selected as
12 follows:

13 (A) The geographic balance of selected
14 projects shall follow the Group classification
15 found in the Agency's Revised Long-Term
16 Renewable Resources Procurement Plan, with 70%
17 of capacity allocated to projects on the Group
18 B waitlist and 30% of capacity allocated to
19 projects on the Group A waitlist.

20 (B) Contract awards for waitlisted
21 projects shall be allocated proportionate to
22 the total nameplate capacity amount across
23 both ordinal waitlists associated with that
24 applicant firm or its affiliates, subject to
25 the following conditions.

26 (i) Each applicant firm having a

1 waitlisted project eligible for selection
2 shall receive no less than 500 kilowatts
3 in awarded capacity across all groups, and
4 no approved vendor may receive more than
5 20% of each Group's waitlist allocation.

6 (ii) Each applicant firm, upon
7 receiving an award of program capacity
8 proportionate to its waitlisted capacity,
9 may then determine which waitlisted
10 projects it chooses to be selected for a
11 contract award up to that capacity amount.

12 (iii) Assuming all other program
13 requirements are met, applicant firms may
14 adjust the nameplate capacity of applicant
15 projects without losing waitlist
16 eligibility, so long as no project is
17 greater than 2,000 kilowatts in size.

18 (iv) Assuming all other program
19 requirements are met, applicant firms may
20 adjust the expected production associated
21 with applicant projects, subject to
22 verification by the Program Administrator.

23 (C) After a review of affiliate
24 information and the current ordinal waitlists,
25 the Agency shall announce the nameplate
26 capacity award amounts associated with

1 applicant firms no later than 90 days after
2 the effective date of this amendatory Act of
3 the 102nd General Assembly.

4 (D) Applicant firms shall submit their
5 portfolio of projects used to satisfy those
6 contract awards no less than 90 days after the
7 Agency's announcement. The total nameplate
8 capacity of all projects used to satisfy that
9 portfolio shall be no greater than the
10 Agency's nameplate capacity award amount
11 associated with that applicant firm. An
12 applicant firm may decline, in whole or in
13 part, its nameplate capacity award without
14 penalty, with such unmet capacity rolled over
15 to the next block opening for project
16 selection under item (iii) of subparagraph (K)
17 of this subsection (c). Any projects not
18 included in an applicant firm's portfolio may
19 reapply without prejudice upon the next block
20 reopening for project selection under item
21 (iii) of subparagraph (K) of this subsection
22 (c).

23 (E) The renewable energy credit delivery
24 contract shall be subject to the contract and
25 payment terms outlined in item (iv) of
26 subparagraph (L) of this subsection (c).

1 Contract instruments used for this
2 subparagraph shall contain the following
3 terms:

4 (i) Renewable energy credit prices
5 shall be fixed, without further adjustment
6 under any other provision of this Act or
7 for any other reason, at 10% lower than
8 prices applicable to the last open block
9 for this category, inclusive of any adders
10 available for achieving a minimum of 50%
11 of subscribers to the project's nameplate
12 capacity being residential or small
13 commercial customers with subscriptions of
14 below 25 kilowatts in size;

15 (ii) A requirement that a minimum of
16 50% of subscribers to the project's
17 nameplate capacity be residential or small
18 commercial customers with subscriptions of
19 below 25 kilowatts in size;

20 (iii) Permission for the ability of a
21 contract holder to substitute projects
22 with other waitlisted projects without
23 penalty should a project receive a
24 non-binding estimate of costs to construct
25 the interconnection facilities and any
26 required distribution upgrades associated

1 with that project of greater than 30 cents
2 per watt AC of that project's nameplate
3 capacity. In developing the applicable
4 contract instrument, the Agency may
5 consider whether other circumstances
6 outside of the control of the applicant
7 firm should also warrant project
8 substitution rights.

9 The Agency shall publish a finalized
10 updated renewable energy credit delivery
11 contract developed consistent with these terms
12 and conditions no less than 30 days before
13 applicant firms must submit their portfolio of
14 projects pursuant to item (D).

15 (F) To be eligible for an award, the
16 applicant firm shall certify that not less
17 than prevailing wage, as determined pursuant
18 to the Illinois Prevailing Wage Act, was or
19 will be paid to employees who are engaged in
20 construction activities associated with a
21 selected project.

22 (4) The Agency shall open the first block of
23 annual capacity for the category described in item
24 (iv) of subparagraph (K) of this paragraph (1).
25 The first block of annual capacity for item (iv)
26 shall be for at least 50 megawatts of total

1 nameplate capacity. Renewable energy credit prices
2 shall be fixed, without further adjustment under
3 any other provision of this Act or for any other
4 reason, at the price in the last open block in the
5 category described in item (ii) of subparagraph
6 (K) of this paragraph (1). Pricing for future
7 blocks of annual capacity for this category may be
8 adjusted in the Agency's second revision to its
9 Long-Term Renewable Resources Procurement Plan.
10 Projects in this category shall be subject to the
11 contract terms outlined in item (iv) of
12 subparagraph (L) of this paragraph (1).

13 (5) The Agency shall open the equivalent of 2
14 years of annual capacity for the category
15 described in item (v) of subparagraph (K) of this
16 paragraph (1). The first block of annual capacity
17 for item (v) shall be for at least 10 megawatts of
18 total nameplate capacity. Notwithstanding the
19 provisions of item (v) of subparagraph (K) of this
20 paragraph (1), for the purpose of this initial
21 block, the agency shall accept new project
22 applications intended to increase the diversity of
23 areas hosting community solar projects, the
24 business models of projects, and the size of
25 projects, as described by the Agency in its
26 long-term renewable resources procurement plan

1 that is approved as of the effective date of this
2 amendatory Act of the 102nd General Assembly.
3 Projects in this category shall be subject to the
4 contract terms outlined in item (iii) of
5 subsection (L) of this paragraph (1).

6 (6) The Agency shall open the first blocks of
7 annual capacity for the category described in item
8 (vi) of subparagraph (K) of this paragraph (1),
9 with allocations of capacity within the block
10 generally matching the historical share of block
11 capacity allocated between the category described
12 in items (i) and (ii) of subparagraph (K) of this
13 paragraph (1). The first two blocks of annual
14 capacity for item (vi) shall be for at least 75
15 megawatts of total nameplate capacity. The price
16 of renewable energy credits for the blocks of
17 capacity shall be 4% less than the price of the
18 last open blocks in the categories described in
19 items (i) and (ii) of subparagraph (K) of this
20 paragraph (1). Pricing for future blocks of annual
21 capacity for this category may be adjusted in the
22 Agency's second revision to its Long-Term
23 Renewable Resources Procurement Plan. Projects in
24 this category shall be subject to the applicable
25 contract terms outlined in items (ii) and (iii) of
26 subparagraph (L) of this paragraph (1).

1 (v) Upon the effective date of this amendatory Act
2 of the 102nd General Assembly, for all competitive
3 procurements and any procurements of renewable energy
4 credit from new utility-scale wind and new
5 utility-scale photovoltaic projects, the Agency shall
6 procure indexed renewable energy credits and direct
7 respondents to offer a strike price.

8 (1) The purchase price of the indexed
9 renewable energy credit payment shall be
10 calculated for each settlement period. That
11 payment, for any settlement period, shall be equal
12 to the difference resulting from subtracting the
13 strike price from the index price for that
14 settlement period. If this difference results in a
15 negative number, the indexed REC counterparty
16 shall owe the seller the absolute value multiplied
17 by the quantity of energy produced in the relevant
18 settlement period. If this difference results in a
19 positive number, the seller shall owe the indexed
20 REC counterparty this amount multiplied by the
21 quantity of energy produced in the relevant
22 settlement period.

23 (2) Parties shall cash settle every month,
24 summing up all settlements (both positive and
25 negative, if applicable) for the prior month.

26 (3) To ensure funding in the annual budget

1 established under subparagraph (E) for indexed
2 renewable energy credit procurements for each year
3 of the term of such contracts, which must have a
4 minimum tenure of 20 calendar years, the
5 procurement administrator, Agency, Commission
6 staff, and procurement monitor shall quantify the
7 annual cost of the contract by utilizing one or
8 more ~~an~~ industry-standard, third-party forward
9 price curves ~~curve~~ for energy at the appropriate
10 hub or load zone, including the estimated
11 magnitude and timing of the price effects related
12 to federal carbon controls. Each forward price
13 curve shall contain a specific value of the
14 forecasted market price of electricity for each
15 annual delivery year of the contract. For
16 procurement planning purposes, the impact on the
17 annual budget for the cost of indexed renewable
18 energy credits for each delivery year shall be
19 determined as the expected annual contract
20 expenditure for that year, equaling the difference
21 between (i) the sum across all relevant contracts
22 of the applicable strike price multiplied by
23 contract quantity and (ii) the sum across all
24 relevant contracts of the forward price curve for
25 the applicable load zone for that year multiplied
26 by contract quantity. The contracting utility

1 shall not assume an obligation in excess of the
2 estimated annual cost of the contracts for indexed
3 renewable energy credits. Forward curves shall be
4 revised on an annual basis as updated forward
5 price curves are released and filed with the
6 Commission in the proceeding approving the
7 Agency's most recent long-term renewable resources
8 procurement plan. If the expected contract spend
9 is higher or lower than the total quantity of
10 contracts multiplied by the forward price curve
11 value for that year, the forward price curve shall
12 be updated by the procurement administrator, in
13 consultation with the Agency, Commission staff,
14 and procurement monitors, using then-currently
15 available price forecast data and additional
16 budget dollars shall be obligated or reobligated
17 as appropriate.

18 (4) To ensure that indexed renewable energy
19 credit prices remain predictable and affordable,
20 the Agency may consider the institution of a price
21 collar on REC prices paid under indexed renewable
22 energy credit procurements establishing floor and
23 ceiling REC prices applicable to indexed REC
24 contract prices. Any price collars applicable to
25 indexed REC procurements shall be proposed by the
26 Agency through its long-term renewable resources

1 procurement plan.

2 (vi) All procurements under this subparagraph (G),
3 including the procurement of renewable energy credits
4 from hydropower facilities, shall comply with the
5 geographic requirements in subparagraph (I) of this
6 paragraph (1) and shall follow the procurement
7 processes and procedures described in this Section and
8 Section 16-111.5 of the Public Utilities Act to the
9 extent practicable, and these processes and procedures
10 may be expedited to accommodate the schedule
11 established by this subparagraph (G). To ensure the
12 successful development of new renewable energy
13 projects supported through competitive procurements,
14 for any procurements conducted under items (i), (ii),
15 (iii), and (v) of this subparagraph (G) and any other
16 procurement of new utility-scale wind or utility-scale
17 solar projects that were entered into prior to January
18 1, 2025, the Agency shall allow, upon a demonstration
19 of need to ensure the commercial viability of a
20 project, for a one-time, post-award renegotiation of
21 select contract terms prior to the project's
22 commercial operation date through bilateral
23 negotiation between the Agency, the buyer, and a
24 winning bidder. Contract terms subject to
25 renegotiation may include the project map, as defined
26 under the applicable competitive solicitation, the

1 real estate footprint or any limitations thereof, the
2 location of the generators, or a potential reduction
3 in the quantity of renewable energy credits to be
4 delivered. Provisions related to a renewable energy
5 credit delivery shortfall and the event of default may
6 be replaced with similar provisions approved by the
7 Agency in subsequent years or subsequent to a
8 successful bid. Post-award renegotiation of
9 competitively bid renewable energy credit contracts
10 entered into prior to January 1, 2025 shall not be
11 permitted to the extent such renegotiation would
12 result in (1) the point of interconnection being
13 within the service area of a different state, a
14 different regional transmission organization zone, or
15 a different regional transmission organization, (2)
16 the generator no longer meeting the definition of the
17 resource category for which the winning bidder was
18 originally awarded a contract, (3) the generator no
19 longer meeting the Agency's public interest criteria
20 as established in the long-term renewable resources
21 plan in effect at the time of the contract award, or
22 (4) a change to material terms of the renewable energy
23 credit contract unrelated to project land or footprint
24 or the number of renewable energy credits to be
25 delivered, including the applicable bid price or
26 strike price. If the Agency, the buyer, and the

1 winning bidder reach an agreement on amended terms,
2 then, upon petition by the winning bidder or current
3 seller, the Commission shall issue an order directing
4 the utility counterparty to execute an amendment
5 drafted by the Agency with the revised terms to the
6 renewable energy credit contract, the product order,
7 or both. The Agency shall provide the amendment to the
8 utility within 15 business days after the Commission's
9 order, and the utility shall execute the amendment no
10 more than 7 calendar days after delivery by the
11 Agency.

12 (vii) On and after the effective date of this
13 amendatory Act of the 103rd General Assembly, for all
14 procurements of renewable energy credits from
15 hydropower facilities, the Agency shall establish
16 contract terms designed to optimize existing
17 hydropower facilities through modernization or
18 retooling and establish new hydropower facilities at
19 existing dams. Procurements made under this item (vii)
20 shall prioritize projects located in designated
21 environmental justice communities, as defined in
22 subsection (b) of Section 1-56 of this Act, or in
23 projects located in units of local government with
24 median incomes that do not exceed 82% of the median
25 income of the State.

26 (H) The procurement of renewable energy resources for

1 a given delivery year shall be reduced as described in
2 this subparagraph (H) if an alternative retail electric
3 supplier meets the requirements described in this
4 subparagraph (H).

5 (i) Within 45 days after June 1, 2017 (the
6 effective date of Public Act 99-906), an alternative
7 retail electric supplier or its successor shall submit
8 an informational filing to the Illinois Commerce
9 Commission certifying that, as of December 31, 2015,
10 the alternative retail electric supplier owned one or
11 more electric generating facilities that generates
12 renewable energy resources as defined in Section 1-10
13 of this Act, provided that such facilities are not
14 powered by wind or photovoltaics, and the facilities
15 generate one renewable energy credit for each
16 megawatthour of energy produced from the facility.

17 The informational filing shall identify each
18 facility that was eligible to satisfy the alternative
19 retail electric supplier's obligations under Section
20 16-115D of the Public Utilities Act as described in
21 this item (i).

22 (ii) For a given delivery year, the alternative
23 retail electric supplier may elect to supply its
24 retail customers with renewable energy credits from
25 the facility or facilities described in item (i) of
26 this subparagraph (H) that continue to be owned by the

1 alternative retail electric supplier.

2 (iii) The alternative retail electric supplier
3 shall notify the Agency and the applicable utility, no
4 later than February 28 of the year preceding the
5 applicable delivery year or 15 days after June 1, 2017
6 (the effective date of Public Act 99-906), whichever
7 is later, of its election under item (ii) of this
8 subparagraph (H) to supply renewable energy credits to
9 retail customers of the utility. Such election shall
10 identify the amount of renewable energy credits to be
11 supplied by the alternative retail electric supplier
12 to the utility's retail customers and the source of
13 the renewable energy credits identified in the
14 informational filing as described in item (i) of this
15 subparagraph (H), subject to the following
16 limitations:

17 For the delivery year beginning June 1, 2018,
18 the maximum amount of renewable energy credits to
19 be supplied by an alternative retail electric
20 supplier under this subparagraph (H) shall be 68%
21 multiplied by 25% multiplied by 14.5% multiplied
22 by the amount of metered electricity
23 (megawatt-hours) delivered by the alternative
24 retail electric supplier to Illinois retail
25 customers during the delivery year ending May 31,
26 2016.

1 For delivery years beginning June 1, 2019 and
2 each year thereafter, the maximum amount of
3 renewable energy credits to be supplied by an
4 alternative retail electric supplier under this
5 subparagraph (H) shall be 68% multiplied by 50%
6 multiplied by 16% multiplied by the amount of
7 metered electricity (megawatt-hours) delivered by
8 the alternative retail electric supplier to
9 Illinois retail customers during the delivery year
10 ending May 31, 2016, provided that the 16% value
11 shall increase by 1.5% each delivery year
12 thereafter to 25% by the delivery year beginning
13 June 1, 2025, and thereafter the 25% value shall
14 apply to each delivery year.

15 For each delivery year, the total amount of
16 renewable energy credits supplied by all alternative
17 retail electric suppliers under this subparagraph (H)
18 shall not exceed 9% of the Illinois target renewable
19 energy credit quantity. The Illinois target renewable
20 energy credit quantity for the delivery year beginning
21 June 1, 2018 is 14.5% multiplied by the total amount of
22 metered electricity (megawatt-hours) delivered in the
23 delivery year immediately preceding that delivery
24 year, provided that the 14.5% shall increase by 1.5%
25 each delivery year thereafter to 25% by the delivery
26 year beginning June 1, 2025, and thereafter the 25%

1 value shall apply to each delivery year.

2 If the requirements set forth in items (i) through
3 (iii) of this subparagraph (H) are met, the charges
4 that would otherwise be applicable to the retail
5 customers of the alternative retail electric supplier
6 under paragraph (6) of this subsection (c) for the
7 applicable delivery year shall be reduced by the ratio
8 of the quantity of renewable energy credits supplied
9 by the alternative retail electric supplier compared
10 to that supplier's target renewable energy credit
11 quantity. The supplier's target renewable energy
12 credit quantity for the delivery year beginning June
13 1, 2018 is 14.5% multiplied by the total amount of
14 metered electricity (megawatt-hours) delivered by the
15 alternative retail supplier in that delivery year,
16 provided that the 14.5% shall increase by 1.5% each
17 delivery year thereafter to 25% by the delivery year
18 beginning June 1, 2025, and thereafter the 25% value
19 shall apply to each delivery year.

20 On or before April 1 of each year, the Agency shall
21 annually publish a report on its website that
22 identifies the aggregate amount of renewable energy
23 credits supplied by alternative retail electric
24 suppliers under this subparagraph (H).

25 (I) The Agency shall design its long-term renewable
26 energy procurement plan to maximize the State's interest

1 in the health, safety, and welfare of its residents,
2 including but not limited to minimizing sulfur dioxide,
3 nitrogen oxide, particulate matter and other pollution
4 that adversely affects public health in this State,
5 increasing fuel and resource diversity in this State,
6 enhancing the reliability and resiliency of the
7 electricity distribution system in this State, meeting
8 goals to limit carbon dioxide emissions under federal or
9 State law, and contributing to a cleaner and healthier
10 environment for the citizens of this State. In order to
11 further these legislative purposes, renewable energy
12 credits shall be eligible to be counted toward the
13 renewable energy requirements of this subsection (c) if
14 they are generated from facilities located in this State.
15 The Agency may qualify renewable energy credits from
16 facilities located in states adjacent to Illinois or
17 renewable energy credits associated with the electricity
18 generated by a utility-scale wind energy facility or
19 utility-scale photovoltaic facility and transmitted by a
20 qualifying direct current project described in subsection
21 (b-5) of Section 8-406 of the Public Utilities Act to a
22 delivery point on the electric transmission grid located
23 in this State or a state adjacent to Illinois, if the
24 generator demonstrates and the Agency determines that the
25 operation of such facility or facilities will help promote
26 the State's interest in the health, safety, and welfare of

1 its residents based on the public interest criteria
2 described above. For the purposes of this Section,
3 renewable resources that are delivered via a high voltage
4 direct current converter station located in Illinois shall
5 be deemed generated in Illinois at the time and location
6 the energy is converted to alternating current by the high
7 voltage direct current converter station if the high
8 voltage direct current transmission line: (i) after the
9 effective date of this amendatory Act of the 102nd General
10 Assembly, was constructed with a project labor agreement;
11 (ii) is capable of transmitting electricity at 525kv;
12 (iii) has an Illinois converter station located and
13 interconnected in the region of the PJM Interconnection,
14 LLC; (iv) does not operate as a public utility; and (v) if
15 the high voltage direct current transmission line was
16 energized after June 1, 2023. To ensure that the public
17 interest criteria are applied to the procurement and given
18 full effect, the Agency's long-term procurement plan shall
19 describe in detail how each public interest factor shall
20 be considered and weighted for facilities located in
21 states adjacent to Illinois.

22 (J) In order to promote the competitive development of
23 renewable energy resources in furtherance of the State's
24 interest in the health, safety, and welfare of its
25 residents, renewable energy credits shall not be eligible
26 to be counted toward the renewable energy requirements of

1 this subsection (c) if they are sourced from a generating
2 unit whose costs were being recovered through rates
3 regulated by this State or any other state or states on or
4 after January 1, 2017. Each contract executed to purchase
5 renewable energy credits under this subsection (c) shall
6 provide for the contract's termination if the costs of the
7 generating unit supplying the renewable energy credits
8 subsequently begin to be recovered through rates regulated
9 by this State or any other state or states; and each
10 contract shall further provide that, in that event, the
11 supplier of the credits must return 110% of all payments
12 received under the contract. Amounts returned under the
13 requirements of this subparagraph (J) shall be retained by
14 the utility and all of these amounts shall be used for the
15 procurement of additional renewable energy credits from
16 new wind or new photovoltaic resources as defined in this
17 subsection (c). The long-term plan shall provide that
18 these renewable energy credits shall be procured in the
19 next procurement event.

20 Notwithstanding the limitations of this subparagraph
21 (J), renewable energy credits sourced from generating
22 units that are constructed, purchased, owned, or leased by
23 an electric utility as part of an approved project,
24 program, or pilot under Section 1-56 of this Act shall be
25 eligible to be counted toward the renewable energy
26 requirements of this subsection (c), regardless of how the

1 costs of these units are recovered. As long as a
2 generating unit or an identifiable portion of a generating
3 unit has not had and does not have its costs recovered
4 through rates regulated by this State or any other state,
5 HVDC renewable energy credits associated with that
6 generating unit or identifiable portion thereof shall be
7 eligible to be counted toward the renewable energy
8 requirements of this subsection (c).

9 (K) The long-term renewable resources procurement plan
10 developed by the Agency in accordance with subparagraph
11 (A) of this paragraph (1) shall include an Adjustable
12 Block program for the procurement of renewable energy
13 credits from new photovoltaic projects that are
14 distributed renewable energy generation devices or new
15 photovoltaic community renewable generation projects. The
16 Adjustable Block program shall be generally designed to
17 provide for the steady, predictable, and sustainable
18 growth of new solar photovoltaic development in Illinois.
19 To this end, the Adjustable Block program shall provide a
20 transparent annual schedule of prices and quantities to
21 enable the photovoltaic market to scale up and for
22 renewable energy credit prices to adjust at a predictable
23 rate over time. The prices set by the Adjustable Block
24 program can be reflected as a set value or as the product
25 of a formula.

26 The Adjustable Block program shall include for each

1 category of eligible projects for each delivery year: a
2 single block of nameplate capacity, a price for renewable
3 energy credits within that block, and the terms and
4 conditions for securing a spot on a waitlist once the
5 block is fully committed or reserved. Except as outlined
6 below, the waitlist of projects in a given year will carry
7 over to apply to the subsequent year when another block is
8 opened. Only projects energized on or after June 1, 2017
9 shall be eligible for the Adjustable Block program. For
10 each category for each delivery year the Agency shall
11 determine the amount of generation capacity in each block,
12 and the purchase price for each block, provided that the
13 purchase price provided and the total amount of generation
14 in all blocks for all categories shall be sufficient to
15 meet the goals in this subsection (c). The Agency shall
16 strive to issue a single block sized to provide for
17 stability and market growth. The Agency shall establish
18 program eligibility requirements that ensure that projects
19 that enter the program are sufficiently mature to indicate
20 a demonstrable path to completion. The Agency may
21 periodically review its prior decisions establishing the
22 amount of generation capacity in each block, and the
23 purchase price for each block, and may propose, on an
24 expedited basis, changes to these previously set values,
25 including but not limited to redistributing these amounts
26 and the available funds as necessary and appropriate,

1 subject to Commission approval as part of the periodic
2 plan revision process described in Section 16-111.5 of the
3 Public Utilities Act. The Agency may define different
4 block sizes, purchase prices, or other distinct terms and
5 conditions for projects located in different utility
6 service territories if the Agency deems it necessary to
7 meet the goals in this subsection (c).

8 The Adjustable Block program shall include the
9 following categories in at least the following amounts:

10 (i) At least 20% from distributed renewable energy
11 generation devices with a nameplate capacity of no
12 more than 25 kilowatts.

13 (ii) At least 20% from distributed renewable
14 energy generation devices with a nameplate capacity of
15 more than 25 kilowatts and no more than 5,000
16 kilowatts. The Agency may create sub-categories within
17 this category to account for the differences between
18 projects for small commercial customers, large
19 commercial customers, and public or non-profit
20 customers. A project shall not be colocated with one
21 or more other distributed renewable energy generation
22 projects if the aggregate nameplate capacity of the
23 projects exceeds 5,000 kilowatts AC. Notwithstanding
24 any other provision of this Section, if 2 or more
25 projects are developed, owned, or controlled by or
26 originate from the same developer or an affiliated

1 developer and the projects serve affiliated loads, the
2 projects shall be colocated if the projects are
3 located on adjacent parcels. If 2 or more projects are
4 developed, owned, or controlled by or originate from
5 the same developer and the projects serve unaffiliated
6 loads, the projects may be colocated if documentation
7 indicates affiliated management and ownership in the
8 pre-development, development, construction, and
9 management of the projects and the projects are
10 located on a single or adjacent parcels.
11 Notwithstanding any subsequent transfer, assignment,
12 or conveyance of ownership or development rights to
13 separate legal entities, the Agency shall consider, in
14 its determination of whether projects are affiliated,
15 evidence that the projects were pre-developed by the
16 same legal entity or an affiliated entity. If the
17 Agency determines the projects are affiliated, the
18 projects shall be treated as colocated for purposes of
19 aggregate nameplate capacity limitations and renewable
20 energy credit pricing adjustments. The Agency shall
21 make exceptions on a case-by-case basis if it is
22 demonstrated that projects on one parcel or projects
23 on adjacent parcels are unaffiliated. For purposes of
24 determining colocation, an approved vendor who submits
25 an application for a distributed renewable energy
26 generation project shall be required to submit an

1 affidavit attesting that the project is not affiliated
2 with any other distributed renewable energy generation
3 project such that, if the 2 projects were deemed
4 colocated, the projects would exceed the 5,000
5 kilowatts nameplate capacity limitation. The receipt
6 of an affidavit shall not restrict the Agency's
7 ability to investigate and determine whether the
8 project is, in fact, colocated.

9 For purposes of this item (ii):

10 "Affiliate" has the meaning given to that term in
11 subitem (3) of item (iii) of this subparagraph (K).

12 "Colocated" means 2 or more distributed renewable
13 energy generation projects that are located on a
14 single parcel, except for projects where the owner of
15 the applicable retail electric account is confirmed to
16 be unaffiliated and the projects serve distinct
17 electrical loads.

18 "Control" has the meaning given to that term in
19 subitem (3) of item (iii) of this subparagraph (K).

20 (iii) At least 30% from photovoltaic community
21 renewable generation projects. Capacity for this
22 category for the first 2 delivery years after the
23 effective date of this amendatory Act of the 102nd
24 General Assembly shall be allocated to waitlist
25 projects as provided in paragraph (3) of item (iv) of
26 subparagraph (G). Starting in the third delivery year

1 after the effective date of this amendatory Act of the
2 102nd General Assembly or earlier if the Agency
3 determines there is additional capacity needed for to
4 meet previous delivery year requirements, the
5 following shall apply:

6 (1) the Agency shall select projects on a
7 first-come, first-serve basis, however the Agency
8 may suggest additional methods to prioritize
9 projects that are submitted at the same time;

10 (2) projects shall have subscriptions of 25 kW
11 or less for at least 50% of the facility's
12 nameplate capacity and the Agency shall price the
13 renewable energy credits with that as a factor;

14 (3) projects shall not be colocated with one
15 or more other photovoltaic community renewable
16 generation projects such that the aggregate
17 nameplate capacity exceeds 10,000 kilowatts. The
18 total nameplate capacity of colocated projects
19 shall be the sum of the nameplate capacities of
20 the individual projects. For purposes of this
21 subitem (3), separate legal formation of approved
22 vendors, owners, or developers shall not preclude
23 a finding of affiliation by the Agency. Evidence
24 of affiliation may include, but is not limited to,
25 shared personnel, common contractual or financing
26 arrangements, a shared interconnection agreement,

1 distinct interconnection agreements obtained by
2 the same pre-development entity that are
3 subsequently sold to distinct legal entities,
4 familial relationships, or any demonstrable
5 pattern of coordinated action in the
6 pre-development, development, construction, or
7 management of photovoltaic community renewable
8 generation projects.

9 The Agency shall determine affiliation based
10 on evidence that projects either (i) share a
11 common origin on a parcel that has been subdivided
12 in the 5 years before the date of application or
13 (ii) were pre-developed before the beginning of
14 construction by the same legal entity or an
15 affiliated legal entity. The determination shall
16 be made notwithstanding any subsequent transfer,
17 assignment, or conveyance of ownership or
18 development rights to separate legal entities. If
19 the Agency determines the projects are affiliated,
20 the projects shall be treated as colocated for the
21 purposes of aggregate nameplate capacity
22 limitations and renewable energy credit pricing
23 adjustments. The Agency shall make exceptions to
24 this subitem (3) on a case-by-case basis if it is
25 demonstrated that projects on one parcel or
26 projects on adjacent parcels are unaffiliated.

1 A parcel shall not be divided into multiple
2 parcels within the 5 years before the submission
3 of a project application. If a parcel is divided
4 within the preceding 5 years, a colocation
5 determination shall be made based on the
6 boundaries of the previous undivided parcel.

7 For purposes of determining colocation, an
8 approved vendor who submits an application for a
9 community renewable generation project shall be
10 required to submit an affidavit attesting that (i)
11 the parcel on which the project is sited has not
12 been subdivided within the 5 years preceding the
13 project application and (ii) the project is not
14 affiliated with any other community renewable
15 energy project in a manner that would cause the 2
16 projects, if deemed colocated, to exceed the
17 10,000 kilowatt nameplate capacity limitation. The
18 receipt of an affidavit shall not restrict the
19 Agency's ability to investigate and determine
20 whether the project is colocated.

21 Multiple community solar projects sited on
22 distinct structures located on a single parcel
23 shall be considered colocated and must demonstrate
24 that the projects are unaffiliated in order to not
25 be considered colocated. Each colocated project
26 shall receive the renewable energy credit price

1 corresponding to the total, aggregated nameplate
2 capacity of the colocated systems, as determined
3 at the time the second project's application is
4 submitted to the Agency. If the second colocated
5 project has been constructed and placed in service
6 prior to application, and was placed in service
7 more than 2 years after Commission approval of the
8 original project, the colocation pricing
9 adjustment shall not apply, and each project shall
10 receive the standalone renewable energy credit
11 price for its individual capacity.

12 For purposes of this subitem (3):

13 "Affiliate" means any other entity that,
14 directly or indirectly through one or more
15 intermediaries, is controlled by or is under
16 common control of the primary entity or a third
17 entity. "Affiliate" includes family members for
18 the purposes of colocation between projects.
19 "Affiliate" does not include entities that have
20 shared sales or revenue-sharing arrangements or
21 common debt and equity financing arrangements.

22 "Colocated" means 2 or more photovoltaic
23 community renewable generation projects located on
24 a single parcel or adjacent parcels, unless it is
25 demonstrated that the projects are developed by
26 unaffiliated entities.

1 "Control" means the possession, directly or
2 indirectly, of the power to direct the management
3 and policies of an entity,~~as defined in the~~
4 ~~Agency's first revised long-term renewable~~
5 ~~resources procurement plan approved by the~~
6 ~~Commission on February 18, 2020, such that the~~
7 ~~aggregate nameplate capacity exceeds 5,000~~
8 ~~kilowatts; and~~

9 (4) projects greater than 2 MW may not apply
10 until after the approval of the Agency's revised
11 Long-Term Renewable Resources Procurement Plan
12 after the effective date of this amendatory Act of
13 the 102nd General Assembly.

14 (iv) At least 15% from distributed renewable
15 generation devices or photovoltaic community renewable
16 generation projects installed on public school land.
17 The Agency may create subcategories within this
18 category to account for the differences between
19 project size or location. Projects located within
20 environmental justice communities or within
21 Organizational Units that fall within Tier 1 or Tier 2
22 shall be given priority. Each of the Agency's periodic
23 updates to its long-term renewable resources
24 procurement plan to incorporate the procurement
25 described in this subparagraph (iv) shall also include
26 the proposed quantities or blocks, pricing, and

1 contract terms applicable to the procurement as
2 indicated herein. In each such update and procurement,
3 the Agency shall set the renewable energy credit price
4 and establish payment terms for the renewable energy
5 credits procured pursuant to this subparagraph (iv)
6 that make it feasible and affordable for public
7 schools to install photovoltaic distributed renewable
8 energy devices on their premises, including, but not
9 limited to, those public schools subject to the
10 prioritization provisions of this subparagraph. For
11 the purposes of this item (iv):

12 "Environmental Justice Community" shall have the
13 same meaning set forth in the Agency's long-term
14 renewable resources procurement plan;

15 "Organization Unit", "Tier 1" and "Tier 2" shall
16 have the meanings set for in Section 18-8.15 of the
17 School Code;

18 "Public schools" shall have the meaning set forth
19 in Section 1-3 of the School Code and includes public
20 institutions of higher education, as defined in the
21 Board of Higher Education Act.

22 (v) At least 5% from community-driven community
23 solar projects intended to provide more direct and
24 tangible connection and benefits to the communities
25 which they serve or in which they operate and,
26 additionally, to increase the variety of community

1 solar locations, models, and options in Illinois. As
2 part of its long-term renewable resources procurement
3 plan, the Agency shall develop selection criteria for
4 projects participating in this category. Nothing in
5 this Section shall preclude the Agency from creating a
6 selection process that maximizes community ownership
7 and community benefits in selecting projects to
8 receive renewable energy credits. Selection criteria
9 shall include:

10 (1) community ownership or community
11 wealth-building;

12 (2) additional direct and indirect community
13 benefit, beyond project participation as a
14 subscriber, including, but not limited to,
15 economic, environmental, social, cultural, and
16 physical benefits;

17 (3) meaningful involvement in project
18 organization and development by community members
19 or nonprofit organizations or public entities
20 located in or serving the community;

21 (4) engagement in project operations and
22 management by nonprofit organizations, public
23 entities, or community members; and

24 (5) whether a project is developed in response
25 to a site-specific RFP developed by community
26 members or a nonprofit organization or public

1 entity located in or serving the community.

2 Selection criteria may also prioritize projects
3 that:

4 (1) are developed in collaboration with or to
5 provide complementary opportunities for the Clean
6 Jobs Workforce Network Program, the Illinois
7 Climate Works Preapprenticeship Program, the
8 Returning Residents Clean Jobs Training Program,
9 the Clean Energy Contractor Incubator Program, or
10 the Clean Energy Primes Contractor Accelerator
11 Program;

12 (2) increase the diversity of locations of
13 community solar projects in Illinois, including by
14 locating in urban areas and population centers;

15 (3) are located in Equity Investment Eligible
16 Communities;

17 (4) are not greenfield projects;

18 (5) serve only local subscribers;

19 (6) have a nameplate capacity that does not
20 exceed 500 kW;

21 (7) are developed by an equity eligible
22 contractor; or

23 (8) otherwise meaningfully advance the goals
24 of providing more direct and tangible connection
25 and benefits to the communities which they serve
26 or in which they operate and increasing the

1 variety of community solar locations, models, and
2 options in Illinois.

3 For the purposes of this item (v):

4 "Community" means a social unit in which people
5 come together regularly to effect change; a social
6 unit in which participants are marked by a cooperative
7 spirit, a common purpose, or shared interests or
8 characteristics; or a space understood by its
9 residents to be delineated through geographic
10 boundaries or landmarks.

11 "Community benefit" means a range of services and
12 activities that provide affirmative, economic,
13 environmental, social, cultural, or physical value to
14 a community; or a mechanism that enables economic
15 development, high-quality employment, and education
16 opportunities for local workers and residents, or
17 formal monitoring and oversight structures such that
18 community members may ensure that those services and
19 activities respond to local knowledge and needs.

20 "Community ownership" means an arrangement in
21 which an electric generating facility is, or over time
22 will be, in significant part, owned collectively by
23 members of the community to which an electric
24 generating facility provides benefits; members of that
25 community participate in decisions regarding the
26 governance, operation, maintenance, and upgrades of

1 and to that facility; and members of that community
2 benefit from regular use of that facility.

3 Terms and guidance within these criteria that are
4 not defined in this item (v) shall be defined by the
5 Agency, with stakeholder input, during the development
6 of the Agency's long-term renewable resources
7 procurement plan. The Agency shall develop regular
8 opportunities for projects to submit applications for
9 projects under this category, and develop selection
10 criteria that gives preference to projects that better
11 meet individual criteria as well as projects that
12 address a higher number of criteria.

13 (vi) At least 10% from distributed renewable
14 energy generation devices, which includes distributed
15 renewable energy devices with a nameplate capacity
16 under 5,000 kilowatts or photovoltaic community
17 renewable generation projects, from applicants that
18 are equity eligible contractors. The Agency may create
19 subcategories within this category to account for the
20 differences between project size and type. The Agency
21 shall propose to increase the percentage in this item
22 (vi) over time to 40% based on factors, including, but
23 not limited to, the number of equity eligible
24 contractors and capacity used in this item (vi) in
25 previous delivery years.

26 The Agency shall propose a payment structure for

1 contracts executed pursuant to this paragraph under
2 which, upon a demonstration of qualification or need
3 under criteria established by the Agency that is
4 focused on supporting small and emerging businesses
5 and businesses that most acutely face barriers to the
6 access of capital, applicant firms are advanced
7 capital disbursed after contract execution but before
8 the contracted project's energization. The amount or
9 percentage of capital advanced prior to project
10 energization shall be sufficient to both cover any
11 increase in development costs resulting from
12 prevailing wage requirements or project-labor
13 agreements, and designed to overcome barriers in
14 access to capital faced by equity eligible
15 contractors. The amount or percentage of advanced
16 capital may vary by subcategory within this category
17 and by an applicant's demonstration of need, with such
18 levels to be established through the Long-Term
19 Renewable Resources Procurement Plan authorized under
20 subparagraph (A) of paragraph (1) of subsection (c) of
21 this Section and any application requirements or
22 evaluation criteria developed pursuant to the Plan.

23 Contracts developed featuring capital advanced
24 prior to a project's energization shall feature
25 provisions to ensure both the successful development
26 of applicant projects and the delivery of the

1 renewable energy credits for the full term of the
2 contract, including ongoing collateral requirements
3 and other provisions deemed necessary by the Agency,
4 and may include energization timelines longer than for
5 comparable project types. The percentage or amount of
6 capital advanced prior to project energization shall
7 not operate to increase the overall contract value,
8 however contracts executed under this subparagraph may
9 feature renewable energy credit prices higher than
10 those offered to similar projects participating in
11 other categories. Capital advanced prior to
12 energization shall serve to reduce the ratable
13 payments made after energization under items (ii) and
14 (iii) of subparagraph (L) or payments made for each
15 renewable energy credit delivery under item (iv) of
16 subparagraph (L).

17 For projects developed under this item (vi), the
18 Agency shall take steps to encourage higher portions
19 of contract value to be provided to equity eligible
20 contractors and to support equity eligible persons who
21 participate in this Program and who exercise control
22 and actively manage their businesses and their
23 businesses' contractual projects. These steps may
24 include, but are not limited to, differentiated REC
25 prices, exceptions or exemptions, and other mechanisms
26 and requirements for nonnominal contract value to be

1 provided to equity eligible contractors and equity
2 eligible persons as a prerequisite to Program
3 participation. Any steps taken shall aim to encourage
4 and grow the meaningful participation of equity
5 eligible contractors in this State's clean energy
6 economy. All entities participating under this item
7 (vi) shall comply with the minimum equity standard set
8 forth under Section 1-75.

9 (vii) The remaining capacity shall be allocated by
10 the Agency in order to respond to market demand. The
11 Agency shall allocate any discretionary capacity prior
12 to the beginning of each delivery year.

13 (viii) The Agency, through its long-term renewable
14 resources procurement plan, may implement solutions to
15 maintain stable and consistent REC offerings allocated
16 to systems described in item (i) of this subparagraph
17 (K) to avoid gaps in availability during a delivery
18 year, including, but not limited to, creating a
19 floating block of REC capacity in a given delivery
20 year.

21 To the extent there is uncontracted capacity from any
22 block in any of categories (i) through (vi) at the end of a
23 delivery year, the Agency shall redistribute that capacity
24 to one or more other categories giving priority to
25 categories with projects on a waitlist. The redistributed
26 capacity shall be added to the annual capacity in the

1 subsequent delivery year, and the price for renewable
2 energy credits shall be the price for the new delivery
3 year. Redistributed capacity shall not be considered
4 redistributed when determining whether the goals in this
5 subsection (K) have been met.

6 Notwithstanding anything to the contrary, as the
7 Agency increases the capacity in item (vi) to 40% over
8 time, the Agency may reduce the capacity of items (i)
9 through (v) proportionate to the capacity of the
10 categories of projects in item (vi), to achieve a balance
11 of project types.

12 The Adjustable Block program shall be designed to
13 ensure that renewable energy credits are procured from
14 projects in diverse locations and are not concentrated in
15 a few regional areas.

16 (L) Notwithstanding provisions for advancing capital
17 prior to project energization found in item (vi) of
18 subparagraph (K), the procurement of photovoltaic
19 renewable energy credits under items (i) through (vi) of
20 subparagraph (K) of this paragraph (1) shall otherwise be
21 subject to the following contract and payment terms:

22 (i) (Blank).

23 (ii) Unless otherwise provided for in the Agency's
24 approved long-term plan, for ~~For~~ those renewable
25 energy credits that qualify and are procured under
26 item (i) of subparagraph (K) of this paragraph (1),

1 and any similar category projects that are procured
2 under item (vi) of subparagraph (K) of this paragraph
3 (1) that qualify and are procured under item (vi), the
4 contract length shall be 15 years. Beginning on the
5 effective date of this amendatory Act of the 104th
6 General Assembly, and including the remainder of
7 program year 2026-2027, 50% of the renewable energy
8 credit delivery contract value, based on the estimated
9 generation during the first 15 years of operation,
10 shall be paid ~~The renewable energy credit delivery~~
11 ~~contract value shall be paid in full, based on the~~
12 ~~estimated generation during the first 15 years of~~
13 ~~operation,~~ by the contracting utilities at the time
14 that the facility producing the renewable energy
15 credits is interconnected at the distribution system
16 level of the utility and verified as energized and
17 compliant by the Program Administrator. The remaining
18 portion of the renewable energy credit delivery
19 contract value shall be paid ratably over the
20 subsequent 6-year period. Relative to a contract
21 structure under which the full renewable energy credit
22 delivery contract value shall be paid in full at the
23 time of interconnection and verification of
24 energization, the Agency shall consider the impact of
25 deferred payments across the subsequent payment period
26 when establishing renewable energy credit prices. The

1 electric utility shall receive and retire all
2 renewable energy credits generated by the project for
3 the first 15 years of operation. Renewable energy
4 credits generated by the project thereafter shall not
5 be transferred under the renewable energy credit
6 delivery contract with the counterparty electric
7 utility.

8 (iii) Unless otherwise provided for in the
9 Agency's approved long-term plan, for ~~For~~ those
10 renewable energy credits that qualify and are procured
11 under item (ii) and (v) of subparagraph (K) of this
12 paragraph (1) and any like projects ~~similar category~~
13 that qualify and are procured under items (iv) and
14 ~~item~~ (vi), the contract length shall be 15 years. 15%
15 of the renewable energy credit delivery contract
16 value, based on the estimated generation during the
17 first 15 years of operation, shall be paid by the
18 contracting utilities at the time that the facility
19 producing the renewable energy credits is
20 interconnected at the distribution system level of the
21 utility and verified as energized and compliant by the
22 Program Administrator. The remaining portion shall be
23 paid ratably over the subsequent 6-year period. The
24 electric utility shall receive and retire all
25 renewable energy credits generated by the project for
26 the first 15 years of operation. Renewable energy

1 credits generated by the project thereafter shall not
2 be transferred under the renewable energy credit
3 delivery contract with the counterparty electric
4 utility.

5 (iv) Unless otherwise provided for in the Agency's
6 approved long-term plan, for ~~For~~ those renewable
7 energy credits that qualify and are procured under
8 item ~~items~~ (iii) ~~and (iv)~~ of subparagraph (K) of this
9 paragraph (1), and any like projects that qualify and
10 are procured under items (iv) and ~~item~~ (vi), the
11 renewable energy credit delivery contract length shall
12 be 20 years and shall be paid over the delivery term,
13 not to exceed during each delivery year the contract
14 price multiplied by the estimated annual renewable
15 energy credit generation amount. If generation of
16 renewable energy credits during a delivery year
17 exceeds the estimated annual generation amount, the
18 excess renewable energy credits shall be carried
19 forward to future delivery years and shall not expire
20 during the delivery term. If generation of renewable
21 energy credits during a delivery year, including
22 carried forward excess renewable energy credits, if
23 any, is less than the estimated annual generation
24 amount, payments during such delivery year will not
25 exceed the quantity generated plus the quantity
26 carried forward multiplied by the contract price. The

1 electric utility shall receive all renewable energy
2 credits generated by the project during the first 20
3 years of operation and retire all renewable energy
4 credits paid for under this item (iv) and return at the
5 end of the delivery term all renewable energy credits
6 that were not paid for. Renewable energy credits
7 generated by the project thereafter shall not be
8 transferred under the renewable energy credit delivery
9 contract with the counterparty electric utility.
10 Notwithstanding the preceding, for those projects
11 participating under item (iii) of subparagraph (K),
12 the contract price for a delivery year shall be based
13 on subscription levels as measured on the higher of
14 the first business day of the delivery year or the
15 first business day 6 months after the first business
16 day of the delivery year. Subscription of 90% of
17 nameplate capacity or greater shall be deemed to be
18 fully subscribed for the purposes of this item (iv).
19 For projects receiving a 20-year delivery contract,
20 REC prices shall be adjusted downward for consistency
21 with the incentive levels previously determined to be
22 necessary to support projects under 15-year delivery
23 contracts, taking into consideration any additional
24 new requirements placed on the projects, including,
25 but not limited to, labor standards.

26 (v) Each contract shall include provisions to

1 ensure the delivery of the estimated quantity of
2 renewable energy credits and ongoing collateral
3 requirements and other provisions deemed appropriate
4 by the Agency.

5 (vi) The utility shall be the counterparty to the
6 contracts executed under this subparagraph (L) that
7 are approved by the Commission under the process
8 described in Section 16-111.5 of the Public Utilities
9 Act. No contract shall be executed for an amount that
10 is less than one renewable energy credit per year.

11 (vii) If, at any time, approved applications for
12 the Adjustable Block program exceed funds collected by
13 the electric utility or would cause the Agency to
14 exceed the limitation described in subparagraph (E) of
15 this paragraph (1) on the amount of renewable energy
16 resources that may be procured, then the Agency may
17 consider future uncommitted funds to be reserved for
18 these contracts on a first-come, first-served basis.

19 (viii) Nothing in this Section shall require the
20 utility to advance any payment or pay any amounts that
21 exceed the actual amount of revenues anticipated to be
22 collected by the utility under paragraph (6) of this
23 subsection (c) and subsection (k) of Section 16-108 of
24 the Public Utilities Act inclusive of eligible funds
25 collected in prior years and alternative compliance
26 payments for use by the utility.

1 (ix) Notwithstanding other requirements of this
2 subparagraph (L), no modification shall be required to
3 Adjustable Block program contracts if they were
4 already executed prior to the establishment, approval,
5 and implementation of new contract forms as a result
6 of this amendatory Act of the 102nd General Assembly.

7 (x) Contracts may be assignable, but only to
8 entities first deemed by the Agency to have met
9 program terms and requirements applicable to direct
10 program participation. In developing contracts for the
11 delivery of renewable energy credits, the Agency shall
12 be permitted to establish fees applicable to each
13 contract assignment.

14 (M) The Agency shall be authorized to retain one or
15 more experts or expert consulting firms to develop,
16 administer, implement, operate, and evaluate the
17 Adjustable Block program described in subparagraph (K) of
18 this paragraph (1), as well as the Geothermal Homes and
19 Businesses Program described in subparagraph (S) of this
20 paragraph (1), and the Agency shall retain the consultant
21 or consultants in the same manner, to the extent
22 practicable, as the Agency retains others to administer
23 provisions of this Act, including, but not limited to, the
24 procurement administrator. The selection of experts and
25 expert consulting firms and the procurement process
26 described in this subparagraph (M) are exempt from the

1 requirements of Section 20-10 of the Illinois Procurement
2 Code, under Section 20-10 of that Code. The Agency shall
3 strive to minimize administrative expenses in the
4 implementation of the Adjustable Block program.

5 The Program Administrator may charge application fees
6 to participating firms to cover the cost of program
7 administration. Any application fee amounts shall
8 initially be determined through the long-term renewable
9 resources procurement plan, and modifications to any
10 application fee that deviate more than 25% from the
11 Commission's approved value must be approved by the
12 Commission as a long-term plan revision under Section
13 16-111.5 of the Public Utilities Act. The Agency shall
14 consider stakeholder feedback when making adjustments to
15 application fees and shall notify stakeholders in advance
16 of any planned changes.

17 In addition to covering the costs of program
18 administration, the Agency, in conjunction with its
19 Program Administrator, may also use the proceeds of such
20 fees charged to participating firms to support public
21 education and ongoing regional and national coordination
22 with nonprofit organizations, public bodies, and others
23 engaged in the implementation of renewable energy
24 incentive programs or similar initiatives. This work may
25 include developing papers and reports, hosting regional
26 and national conferences, and other work deemed necessary

1 by the Agency to position the State of Illinois as a
2 national leader in renewable energy incentive program
3 development and administration.

4 The Agency and its consultant or consultants shall
5 monitor block activity, share program activity with
6 stakeholders and conduct quarterly meetings to discuss
7 program activity and market conditions. If necessary, the
8 Agency may make prospective administrative adjustments to
9 the Adjustable Block program and the Geothermal Homes and
10 Businesses Program design, such as making adjustments to
11 purchase prices as necessary to achieve the goals of this
12 subsection (c). Program modifications to any block price
13 that do not deviate from the Commission's approved value
14 by more than 10% shall take effect immediately and are not
15 subject to Commission review and approval. Program
16 modifications to any block price that deviate more than
17 10% from the Commission's approved value must be approved
18 by the Commission as a long-term plan amendment under
19 Section 16-111.5 of the Public Utilities Act. The Agency
20 shall consider stakeholder feedback when making
21 adjustments to the Adjustable Block and the Geothermal
22 Homes and Businesses Program design and shall notify
23 stakeholders in advance of any planned changes.

24 The Agency and its program administrators for ~~both~~ the
25 Adjustable Block program, ~~and~~ the Illinois Solar for All
26 Program, and the Geothermal Homes and Businesses Program

1 consistent with the requirements of this subsection (c)
2 and subsection (b) of Section 1-56 of this Act, shall
3 propose the Adjustable Block program terms, conditions,
4 and requirements, including the prices to be paid for
5 renewable energy credits, where applicable, and
6 requirements applicable to participating entities and
7 project applications, through the development, review, and
8 approval of the Agency's long-term renewable resources
9 procurement plan described in this subsection (c) and
10 paragraph (5) of subsection (b) of Section 16-111.5 of the
11 Public Utilities Act. Terms, conditions, and requirements
12 for program participation shall include the following:

13 (i) The Agency shall establish a registration
14 process for entities seeking to qualify for
15 program-administered incentive funding and establish
16 baseline qualifications for vendor approval. The
17 Agency shall also establish program requirements and
18 minimum contract terms for vendors and others involved
19 in the marketing, sale, installation, and financing of
20 distributed generation systems and community solar
21 subscriptions to prevent misleading marketing and
22 abusive practices and to otherwise protect customers.

23 The Agency must maintain a list of approved entities
24 on each program's website, and may revoke a vendor's
25 ability to receive program-administered incentive
26 funding status upon a determination that the vendor

1 failed to comply with contract terms, the law, or
2 other program requirements.

3 (ii) The Agency shall establish program
4 requirements and minimum contract terms to ensure
5 projects are properly installed and produce their
6 expected amounts of energy. Program requirements may
7 include on-site inspections and photo documentation of
8 projects under construction. The Agency may require
9 repairs, alterations, or additions to remedy any
10 material deficiencies discovered. Vendors who have a
11 disproportionately high number of deficient systems
12 may lose their eligibility to continue to receive
13 State-administered incentive funding through Agency
14 programs and procurements.

15 (iii) To discourage deceptive marketing or other
16 bad faith business practices, the Agency may require
17 direct program participants, including agents
18 operating on their behalf, to provide standardized
19 disclosures to a customer prior to that customer's
20 execution of a contract for the development of a
21 distributed generation system, ~~or~~ a subscription to a
22 community solar project, or the development of a
23 geothermal heating and cooling system.

24 (iv) The Agency shall establish one or multiple
25 Consumer Complaints Centers to accept complaints
26 regarding businesses that participate in, or otherwise

1 benefit from, State-administered incentive funding
2 through Agency-administered programs. The Agency shall
3 maintain a public database of complaints with any
4 confidential or particularly sensitive information
5 redacted from public entries.

6 (v) Through a filing in the proceeding for the
7 approval of its long-term renewable energy resources
8 procurement plan, the Agency shall provide an annual
9 written report to the Illinois Commerce Commission
10 documenting the frequency and nature of complaints and
11 any enforcement actions taken in response to those
12 complaints.

13 (vi) The Agency shall schedule regular meetings
14 with representatives of the Office of the Attorney
15 General, the Illinois Commerce Commission, consumer
16 protection groups, and other interested stakeholders
17 to share relevant information about consumer
18 protection, project compliance, and complaints
19 received.

20 (vii) To the extent that complaints received
21 implicate the jurisdiction of the Office of the
22 Attorney General, the Illinois Commerce Commission, or
23 local, State, or federal law enforcement, the Agency
24 shall also refer complaints to those entities as
25 appropriate.

26 (viii) The Agency may, at its discretion,

establish a registration process for entities, or a subset of entities, that provide financing for consumers for the purchase of distributed renewable generation devices. The Agency may establish baseline qualifications for financing entity approval, including defining the circumstances under which financing entities may be subject to registration. The Agency may also establish program requirements for entities that provide financing for the purchase of distributed renewable generation devices, which may include marketing and disclosure requirements, other requirements as further defined by the Agency through its long-term plan, and any consumer protection requirements developed or modified thereto. If the Agency establishes a registration process for financing entities, the Agency may revoke a financing entity's approval in a program upon a determination that the financing entity failed to comply with contract terms, the law, or other program requirements. The Agency may also establish program requirements that prohibit distributed renewable generation devices intending to apply for program-administered incentive funding from receiving program funding if the consumer's purchase of the device was financed by an entity whose approval status in the program has been revoked. These registration

1 requirements may apply to entities that finance
2 projects intended to apply for program-administered
3 incentive funding even if those entities do not
4 receive any portion of the program-administered
5 incentive funding.

6 (ix) The Agency, at its discretion, may require
7 that vendors, as part of the application and annual
8 recertification process, present the Agency or its
9 designee with a security bond equal to an amount
10 determined to be reasonable by the Agency. The bond
11 shall be for the benefit of customers harmed by the
12 vendor's violation of Agency requirements or other
13 applicable laws or regulations. The Agency may
14 determine that it is reasonable to have no bond
15 requirement for some categories of vendors or enhanced
16 bond requirements for vendors that the Agency has
17 deemed to pose more acute risks.

18 (x) For distributed renewable generation devices,
19 the Agency may, in its discretion, establish
20 provisions that restrict, prohibit, or create
21 additional requirements for distributed renewable
22 generation device sales or financing offers through
23 which the customer is promised the pass-through of a
24 portion or all of the payments received by the
25 approved vendor for the delivery of renewable energy
26 credits only after the receipt of such payment by the

1 approved vendor. The requirements may include the use
2 of an escrow process developed by the Agency through
3 which renewable energy credit payments are made to an
4 escrow agent who then disburses the promised amount to
5 the customer and the remainder to the vendor. The
6 requirements in this item (x) shall in no way prohibit
7 the upfront discounting of the purchase price, lease
8 payment, or power purchase agreement rate based on the
9 anticipated receipt of renewable energy credit
10 contract payments by the approved vendor.

11 (xi) To the extent that distributed renewable
12 generation device sales or financing offers through
13 which the customer is promised the pass-through of a
14 portion or all of the payments received by the vendor
15 for the delivery of renewable energy credits after the
16 receipt of such payment by the vendor are permitted,
17 the following requirements may be implemented, at the
18 Agency's discretion, in a time and manner determined
19 by the Agency:

20 (I) the vendor shall submit proof of customer
21 payments to the Agency as the Agency deems
22 necessary; and

23 (II) the vendor shall represent and warrant on
24 a form developed by the Agency that the vendor is
25 not insolvent, has not voluntarily filed for
26 bankruptcy, and has not been subject to or

1 threatened with involuntary insolvency.

2 (xii) To ensure that customers receive full and
3 uninterrupted benefits and services promised by
4 vendors, the Agency may propose additional solutions
5 through its long-term renewable resources procurement
6 plan described in this subsection (c) and paragraph
7 (5) of subsection (b) of Section 16-111.5 of the
8 Public Utilities Act. The solutions may allow for
9 collections made pursuant to subsection (k) of Section
10 16-108 of the Public Utilities Act to support the
11 programs and procurements outlined in paragraph (1) of
12 subsection (c) of this Section to be leveraged to (1)
13 ensure that a vendor's promised payments are received
14 by customers, (2) incentivize vendors to establish
15 service agreements with customers whose original
16 vendor has become nonresponsive, (3) ensure that
17 customers receive restitution for financial harm
18 proven to be caused by a program vendor or its
19 designee, or (4) otherwise ensure that customers do
20 not suffer loss or harm through activities supported
21 by the Adjustable Block program and the Illinois Solar
22 for All Program.

23 (N) The Agency shall establish the terms, conditions,
24 and program requirements for photovoltaic community
25 renewable generation projects with a goal to expand access
26 to a broader group of energy consumers, to ensure robust

1 participation opportunities for residential and small
2 commercial customers and those who cannot install
3 renewable energy on their own properties. Subject to
4 reasonable limitations, any plan approved by the
5 Commission shall allow subscriptions to community
6 renewable generation projects to be portable and
7 transferable. For purposes of this subparagraph (N),
8 "portable" means that subscriptions may be retained by the
9 subscriber even if the subscriber relocates or changes its
10 address within the same utility service territory; and
11 "transferable" means that a subscriber may assign or sell
12 subscriptions to another person within the same utility
13 service territory.

14 Through the development of its long-term renewable
15 resources procurement plan, the Agency may consider
16 whether community renewable generation projects utilizing
17 technologies other than photovoltaics should be supported
18 through State-administered incentive funding, and may
19 issue requests for information to gauge market demand.

20 Electric utilities shall provide a monetary credit to
21 a subscriber's subsequent bill for service for the
22 proportional output of a community renewable generation
23 project attributable to that subscriber as specified in
24 Section 16-107.5 of the Public Utilities Act.

25 The Agency shall purchase renewable energy credits
26 from subscribed shares of photovoltaic community renewable

1 generation projects through the Adjustable Block program
2 described in subparagraph (K) of this paragraph (1) or
3 through the Illinois Solar for All Program described in
4 Section 1-56 of this Act. The electric utility shall
5 purchase any unsubscribed energy from community renewable
6 generation projects that are Qualifying Facilities ("QF")
7 under the electric utility's tariff for purchasing the
8 output from QFs under Public Utilities Regulatory Policies
9 Act of 1978.

10 The owners of and any subscribers to a community
11 renewable generation project shall not be considered
12 public utilities or alternative retail electricity
13 suppliers under the Public Utilities Act solely as a
14 result of their interest in or subscription to a community
15 renewable generation project and shall not be required to
16 become an alternative retail electric supplier by
17 participating in a community renewable generation project
18 with a public utility.

19 (O) For the delivery year beginning June 1, 2018, the
20 long-term renewable resources procurement plan required by
21 this subsection (c) shall provide for the Agency to
22 procure contracts to continue offering the Illinois Solar
23 for All Program described in subsection (b) of Section
24 1-56 of this Act, and the contracts approved by the
25 Commission shall be executed by the utilities that are
26 subject to this subsection (c). The long-term renewable

resources procurement plan shall allocate up to \$50,000,000 per delivery year to fund the programs, and the plan shall determine the amount of funding to be apportioned to the programs identified in subsection (b) of Section 1-56 of this Act; provided that for the delivery years beginning June 1, 2021, June 1, 2022, and June 1, 2023, the long-term renewable resources procurement plan may average the annual budgets over a 3-year period to account for program ramp-up. For the delivery years beginning June 1, 2021, June 1, 2024, June 1, 2027, and June 1, 2030 and additional \$10,000,000 shall be provided to the Department of Commerce and Economic Opportunity to implement the workforce development programs and reporting as outlined in Section 16-108.12 of the Public Utilities Act. In making the determinations required under this subparagraph (O), the Commission shall consider the experience and performance under the programs and any evaluation reports. The Commission shall also provide for an independent evaluation of those programs on a periodic basis that are funded under this subparagraph (O).

(P) All programs and procurements under this subsection (c) shall be designed to encourage participating projects to use a diverse and equitable workforce and a diverse set of contractors, including minority-owned businesses, disadvantaged businesses,

1 trade unions, graduates of any workforce training programs
2 administered under this Act, and small businesses.

3 The Agency shall develop a method to optimize
4 procurement of renewable energy credits from proposed
5 utility-scale projects that are located in communities
6 eligible to receive Energy Transition Community Grants
7 pursuant to Section 10-20 of the Energy Community
8 Reinvestment Act. If this requirement conflicts with other
9 provisions of law or the Agency determines that full
10 compliance with the requirements of this subparagraph (P)
11 would be unreasonably costly or administratively
12 impractical, the Agency is to propose alternative
13 approaches to achieve development of renewable energy
14 resources in communities eligible to receive Energy
15 Transition Community Grants pursuant to Section 10-20 of
16 the Energy Community Reinvestment Act or seek an exemption
17 from this requirement from the Commission.

18 (Q) Each facility listed in subitems (i) through (ix)
19 of item (1) of this subparagraph (Q) for which a renewable
20 energy credit delivery contract is signed after the
21 effective date of this amendatory Act of the 102nd General
22 Assembly is subject to the following requirements through
23 the Agency's long-term renewable resources procurement
24 plan:

25 (1) Each facility shall be subject to the
26 prevailing wage requirements included in the

1 Prevailing Wage Act. The Agency shall require
2 verification that all construction performed on the
3 facility by the renewable energy credit delivery
4 contract holder, its contractors, or its
5 subcontractors relating to construction of the
6 facility is performed by construction employees
7 receiving an amount for that work equal to or greater
8 than the general prevailing rate, as that term is
9 defined in Section 2-3 of the Prevailing Wage Act. For
10 purposes of this item (1), "house of worship" means
11 property that is both (1) used exclusively by a
12 religious society or body of persons as a place for
13 religious exercise or religious worship and (2)
14 recognized as exempt from taxation pursuant to Section
15 15-40 of the Property Tax Code. This item (1) shall
16 apply to any of the following:

- 17 (i) all new utility-scale wind projects;
18 (ii) all new utility-scale photovoltaic
19 projects and repowered wind projects;
20 (iii) all new brownfield photovoltaic
21 projects;
22 (iv) all new photovoltaic community renewable
23 energy facilities that qualify for item (iii) of
24 subparagraph (K) of this paragraph (1);
25 (v) all new community driven community
26 photovoltaic projects that qualify for item (v) of

1 subparagraph (K) of this paragraph (1);

2 (vi) all new photovoltaic projects on public
3 school land that qualify for item (iv) of
4 subparagraph (K) of this paragraph (1);

5 (vii) all new photovoltaic distributed
6 renewable energy generation devices that (1)
7 qualify for item (i) of subparagraph (K) of this
8 paragraph (1); (2) are not projects that serve
9 single-family or multi-family residential
10 buildings; and (3) are not houses of worship where
11 the aggregate capacity including colocated
12 ~~collocated~~ projects would not exceed 100
13 kilowatts;

14 (viii) all new photovoltaic distributed
15 renewable energy generation devices that (1)
16 qualify for item (ii) of subparagraph (K) of this
17 paragraph (1); (2) are not projects that serve
18 single-family or multi-family residential
19 buildings; and (3) are not houses of worship where
20 the aggregate capacity including colocated
21 ~~collocated~~ projects would not exceed 100
22 kilowatts;

23 (ix) all new, modernized, or retooled
24 hydropower facilities;

25 (x) all new geothermal heating and cooling
26 systems awarded through the Geothermal Homes and

1 Businesses Program under subparagraph (S) of this
2 paragraph (1) that do not serve (1) single-family
3 residential buildings, (2) multi-family
4 residential buildings with aggregate geothermal
5 system tonnage, including colocated projects, of
6 no more than 29 tons, or (3) houses of worship with
7 aggregate geothermal system tonnage, including
8 colocated projects, of no more than 29 tons.

9 (2) Renewable energy credits procured from new
10 utility-scale wind projects, new utility-scale solar
11 projects, new brownfield solar projects, repowered
12 wind projects, and retooled hydropower facilities
13 pursuant to Agency procurement events occurring after
14 the effective date of this amendatory Act of the 102nd
15 General Assembly and photovoltaic community renewable
16 generation projects where the aggregate capacity,
17 including colocated projects, exceeds 3,000 kilowatts
18 pursuant to a renewable energy credit delivery
19 contract approved by the Illinois Commerce Commission
20 under the Adjustable Block Program after the effective
21 date of this amendatory Act of the 104th General
22 Assembly must be from facilities built by general
23 contractors that must enter into a project labor
24 agreement, as defined by this Act, prior to
25 construction. Photovoltaic community renewable
26 generation projects on a program waitlist as of the

1 effective date of this amendatory Act of the 104th
2 General Assembly awarded capacity for the program year
3 commencing June 1, 2026 or any program year thereafter
4 shall not be exempt from the project labor agreement
5 requirements of this item (2). The project labor
6 agreement shall be filed with the Director in
7 accordance with procedures established by the Agency
8 through its long-term renewable resources procurement
9 plan. Any information submitted to the Agency in this
10 item (2) shall be considered commercially sensitive
11 information. At a minimum, the project labor agreement
12 must provide the names, addresses, and occupations of
13 the owner of the plant and the individuals
14 representing the labor organization employees
15 participating in the project labor agreement
16 consistent with the Project Labor Agreements Act. The
17 agreement must also specify the terms and conditions
18 as defined by this Act.

19 (2.5) Energy storage credits procured from battery
20 storage projects pursuant to Agency procurement events
21 and additional energy storage resources procured in
22 accordance with subparagraph (B) of paragraph (3) of
23 subsection (d-20) of this Section pursuant to Agency
24 procurement events occurring after the effective date
25 of this amendatory Act of the 104th General Assembly
26 must be from facilities built by general contractors

1 that must enter into a project labor agreement prior
2 to construction. The project labor agreement shall be
3 filed with the Director in accordance with procedures
4 established by the Agency through its long-term
5 renewable resources procurement plan. Any information
6 submitted to the Agency pursuant to this item (2.5)
7 shall be considered commercially sensitive
8 information. At a minimum, the project labor agreement
9 must provide the names, addresses, and occupations of
10 the owner of the plant and the individuals
11 representing the labor organization employees
12 participating in the project labor agreement
13 consistent with the Project Labor Agreements Act. The
14 agreement must also specify the terms and conditions,
15 as defined by this Act.

16 (3) It is the intent of this Section to ensure that
17 economic development occurs across Illinois
18 communities, that emerging businesses may grow, and
19 that there is improved access to the clean energy
20 economy by persons who have greater economic burdens
21 to success. The Agency shall take into consideration
22 the unique cost of compliance of this subparagraph (Q)
23 that might be borne by equity eligible contractors,
24 shall include such costs when determining the price of
25 renewable energy credits in the Adjustable Block
26 program and the Geothermal Homes and Businesses

1 Program, and shall take such costs into consideration
2 in a nondiscriminatory manner when comparing bids for
3 competitive procurements. The Agency shall consider
4 costs associated with compliance whether in the
5 development, financing, or construction of projects.
6 The Agency shall periodically review the assumptions
7 in these costs and may adjust prices, in compliance
8 with subparagraph (M) of this paragraph (1).

9 (R) In its long-term renewable resources procurement
10 plan, the Agency shall establish a self-direct renewable
11 portfolio standard compliance program for eligible
12 self-direct customers that purchase renewable energy
13 credits from utility-scale wind and solar projects through
14 long-term agreements for purchase of renewable energy
15 credits as described in this Section. Such long-term
16 agreements may include the purchase of energy or other
17 products on a physical or financial basis and may involve
18 an alternative retail electric supplier as defined in
19 Section 16-102 of the Public Utilities Act. This program
20 shall take effect in the delivery year commencing June 1,
21 2023.

22 (1) For the purposes of this subparagraph:

23 "Eligible self-direct customer" means any retail
24 customers of an electric utility that serves 3,000,000
25 or more retail customers in the State and whose total
26 highest 30-minute demand was more than 10,000

1 kilowatts, or any retail customers of an electric
2 utility that serves less than 3,000,000 retail
3 customers but more than 500,000 retail customers in
4 the State and whose total highest 15-minute demand was
5 more than 10,000 kilowatts.

6 "Retail customer" has the meaning set forth in
7 Section 16-102 of the Public Utilities Act and
8 multiple retail customer accounts under the same
9 corporate parent may aggregate their account demands
10 to meet the 10,000 kilowatt threshold. The criteria
11 for determining whether this subparagraph is
12 applicable to a retail customer shall be based on the
13 12 consecutive billing periods prior to the start of
14 the year in which the application is filed.

15 (2) For renewable energy credits to count toward
16 the self-direct renewable portfolio standard
17 compliance program, they must:

18 (i) qualify as renewable energy credits as
19 defined in Section 1-10 of this Act;

20 (ii) be sourced from one or more renewable
21 energy generating facilities that comply with the
22 geographic requirements as set forth in
23 subparagraph (I) of paragraph (1) of subsection
24 (c) as interpreted through the Agency's long-term
25 renewable resources procurement plan, or, where
26 applicable, the geographic requirements that

1 governed utility-scale renewable energy credits at
2 the time the eligible self-direct customer entered
3 into the applicable renewable energy credit
4 purchase agreement;

5 (iii) be procured through long-term contracts
6 with term lengths of at least 10 years either
7 directly with the renewable energy generating
8 facility or through a bundled power purchase
9 agreement, a virtual power purchase agreement, an
10 agreement between the renewable generating
11 facility, an alternative retail electric supplier,
12 and the customer, or such other structure as is
13 permissible under this subparagraph (R);

14 (iv) be equivalent in volume to at least 40%
15 of the eligible self-direct customer's usage,
16 determined annually by the eligible self-direct
17 customer's usage during the previous delivery
18 year, measured to the nearest megawatt-hour;

19 (v) be retired by or on behalf of the large
20 energy customer;

21 (vi) be sourced from new utility-scale wind
22 projects or new utility-scale solar projects; and

23 (vii) if the contracts for renewable energy
24 credits are entered into after the effective date
25 of this amendatory Act of the 102nd General
26 Assembly, the new utility-scale wind projects or

1 new utility-scale solar projects must comply with
2 the requirements established in subparagraphs (P)
3 and (Q) of paragraph (1) of this subsection (c)
4 and subsection (c-10).

5 (3) The self-direct renewable portfolio standard
6 compliance program shall be designed to allow eligible
7 self-direct customers to procure new renewable energy
8 credits from new utility-scale wind projects or new
9 utility-scale photovoltaic projects. The Agency shall
10 annually determine the amount of utility-scale
11 renewable energy credits it will include each year
12 from the self-direct renewable portfolio standard
13 compliance program, subject to receiving qualifying
14 applications. In making this determination, the Agency
15 shall evaluate publicly available analyses and studies
16 of the potential market size for utility-scale
17 renewable energy long-term purchase agreements by
18 commercial and industrial energy customers and make
19 that report publicly available. If demand for
20 participation in the self-direct renewable portfolio
21 standard compliance program exceeds availability, the
22 Agency shall ensure participation is evenly split
23 between commercial and industrial users to the extent
24 there is sufficient demand from both customer classes.
25 Each renewable energy credit procured pursuant to this
26 subparagraph (R) by a self-direct customer shall

1 reduce the total volume of renewable energy credits
2 the Agency is otherwise required to procure from new
3 utility-scale projects pursuant to subparagraph (C) of
4 paragraph (1) of this subsection (c) on behalf of
5 contracting utilities where the eligible self-direct
6 customer is located. The self-direct customer shall
7 file an annual compliance report with the Agency
8 pursuant to terms established by the Agency through
9 its long-term renewable resources procurement plan to
10 be eligible for participation in this program.
11 Customers must provide the Agency with their most
12 recent electricity billing statements or other
13 information deemed necessary by the Agency to
14 demonstrate they are an eligible self-direct customer.

15 (4) The Commission shall approve a reduction in
16 the volumetric charges collected pursuant to Section
17 16-108 of the Public Utilities Act for approved
18 eligible self-direct customers equivalent to the
19 anticipated cost of renewable energy credit deliveries
20 under contracts for new utility-scale wind and new
21 utility-scale solar entered for each delivery year
22 after the large energy customer begins retiring
23 eligible new utility-scale ~~utility-scale~~ renewable
24 energy credits for self-compliance. The self-direct
25 credit amount shall be determined annually and is
26 equal to the estimated portion of the cost authorized

1 by subparagraph (E) of paragraph (1) of this
2 subsection (c) that supported the annual procurement
3 of utility-scale renewable energy credits in the prior
4 delivery year using a methodology described in the
5 long-term renewable resources procurement plan,
6 expressed on a per kilowatthour basis, and does not
7 include (i) costs associated with any contracts
8 entered into before the delivery year in which the
9 customer files the initial compliance report to be
10 eligible for participation in the self-direct program,
11 and (ii) costs associated with procuring renewable
12 energy credits through existing and future contracts
13 through the Adjustable Block Program, subsection (c-5)
14 of this Section 1-75, and the Solar for All Program.
15 The Agency shall assist the Commission in determining
16 the current and future costs. The Agency must
17 determine the self-direct credit amount for new and
18 existing eligible self-direct customers and submit
19 this to the Commission in an annual compliance filing.
20 The Commission must approve the self-direct credit
21 amount by June 1, 2023 and June 1 of each delivery year
22 thereafter.

23 (5) Customers described in this subparagraph (R)
24 shall apply, on a form developed by the Agency, to the
25 Agency to be designated as a self-direct eligible
26 customer. Once the Agency determines that a

1 self-direct customer is eligible for participation in
2 the program, the self-direct customer will remain
3 eligible until the end of the term of the contract.
4 Thereafter, application may be made not less than 12
5 months before the filing date of the long-term
6 renewable resources procurement plan described in this
7 Act. At a minimum, such application shall contain the
8 following:

9 (i) the customer's certification that, at the
10 time of the customer's application, the customer
11 qualifies to be a self-direct eligible customer,
12 including documents demonstrating that
13 qualification;

14 (ii) the customer's certification that the
15 customer has entered into or will enter into by
16 the beginning of the applicable procurement year,
17 one or more bilateral contracts for new wind
18 projects or new photovoltaic projects, including
19 supporting documentation;

20 (iii) certification that the contract or
21 contracts for new renewable energy resources are
22 long-term contracts with term lengths of at least
23 10 years, including supporting documentation;

24 (iv) certification of the quantities of
25 renewable energy credits that the customer will
26 purchase each year under such contract or

1 contracts, including supporting documentation;

2 (v) proof that the contract is sufficient to
3 produce renewable energy credits to be equivalent
4 in volume to at least 40% of the large energy
5 customer's usage from the previous delivery year,
6 measured to the nearest megawatt-hour; and

7 (vi) certification that the customer intends
8 to maintain the contract for the duration of the
9 length of the contract.

10 (6) If a customer receives the self-direct credit
11 but fails to properly procure and retire renewable
12 energy credits as required under this subparagraph
13 (R), the Commission, on petition from the Agency and
14 after notice and hearing, may direct such customer's
15 utility to recover the cost of the wrongfully received
16 self-direct credits plus interest through an adder to
17 charges assessed pursuant to Section 16-108 of the
18 Public Utilities Act. Self-direct customers who
19 knowingly fail to properly procure and retire
20 renewable energy credits and do not notify the Agency
21 are ineligible for continued participation in the
22 self-direct renewable portfolio standard compliance
23 program.

24 (S) Beginning with the long-term renewable resources
25 procurement plan covering program and procurement activity
26 for the delivery year beginning on June 1, 2028, any

long-term renewable resources procurement plan developed by the Agency in accordance with subparagraph (A) of this paragraph (1) shall include a Geothermal Homes and Businesses Program for the procurement of geothermal renewable energy credits from new geothermal heating and cooling systems. The long-term renewable resources procurement plan shall allocate up to \$10,000,000 per delivery year to fund the Program as described in this subparagraph (S). The Program shall be designed to stimulate the steady, predictable, and sustainable growth of new geothermal heating and cooling system deployment in this State and meet gaps in the marketplace. To this end, the Geothermal Homes and Businesses Program shall provide a transparent annual schedule of prices and quantities to enable the geothermal heating and cooling market to scale up and renewable energy credit prices to adjust at a predictable rate over time. The prices set by the Geothermal Homes and Businesses Program may be reflected as a set value or as the product of a formula.

(i) The Geothermal Homes and Businesses Program shall allocate blocks of renewable energy credits as follows:

(1) The Agency may create categories for the Program based on structure features and use cases, including categories based on the nature and size of the Program's projects, customers, communities

1 in which a project is located, and other
2 attributes, defined at the discretion of the
3 Agency through its long-term plan.

4 (2) The Agency shall propose an initial single
5 annual block for each Program delivery year for
6 each category it creates through the delivery year
7 beginning on June 1, 2035. The Program shall
8 include the following for eligible projects for
9 each delivery year: (I) a block of geothermal
10 renewable energy credit volumes; (II) a price for
11 renewable energy credits from geothermal heating
12 and cooling systems within the identified block;
13 and (III) the terms and conditions for securing a
14 spot on a waitlist once the block is fully
15 committed or reserved. The Agency may periodically
16 review its prior decisions establishing the amount
17 of geothermal renewable energy credit volumes in
18 each annual block and the purchase price for each
19 block and may propose, on an expedited basis,
20 changes to the previously set values, including,
21 but not limited to, redistributing the amounts and
22 the available funds as necessary and appropriate,
23 subject to Commission approval. The Agency may
24 define different block sizes, purchase prices, or
25 other distinct terms and conditions for projects
26 located in different utility service territories

1 if the Agency deems it necessary.

2 (3) The Agency may develop an intra-year and
3 year-to-year waitlist and block reservation policy
4 that balances market certainty, program
5 availability, and expedient project deployment.

6 (4) For the program year beginning on June 1,
7 2028, at least 33% of each annual block shall be
8 available to be reserved for systems that are
9 residential, as defined by the Agency. The Agency
10 shall endeavor to ensure at least 40% of each
11 annual block is available to be reserved by
12 systems located in Equity Investment Eligible
13 Communities. At least 10% of all annual blocks
14 shall be available to be reserved by systems from
15 applicants that are equity eligible contractors,
16 and the Agency shall propose to increase the
17 percentage of systems from applicants that are
18 equity eligible contractors over time to 40% based
19 on factors that include, but are not limited to,
20 the number of equity eligible contractors and the
21 volume used under this clause (4) in previous
22 delivery years. For long-term renewable resources
23 procurement plans developed thereafter, the Agency
24 may propose adjustments to the minimum percentages
25 based on developer interest, market interest and
26 availability, and other factors.

1 (5) The Agency shall establish Program
2 eligibility requirements that ensure that systems
3 that enter the Program are sufficiently mature
4 enough to indicate a demonstrable path to
5 completion and other terms, conditions, and
6 requirements for the program, including vendor
7 registration and approval, sales and marketing
8 requirements, and other consumer protection
9 requirements as the Agency deems necessary.

10 (6) The Program shall be designed to ensure
11 that geothermal renewable energy credits are
12 procured from projects in diverse locations and
13 are not procured from projects that are
14 concentrated in a few regional areas.

15 (7) The Agency, through its long-term
16 renewable resources procurement plan, may
17 implement solutions to maintain stable and
18 consistent REC offerings to avoid gaps in
19 availability during a delivery year, including,
20 but not limited to, creating a floating block of
21 REC capacity in a given delivery year.

22 (ii) Energy derived from a geothermal heating and
23 cooling system shall be eligible for inclusion in
24 meeting the requirements of the Program. Geothermal
25 renewable energy credits shall be expressed in
26 megawatt-hour units. To make this calculation, the

1 Agency (1) shall identify an appropriate formula
2 supported by a geothermal industry trade organization,
3 a national laboratory, or another data-backed and
4 verifiable methodology, (2) may propose adjustments to
5 any formulas for its proposed renewable energy credit
6 calculation methodology, and (3) may reflect
7 calculation methodologies already in use for other
8 State renewable portfolio standards, if applicable and
9 appropriate. The Agency shall determine the form and
10 manner in which the renewable energy credits are
11 verified and retired, in accordance with national best
12 practices.

13 Geothermal renewable energy credits retired by
14 obligated utilities for compliance with the Program
15 are only valid for compliance if those geothermal
16 renewable energy credits have not been previously
17 retired by another entity that is not the obligated
18 utility on any tracking system, carbon registry, or
19 other accounting mechanism at any time. Additionally,
20 geothermal renewable energy credits retired by
21 obligated utilities for compliance with the Program
22 shall only be valid for compliance if those geothermal
23 renewable energy credits have not been used to
24 substantiate a public emissions or energy usage claim
25 by any other another entity that is not the obligated
26 utility, of any type and at any time, whether or not

1 the geothermal renewable energy credits were actually
2 retired on a tracking system, registry, or other
3 accounting mechanism at the time of the public
4 emissions-based claim. Geothermal renewable energy
5 credits generated for compliance with the Program
6 shall be valid only if retired once, and claimed once,
7 by the obligated utility.

8 In order to promote the competitive development of
9 geothermal heating and cooling systems in furtherance
10 of this State's interest in the health, safety, and
11 welfare of its residents, renewable energy credits
12 from geothermal heating and cooling systems shall not
13 be eligible for purchase and retirement under this Act
14 if the credits are sourced from a geothermal heating
15 and cooling system for which costs are being recovered
16 on or after the effective date of this amendatory Act
17 of the 104th General Assembly through rates regulated
18 by this State or any other state.

19 (iii) The Agency shall establish Program
20 requirements and minimum contract terms to ensure that
21 projects are properly installed and that projects
22 operate to the level of expected benefits. The
23 contract terms shall include, but are not limited to,
24 the following:

25 (1) The capital that is not advanced shall be
26 disbursed upon a schedule determined by the

1 Agency, based on the total contracted fulfillment
2 over the delivery term, not to exceed, during each
3 delivery year, the contract price multiplied by
4 the estimated annual renewable energy credit
5 generation amount. Payment structures shall
6 include provisions that provide portions of the
7 renewable energy credit delivery contract value
8 upon energization, including no less than 40% of
9 the contract value for residential projects, based
10 on the estimated renewable energy credit
11 production during the contract term.

12 (2) For renewable energy credits that qualify
13 and are procured under the Program, the delivery
14 contract length shall be 15 years.

15 (3) For contracts that are paid upon the
16 delivery of renewable energy credits, if
17 generation of renewable energy credits from
18 geothermal heating and cooling systems during a
19 delivery year exceeds the estimated annual
20 generation amount, the excess of such renewable
21 energy credits shall be carried forward to future
22 delivery years and shall not expire during the
23 delivery term. If the renewable energy credit
24 generation during a delivery year, including any
25 carried forward excess renewable energy credits,
26 is less than the estimated annual generation

1 amount, payments during the delivery year shall
2 not exceed the quantity generated plus the
3 quantity carried forward multiplied by the
4 contract price. The electric utility shall receive
5 all renewable energy credits generated by the
6 project during the first 15 years of operation,
7 and retire all renewable energy credits paid for
8 under this clause (3) and return at the end of the
9 delivery term all geothermal renewable energy
10 credits that were not paid for. Renewable energy
11 credits generated by the project thereafter shall
12 not be transferred under the renewable energy
13 credit delivery contract with the counterparty
14 electric utility.

15 (4) For renewable energy contracts for any
16 type of community, shared, or similar geothermal
17 heating and cooling system that operates using a
18 subscription model and for which subscriptions are
19 a basis for contractual payments, subscription of
20 90% of total renewable energy credit volumes or
21 greater shall be deemed to be fully subscribed.

22 (5) Beginning with the long-term renewable
23 resources procurement plan covering the delivery
24 year beginning on June 1, 2030, the Agency may
25 propose a payment structure for Program contracts
26 upon a demonstration of qualification or need

1 under criteria established by the Agency that is
2 focused on supporting the small and emerging
3 businesses and the businesses that most acutely
4 face barriers to capital access. Successful
5 applicant firms shall have advanced capital
6 disbursed before renewable energy credits are
7 first generated. The maximum amount or percentage
8 of capital advanced shall be included in the
9 long-term renewable resources procurement plan,
10 and any amount actually advanced shall be designed
11 to overcome the barriers in access to capital that
12 are faced by an applicant through that applicant's
13 demonstration of need. The amount or percentage of
14 advanced capital may vary by year, or inter-year,
15 by structure category, block, and other factors as
16 deemed applicable by the Agency and by an
17 applicant's demonstration of need. Contracts
18 featuring capital advanced prior to system
19 operation shall feature provisions to ensure both
20 the successful development of applicant projects
21 and the delivery of renewable energy credits for
22 the full term of the contract, including ongoing
23 collateral requirements and other provisions
24 deemed necessary by the Agency. The percentage or
25 amount of capital advanced prior to system
26 operation shall not increase the overall contract

1 value.

2 (6) Each contract shall include provisions to
3 ensure the delivery of the estimated quantity of
4 geothermal renewable energy credits, including a
5 requirement of performance assurance in an amount
6 deemed appropriate by the Agency.

7 (7) An obligated utility shall be the
8 counterparty to the contracts executed under this
9 subparagraph (S) that are approved by the
10 Commission. No contract shall be executed for an
11 amount that is less than one geothermal renewable
12 energy credit per year.

13 (8) Nothing in this subparagraph (S) shall
14 require the utility to advance any payment or pay
15 any amounts that exceed the actual amount of
16 revenues anticipated to be collected by the
17 utility inclusive of eligible funds collected in
18 prior years and alternative compliance payments
19 for use by the utility.

20 (9) Contracts may be assignable, but only to
21 entities first deemed by the Agency to have met
22 Program terms and requirements applicable to
23 direct Program participation. In developing
24 contracts for the delivery of renewable energy
25 credits from geothermal heating and cooling
26 systems, the Agency may establish fees applicable

1 to each contract assignment.

2 (10) If, at any time, approved applications
3 for the Program exceed funds collected by the
4 electric utility or would cause the Agency to
5 exceed the limitation on the amount of renewable
6 energy resources that may be procured, then the
7 Agency may consider future uncommitted funds to be
8 reserved for these contracts on a first-come,
9 first-served basis.

10 (iv) In order to advance priority access to the
11 clean energy economy for businesses and workers from
12 communities that have been excluded from economic
13 opportunities in the energy sector, been subject to
14 disproportionate levels of pollution, and
15 disproportionately experienced negative public health
16 outcomes, the Agency shall apply its equity
17 accountability system and minimum equity standards
18 established under subsections (c-10), (c-15), (c-20),
19 (c-25), and (c-30) to geothermal heating and cooling
20 system renewable energy credit procurement and
21 programs and may include any proposed modifications to
22 the equity accountability system and minimum equity
23 standards that may be warranted with respect to
24 geothermal heating and cooling systems in its plan
25 submission to the Commission under Section 16-111.5 of
26 the Public Utilities Act.

1 (v) Projects shall be developed in compliance with
2 the prevailing wage and project labor agreement
3 requirements, as applicable, for renewable energy
4 projects in subparagraph (Q) of paragraph (1) of
5 subsection (c). Projects approved under this Program
6 are subject to the prevailing wage requirements
7 outlined in subitem (x) of item (1) of subparagraph
8 (Q) of paragraph (1) of this subsection (c). Renewable
9 energy credits for any single geothermal heating and
10 cooling project that is 142 tons or larger and is
11 procured under this Program after the effective date
12 of this amendatory Act of the 104th General Assembly
13 shall only be eligible if the associated project was
14 built by general contractors who entered into a
15 project labor agreement prior to construction. The
16 project labor agreement shall be filed with the
17 Director in accordance with procedures established by
18 the Agency through its long-term renewable resources
19 procurement plan. The project labor agreement shall
20 provide the names, addresses, and occupations of the
21 owner of the plant and the individuals representing
22 the labor organization employees that participate in
23 the project labor agreement. The project labor
24 agreement shall also specify terms and conditions as
25 provided in this Act.

26 (vi) The Agency shall strive to minimize

1 administrative expenses in the implementation of the
2 Program. The Agency may use any existing program
3 administrator and any applicable subcontractors to
4 develop, administer, implement, operate, and evaluate
5 the Program.

6 (T) Renewable energy credits procured under Agency
7 procurements or programs for community solar projects with
8 more than 3 megawatts in nameplate capacity must be
9 procured from facilities built by general contractors
10 that, prior to construction, enter into a project labor
11 agreement, as defined by this Act, subject to the
12 following requirements and limitations:

13 (i) The project labor agreement shall be filed
14 with the Director in accordance with procedures
15 established by the Agency through its long-term
16 renewable resources procurement plan. Any information
17 submitted to the Agency under this item (i) shall be
18 considered commercially sensitive information.

19 (ii) At a minimum, the project labor agreement
20 must provide the names, addresses, and occupations of
21 the owner of the project and any individuals
22 representing the labor organization of the employees
23 participating in the project labor agreement
24 consistent with the Project Labor Agreements Act. The
25 project labor agreement must also meet the terms and
26 conditions, as set forth in this Act.

1 (iii) It is the intent of this Section to ensure
2 that economic development occurs across communities in
3 this State, that emerging businesses may grow, and
4 that there is improved access to the clean energy
5 economy by persons who have greater economic burdens
6 to success. The Agency shall take into consideration
7 the unique cost of compliance of this subparagraph (T)
8 that may be borne by equity eligible contractors and
9 shall include those costs when determining the price
10 of renewable energy credits in the Adjustable Block
11 program. The Agency shall consider costs associated
12 with compliance, including in the development,
13 financing, or construction of projects. The Agency
14 shall periodically review the assumptions in these
15 costs and may adjust prices in compliance with
16 subparagraph (M) of this paragraph (1).

17 (2) (Blank).

18 (3) (Blank).

19 (4) The electric utility shall retire all renewable
20 energy credits used to comply with the standard.

21 (5) Beginning with the 2010 delivery year and ending
22 June 1, 2017, an electric utility subject to this
23 subsection (c) shall apply the lesser of the maximum
24 alternative compliance payment rate or the most recent
25 estimated alternative compliance payment rate for its
26 service territory for the corresponding compliance period,

1 established pursuant to subsection (d) of Section 16-115D
2 of the Public Utilities Act to its retail customers that
3 take service pursuant to the electric utility's hourly
4 pricing tariff or tariffs. The electric utility shall
5 retain all amounts collected as a result of the
6 application of the alternative compliance payment rate or
7 rates to such customers, and, beginning in 2011, the
8 utility shall include in the information provided under
9 item (1) of subsection (d) of Section 16-111.5 of the
10 Public Utilities Act the amounts collected under the
11 alternative compliance payment rate or rates for the prior
12 year ending May 31. Notwithstanding any limitation on the
13 procurement of renewable energy resources imposed by item
14 (2) of this subsection (c), the Agency shall increase its
15 spending on the purchase of renewable energy resources to
16 be procured by the electric utility for the next plan year
17 by an amount equal to the amounts collected by the utility
18 under the alternative compliance payment rate or rates in
19 the prior year ending May 31.

20 (6) The electric utility shall be entitled to recover
21 all of its costs associated with the procurement of
22 renewable energy credits under plans approved under this
23 Section and Section 16-111.5 of the Public Utilities Act.
24 These costs shall include associated reasonable expenses
25 for implementing the procurement programs, including, but
26 not limited to, the costs of administering and evaluating

1 the Adjustable Block program and the Geothermal Homes and
2 Businesses Program, through an automatic adjustment clause
3 tariff in accordance with subsection (k) of Section 16-108
4 of the Public Utilities Act.

5 (7) Renewable energy credits procured from new
6 photovoltaic projects or new distributed renewable energy
7 generation devices under this Section after June 1, 2017
8 (the effective date of Public Act 99-906) must be procured
9 from devices installed by a qualified person in compliance
10 with the requirements of Section 16-128A of the Public
11 Utilities Act and any rules or regulations adopted
12 thereunder.

13 In meeting the renewable energy requirements of this
14 subsection (c), to the extent feasible and consistent with
15 State and federal law, the renewable energy credit
16 procurements, Adjustable Block solar program, and
17 community renewable generation program shall provide
18 employment opportunities for all segments of the
19 population and workforce, including minority-owned and
20 female-owned business enterprises, and shall not,
21 consistent with State and federal law, discriminate based
22 on race or socioeconomic status.

23 (c-5) Procurement of renewable energy credits from new
24 renewable energy facilities installed at or adjacent to the
25 sites of electric generating facilities that burn or burned
26 coal as their primary fuel source.

(1) In addition to the procurement of renewable energy credits pursuant to long-term renewable resources procurement plans in accordance with subsection (c) of this Section and Section 16-111.5 of the Public Utilities Act, the Agency shall conduct procurement events in accordance with this subsection (c-5) for the procurement by electric utilities that served more than 300,000 retail customers in this State as of January 1, 2019 of renewable energy credits from new renewable energy facilities to be installed at or adjacent to the sites of electric generating facilities that, as of January 1, 2016, burned coal as their primary fuel source and meet the other criteria specified in this subsection (c-5). For purposes of this subsection (c-5), "new renewable energy facility" means a new utility-scale solar project as defined in this Section 1-75. The renewable energy credits procured pursuant to this subsection (c-5) may be included or counted for purposes of compliance with the amounts of renewable energy credits required to be procured pursuant to subsection (c) of this Section to the extent that there are otherwise shortfalls in compliance with such requirements. The procurement of renewable energy credits by electric utilities pursuant to this subsection (c-5) shall be funded solely by revenues collected from the Coal to Solar and Energy Storage Initiative Charge provided for in this subsection (c-5) and subsection (i-5) of Section

1 16-108 of the Public Utilities Act, shall not be funded by
2 revenues collected through any of the other funding
3 mechanisms provided for in subsection (c) of this Section,
4 and shall not be subject to the limitation imposed by
5 subsection (c) on charges to retail customers for costs to
6 procure renewable energy resources pursuant to subsection
7 (c), and shall not be subject to any other requirements or
8 limitations of subsection (c).

9 (2) The Agency shall conduct 2 procurement events to
10 select owners of electric generating facilities meeting
11 the eligibility criteria specified in this subsection
12 (c-5) to enter into long-term contracts to sell renewable
13 energy credits to electric utilities serving more than
14 300,000 retail customers in this State as of January 1,
15 2019. The first procurement event shall be conducted no
16 later than March 31, 2022, unless the Agency elects to
17 delay it, until no later than May 1, 2022, due to its
18 overall volume of work, and shall be to select owners of
19 electric generating facilities located in this State and
20 south of federal Interstate Highway 80 that meet the
21 eligibility criteria specified in this subsection (c-5).
22 The second procurement event shall be conducted no sooner
23 than September 30, 2022 and no later than October 31, 2022
24 and shall be to select owners of electric generating
25 facilities located anywhere in this State that meet the
26 eligibility criteria specified in this subsection (c-5).

1 The Agency shall establish and announce a time period,
2 which shall begin no later than 30 days prior to the
3 scheduled date for the procurement event, during which
4 applicants may submit applications to be selected as
5 suppliers of renewable energy credits pursuant to this
6 subsection (c-5). The eligibility criteria for selection
7 as a supplier of renewable energy credits pursuant to this
8 subsection (c-5) shall be as follows:

9 (A) The applicant owns an electric generating
10 facility located in this State that: (i) as of January
11 1, 2016, burned coal as its primary fuel to generate
12 electricity; and (ii) has, or had prior to retirement,
13 an electric generating capacity of at least 150
14 megawatts. The electric generating facility can be
15 either: (i) retired as of the date of the procurement
16 event; or (ii) still operating as of the date of the
17 procurement event.

18 (B) The applicant is not (i) an electric
19 cooperative as defined in Section 3-119 of the Public
20 Utilities Act, or (ii) an entity described in
21 subsection (b)(1) of Section 3-105 of the Public
22 Utilities Act, or an association or consortium of or
23 an entity owned by entities described in (i) or (ii);
24 and the coal-fueled electric generating facility was
25 at one time owned, in whole or in part, by a public
26 utility as defined in Section 3-105 of the Public

1 Utilities Act.

2 (C) If participating in the first procurement
3 event, the applicant proposes and commits to construct
4 and operate, at the site, and if necessary for
5 sufficient space on property adjacent to the existing
6 property, at which the electric generating facility
7 identified in paragraph (A) is located: (i) a new
8 renewable energy facility of at least 20 megawatts but
9 no more than 100 megawatts of electric generating
10 capacity, and (ii) an energy storage facility having a
11 storage capacity equal to at least 2 megawatts and at
12 most 10 megawatts. If participating in the second
13 procurement event, the applicant proposes and commits
14 to construct and operate, at the site, and if
15 necessary for sufficient space on property adjacent to
16 the existing property, at which the electric
17 generating facility identified in paragraph (A) is
18 located: (i) a new renewable energy facility of at
19 least 5 megawatts but no more than 20 megawatts of
20 electric generating capacity, and (ii) an energy
21 storage facility having a storage capacity equal to at
22 least 0.5 megawatts and at most one megawatt.

23 (D) The applicant agrees that the new renewable
24 energy facility and the energy storage facility will
25 be constructed or installed by a qualified entity or
26 entities in compliance with the requirements of

1 subsection (g) of Section 16-128A of the Public
2 Utilities Act and any rules adopted thereunder.

3 (E) The applicant agrees that personnel operating
4 the new renewable energy facility and the energy
5 storage facility will have the requisite skills,
6 knowledge, training, experience, and competence, which
7 may be demonstrated by completion or current
8 participation and ultimate completion by employees of
9 an accredited or otherwise recognized apprenticeship
10 program for the employee's particular craft, trade, or
11 skill, including through training and education
12 courses and opportunities offered by the owner to
13 employees of the coal-fueled electric generating
14 facility or by previous employment experience
15 performing the employee's particular work skill or
16 function.

17 (F) The applicant commits that not less than the
18 prevailing wage, as determined pursuant to the
19 Prevailing Wage Act, will be paid to the applicant's
20 employees engaged in construction activities
21 associated with the new renewable energy facility and
22 the new energy storage facility and to the employees
23 of applicant's contractors engaged in construction
24 activities associated with the new renewable energy
25 facility and the new energy storage facility, and
26 that, on or before the commercial operation date of

1 the new renewable energy facility, the applicant shall
2 file a report with the Agency certifying that the
3 requirements of this subparagraph (F) have been met.

4 (G) The applicant commits that if selected, it
5 will negotiate a project labor agreement for the
6 construction of the new renewable energy facility and
7 associated energy storage facility that includes
8 provisions requiring the parties to the agreement to
9 work together to establish diversity threshold
10 requirements and to ensure best efforts to meet
11 diversity targets, improve diversity at the applicable
12 job site, create diverse apprenticeship opportunities,
13 and create opportunities to employ former coal-fired
14 power plant workers.

15 (H) The applicant commits to enter into a contract
16 or contracts for the applicable duration to provide
17 specified numbers of renewable energy credits each
18 year from the new renewable energy facility to
19 electric utilities that served more than 300,000
20 retail customers in this State as of January 1, 2019,
21 at a price of \$30 per renewable energy credit. The
22 price per renewable energy credit shall be fixed at
23 \$30 for the applicable duration and the renewable
24 energy credits shall not be indexed renewable energy
25 credits as provided for in item (v) of subparagraph
26 (G) of paragraph (1) of subsection (c) of Section 1-75

1 of this Act. The applicable duration of each contract
2 shall be 20 years, unless the applicant is physically
3 interconnected to the PJM Interconnection, LLC
4 transmission grid and had a generating capacity of at
5 least 1,200 megawatts as of January 1, 2021, in which
6 case the applicable duration of the contract shall be
7 15 years.

8 (I) The applicant's application is certified by an
9 officer of the applicant and by an officer of the
10 applicant's ultimate parent company, if any.

11 (3) An applicant may submit applications to contract
12 to supply renewable energy credits from more than one new
13 renewable energy facility to be constructed at or adjacent
14 to one or more qualifying electric generating facilities
15 owned by the applicant. The Agency may select new
16 renewable energy facilities to be located at or adjacent
17 to the sites of more than one qualifying electric
18 generation facility owned by an applicant to contract with
19 electric utilities to supply renewable energy credits from
20 such facilities.

21 (4) The Agency shall assess fees to each applicant to
22 recover the Agency's costs incurred in receiving and
23 evaluating applications, conducting the procurement event,
24 developing contracts for sale, delivery and purchase of
25 renewable energy credits, and monitoring the
26 administration of such contracts, as provided for in this

1 subsection (c-5), including fees paid to a procurement
2 administrator retained by the Agency for one or more of
3 these purposes.

4 (5) The Agency shall select the applicants and the new
5 renewable energy facilities to contract with electric
6 utilities to supply renewable energy credits in accordance
7 with this subsection (c-5). In the first procurement
8 event, the Agency shall select applicants and new
9 renewable energy facilities to supply renewable energy
10 credits, at a price of \$30 per renewable energy credit,
11 aggregating to no less than 400,000 renewable energy
12 credits per year for the applicable duration, assuming
13 sufficient qualifying applications to supply, in the
14 aggregate, at least that amount of renewable energy
15 credits per year; and not more than 580,000 renewable
16 energy credits per year for the applicable duration. In
17 the second procurement event, the Agency shall select
18 applicants and new renewable energy facilities to supply
19 renewable energy credits, at a price of \$30 per renewable
20 energy credit, aggregating to no more than 625,000
21 renewable energy credits per year less the amount of
22 renewable energy credits each year contracted for as a
23 result of the first procurement event, for the applicable
24 durations. The number of renewable energy credits to be
25 procured as specified in this paragraph (5) shall not be
26 reduced based on renewable energy credits procured in the

1 self-direct renewable energy credit compliance program
2 established pursuant to subparagraph (R) of paragraph (1)
3 of subsection (c) of Section 1-75.

4 (6) The obligation to purchase renewable energy
5 credits from the applicants and their new renewable energy
6 facilities selected by the Agency shall be allocated to
7 the electric utilities based on their respective
8 percentages of kilowatthours delivered to delivery
9 services customers to the aggregate kilowatthour
10 deliveries by the electric utilities to delivery services
11 customers for the year ended December 31, 2021. In order
12 to achieve these allocation percentages between or among
13 the electric utilities, the Agency shall require each
14 applicant that is selected in the procurement event to
15 enter into a contract with each electric utility for the
16 sale and purchase of renewable energy credits from each
17 new renewable energy facility to be constructed and
18 operated by the applicant, with the sale and purchase
19 obligations under the contracts to aggregate to the total
20 number of renewable energy credits per year to be supplied
21 by the applicant from the new renewable energy facility.

22 (7) The Agency shall submit its proposed selection of
23 applicants, new renewable energy facilities to be
24 constructed, and renewable energy credit amounts for each
25 procurement event to the Commission for approval. The
26 Commission shall, within 2 business days after receipt of

1 the Agency's proposed selections, approve the proposed
2 selections if it determines that the applicants and the
3 new renewable energy facilities to be constructed meet the
4 selection criteria set forth in this subsection (c-5) and
5 that the Agency seeks approval for contracts of applicable
6 durations aggregating to no more than the maximum amount
7 of renewable energy credits per year authorized by this
8 subsection (c-5) for the procurement event, at a price of
9 \$30 per renewable energy credit.

10 (8) The Agency, in conjunction with its procurement
11 administrator if one is retained, the electric utilities,
12 and potential applicants for contracts to produce and
13 supply renewable energy credits pursuant to this
14 subsection (c-5), shall develop a standard form contract
15 for the sale, delivery and purchase of renewable energy
16 credits pursuant to this subsection (c-5). Each contract
17 resulting from the first procurement event shall allow for
18 a commercial operation date for the new renewable energy
19 facility of either June 1, 2023 or June 1, 2024, with such
20 dates subject to adjustment as provided in this paragraph.
21 Each contract resulting from the second procurement event
22 shall provide for a commercial operation date on June 1
23 next occurring up to 48 months after execution of the
24 contract. Each contract shall provide that the owner shall
25 receive payments for renewable energy credits for the
26 applicable durations beginning with the commercial

1 operation date of the new renewable energy facility. The
2 form contract shall provide for adjustments to the
3 commercial operation and payment start dates as needed due
4 to any delays in completing the procurement and
5 contracting processes, in finalizing interconnection
6 agreements and installing interconnection facilities, and
7 in obtaining other necessary governmental permits and
8 approvals. The form contract shall be, to the maximum
9 extent possible, consistent with standard electric
10 industry contracts for sale, delivery, and purchase of
11 renewable energy credits while taking into account the
12 specific requirements of this subsection (c-5). The form
13 contract shall provide for over-delivery and
14 under-delivery of renewable energy credits within
15 reasonable ranges during each 12-month period and penalty,
16 default, and enforcement provisions for failure of the
17 selling party to deliver renewable energy credits as
18 specified in the contract and to comply with the
19 requirements of this subsection (c-5). The standard form
20 contract shall specify that all renewable energy credits
21 delivered to the electric utility pursuant to the contract
22 shall be retired. The Agency shall make the proposed
23 contracts available for a reasonable period for comment by
24 potential applicants, and shall publish the final form
25 contract at least 30 days before the date of the first
26 procurement event.

1 (9) Coal to Solar and Energy Storage Initiative
2 Charge.

3 (A) By no later than July 1, 2022, each electric
4 utility that served more than 300,000 retail customers
5 in this State as of January 1, 2019 shall file a tariff
6 with the Commission for the billing and collection of
7 a Coal to Solar and Energy Storage Initiative Charge
8 in accordance with subsection (i-5) of Section 16-108
9 of the Public Utilities Act, with such tariff to be
10 effective, following review and approval or
11 modification by the Commission, beginning January 1,
12 2023. The tariff shall provide for the calculation and
13 setting of the electric utility's Coal to Solar and
14 Energy Storage Initiative Charge to collect revenues
15 estimated to be sufficient, in the aggregate, (i) to
16 enable the electric utility to pay for the renewable
17 energy credits it has contracted to purchase in the
18 delivery year beginning June 1, 2023 and each delivery
19 year thereafter from new renewable energy facilities
20 located at the sites of qualifying electric generating
21 facilities, and (ii) to fund the grant payments to be
22 made in each delivery year by the Department of
23 Commerce and Economic Opportunity, or any successor
24 department or agency, which shall be referred to in
25 this subsection (c-5) as the Department, pursuant to
26 paragraph (10) of this subsection (c-5). The electric

1 utility's tariff shall provide for the billing and
2 collection of the Coal to Solar and Energy Storage
3 Initiative Charge on each kilowatthour of electricity
4 delivered to its delivery services customers within
5 its service territory and shall provide for an annual
6 reconciliation of revenues collected with actual
7 costs, in accordance with subsection (i-5) of Section
8 16-108 of the Public Utilities Act.

9 (B) Each electric utility shall remit on a monthly
10 basis to the State Treasurer, for deposit in the Coal
11 to Solar and Energy Storage Initiative Fund provided
12 for in this subsection (c-5), the electric utility's
13 collections of the Coal to Solar and Energy Storage
14 Initiative Charge in the amount estimated to be needed
15 by the Department for grant payments pursuant to grant
16 contracts entered into by the Department pursuant to
17 paragraph (10) of this subsection (c-5).

18 (10) Coal to Solar and Energy Storage Initiative Fund.

19 (A) The Coal to Solar and Energy Storage
20 Initiative Fund is established as a special fund in
21 the State treasury. The Coal to Solar and Energy
22 Storage Initiative Fund is authorized to receive, by
23 statutory deposit, that portion specified in item (B)
24 of paragraph (9) of this subsection (c-5) of moneys
25 collected by electric utilities through imposition of
26 the Coal to Solar and Energy Storage Initiative Charge

1 required by this subsection (c-5). The Coal to Solar
2 and Energy Storage Initiative Fund shall be
3 administered by the Department to provide grants to
4 support the installation and operation of energy
5 storage facilities at the sites of qualifying electric
6 generating facilities meeting the criteria specified
7 in this paragraph (10).

8 (B) The Coal to Solar and Energy Storage
9 Initiative Fund shall not be subject to sweeps,
10 administrative charges, or chargebacks, including, but
11 not limited to, those authorized under Section 8h of
12 the State Finance Act, that would in any way result in
13 the transfer of those funds from the Coal to Solar and
14 Energy Storage Initiative Fund to any other fund of
15 this State or in having any such funds utilized for any
16 purpose other than the express purposes set forth in
17 this paragraph (10).

18 (C) The Department shall utilize up to
19 \$280,500,000 in the Coal to Solar and Energy Storage
20 Initiative Fund for grants, assuming sufficient
21 qualifying applicants, to support installation of
22 energy storage facilities at the sites of up to 3
23 qualifying electric generating facilities located in
24 the Midcontinent Independent System Operator, Inc.,
25 region in Illinois and the sites of up to 2 qualifying
26 electric generating facilities located in the PJM

1 Interconnection, LLC region in Illinois that meet the
2 criteria set forth in this subparagraph (C). The
3 criteria for receipt of a grant pursuant to this
4 subparagraph (C) are as follows:

5 (1) the electric generating facility at the
6 site has, or had prior to retirement, an electric
7 generating capacity of at least 150 megawatts;

8 (2) the electric generating facility burns (or
9 burned prior to retirement) coal as its primary
10 source of fuel;

11 (3) if the electric generating facility is
12 retired, it was retired subsequent to January 1,
13 2016;

14 (4) the owner of the electric generating
15 facility has not been selected by the Agency
16 pursuant to this subsection (c-5) of this Section
17 to enter into a contract to sell renewable energy
18 credits to one or more electric utilities from a
19 new renewable energy facility located or to be
20 located at or adjacent to the site at which the
21 electric generating facility is located;

22 (5) the electric generating facility located
23 at the site was at one time owned, in whole or in
24 part, by a public utility as defined in Section
25 3-105 of the Public Utilities Act;

26 (6) the electric generating facility at the

1 site is not owned by (i) an electric cooperative
2 as defined in Section 3-119 of the Public
3 Utilities Act, or (ii) an entity described in
4 subsection (b)(1) of Section 3-105 of the Public
5 Utilities Act, or an association or consortium of
6 or an entity owned by entities described in items
7 (i) or (ii);

8 (7) the proposed energy storage facility at
9 the site will have energy storage capacity of at
10 least 37 megawatts;

11 (8) the owner commits to place the energy
12 storage facility into commercial operation on
13 either June 1, 2023, June 1, 2024, or June 1, 2025,
14 with such date subject to adjustment as needed due
15 to any delays in completing the grant contracting
16 process, in finalizing interconnection agreements
17 and in installing interconnection facilities, and
18 in obtaining necessary governmental permits and
19 approvals;

20 (9) the owner agrees that the new energy
21 storage facility will be constructed or installed
22 by a qualified entity or entities consistent with
23 the requirements of subsection (g) of Section
24 16-128A of the Public Utilities Act and any rules
25 adopted under that Section;

26 (10) the owner agrees that personnel operating

1 the energy storage facility will have the
2 requisite skills, knowledge, training, experience,
3 and competence, which may be demonstrated by
4 completion or current participation and ultimate
5 completion by employees of an accredited or
6 otherwise recognized apprenticeship program for
7 the employee's particular craft, trade, or skill,
8 including through training and education courses
9 and opportunities offered by the owner to
10 employees of the coal-fueled electric generating
11 facility or by previous employment experience
12 performing the employee's particular work skill or
13 function;

14 (11) the owner commits that not less than the
15 prevailing wage, as determined pursuant to the
16 Prevailing Wage Act, will be paid to the owner's
17 employees engaged in construction activities
18 associated with the new energy storage facility
19 and to the employees of the owner's contractors
20 engaged in construction activities associated with
21 the new energy storage facility, and that, on or
22 before the commercial operation date of the new
23 energy storage facility, the owner shall file a
24 report with the Department certifying that the
25 requirements of this subparagraph (11) have been
26 met; and

1 (12) the owner commits that if selected to
2 receive a grant, it will negotiate a project labor
3 agreement for the construction of the new energy
4 storage facility that includes provisions
5 requiring the parties to the agreement to work
6 together to establish diversity threshold
7 requirements and to ensure best efforts to meet
8 diversity targets, improve diversity at the
9 applicable job site, create diverse apprenticeship
10 opportunities, and create opportunities to employ
11 former coal-fired power plant workers.

12 The Department shall accept applications for this
13 grant program until March 31, 2022 and shall announce
14 the award of grants no later than June 1, 2022. The
15 Department shall make the grant payments to a
16 recipient in equal annual amounts for 10 years
17 following the date the energy storage facility is
18 placed into commercial operation. The annual grant
19 payments to a qualifying energy storage facility shall
20 be \$110,000 per megawatt of energy storage capacity,
21 with total annual grant payments pursuant to this
22 subparagraph (C) for qualifying energy storage
23 facilities not to exceed \$28,050,000 in any year.

24 (D) Grants of funding for energy storage
25 facilities pursuant to subparagraph (C) of this
26 paragraph (10), from the Coal to Solar and Energy

1 Storage Initiative Fund, shall be memorialized in
2 grant contracts between the Department and the
3 recipient. The grant contracts shall specify the date
4 or dates in each year on which the annual grant
5 payments shall be paid.

6 (E) All disbursements from the Coal to Solar and
7 Energy Storage Initiative Fund shall be made only upon
8 warrants of the Comptroller drawn upon the Treasurer
9 as custodian of the Fund upon vouchers signed by the
10 Director of the Department or by the person or persons
11 designated by the Director of the Department for that
12 purpose. The Comptroller is authorized to draw the
13 warrants upon vouchers so signed. The Treasurer shall
14 accept all written warrants so signed and shall be
15 released from liability for all payments made on those
16 warrants.

17 (11) Diversity, equity, and inclusion plans.

18 (A) Each applicant selected in a procurement event
19 to contract to supply renewable energy credits in
20 accordance with this subsection (c-5) and each owner
21 selected by the Department to receive a grant or
22 grants to support the construction and operation of a
23 new energy storage facility or facilities in
24 accordance with this subsection (c-5) shall, within 60
25 days following the Commission's approval of the
26 applicant to contract to supply renewable energy

1 credits or within 60 days following execution of a
2 grant contract with the Department, as applicable,
3 submit to the Commission a diversity, equity, and
4 inclusion plan setting forth the applicant's or
5 owner's numeric goals for the diversity composition of
6 its supplier entities for the new renewable energy
7 facility or new energy storage facility, as
8 applicable, which shall be referred to for purposes of
9 this paragraph (11) as the project, and the
10 applicant's or owner's action plan and schedule for
11 achieving those goals.

12 (B) For purposes of this paragraph (11), diversity
13 composition shall be based on the percentage, which
14 shall be a minimum of 25%, of eligible expenditures
15 for contract awards for materials and services (which
16 shall be defined in the plan) to business enterprises
17 owned by minority persons, women, or persons with
18 disabilities as defined in Section 2 of the Business
19 Enterprise for Minorities, Women, and Persons with
20 Disabilities Act, to LGBTQ business enterprises, to
21 veteran-owned business enterprises, and to business
22 enterprises located in environmental justice
23 communities. The diversity composition goals of the
24 plan may include eligible expenditures in areas for
25 vendor or supplier opportunities in addition to
26 development and construction of the project, and may

1 exclude from eligible expenditures materials and
2 services with limited market availability, limited
3 production and availability from suppliers in the
4 United States, such as solar panels and storage
5 batteries, and material and services that are subject
6 to critical energy infrastructure or cybersecurity
7 requirements or restrictions. The plan may provide
8 that the diversity composition goals may be met
9 through Tier 1 Direct or Tier 2 subcontracting
10 expenditures or a combination thereof for the project.

11 (C) The plan shall provide for, but not be limited
12 to: (i) internal initiatives, including multi-tier
13 initiatives, by the applicant or owner, or by its
14 engineering, procurement and construction contractor
15 if one is used for the project, which for purposes of
16 this paragraph (11) shall be referred to as the EPC
17 contractor, to enable diverse businesses to be
18 considered fairly for selection to provide materials
19 and services; (ii) requirements for the applicant or
20 owner or its EPC contractor to proactively solicit and
21 utilize diverse businesses to provide materials and
22 services; and (iii) requirements for the applicant or
23 owner or its EPC contractor to hire a diverse
24 workforce for the project. The plan shall include a
25 description of the applicant's or owner's diversity
26 recruiting efforts both for the project and for other

1 areas of the applicant's or owner's business
2 operations. The plan shall provide for the imposition
3 of financial penalties on the applicant's or owner's
4 EPC contractor for failure to exercise best efforts to
5 comply with and execute the EPC contractor's diversity
6 obligations under the plan. The plan may provide for
7 the applicant or owner to set aside a portion of the
8 work on the project to serve as an incubation program
9 for qualified businesses, as specified in the plan,
10 owned by minority persons, women, persons with
11 disabilities, LGBTQ persons, and veterans, and
12 businesses located in environmental justice
13 communities, seeking to enter the renewable energy
14 industry.

15 (D) The applicant or owner may submit a revised or
16 updated plan to the Commission from time to time as
17 circumstances warrant. The applicant or owner shall
18 file annual reports with the Commission detailing the
19 applicant's or owner's progress in implementing its
20 plan and achieving its goals and any modifications the
21 applicant or owner has made to its plan to better
22 achieve its diversity, equity and inclusion goals. The
23 applicant or owner shall file a final report on the
24 fifth June 1 following the commercial operation date
25 of the new renewable energy resource or new energy
26 storage facility, but the applicant or owner shall

1 thereafter continue to be subject to applicable
2 reporting requirements of Section 5-117 of the Public
3 Utilities Act.

4 (c-10) Equity accountability system. It is the purpose of
5 this subsection (c-10) to create an equity accountability
6 system, which includes the minimum equity standards for all
7 renewable energy procurements, the equity category of the
8 Adjustable Block Program, and the equity prioritization for
9 noncompetitive procurements, that is successful in advancing
10 priority access to the clean energy economy for businesses and
11 workers from communities that have been excluded from economic
12 opportunities in the energy sector, have been subject to
13 disproportionate levels of pollution, and have
14 disproportionately experienced negative public health
15 outcomes. Further, it is the purpose of this subsection to
16 ensure that this equity accountability system is successful in
17 advancing equity across Illinois by providing access to the
18 clean energy economy for businesses and workers from
19 communities that have been historically excluded from economic
20 opportunities in the energy sector, have been subject to
21 disproportionate levels of pollution, and have
22 disproportionately experienced negative public health
23 outcomes.

24 (1) Minimum equity standards. The Agency shall create
25 programs with the purpose of increasing access to and
26 development of equity eligible contractors, who are prime

1 contractors and subcontractors, across all of the programs
2 it manages. All applications for renewable energy credit
3 procurements shall comply with specific minimum equity
4 commitments. Starting in the delivery year immediately
5 following the next long-term renewable resources
6 procurement plan, at least 10% of the project workforce
7 for each entity participating in a procurement program
8 outlined in this subsection (c-10) must be done by equity
9 eligible persons or equity eligible contractors. The
10 Agency shall increase the minimum percentage each delivery
11 year thereafter by increments that ensure a statewide
12 average of 30% of the project workforce for each entity
13 participating in a procurement program is done by equity
14 eligible persons or equity eligible contractors by 2030.
15 The Agency shall propose a schedule of percentage
16 increases to the minimum equity standards in its draft
17 revised renewable energy resources procurement plan
18 submitted to the Commission for approval pursuant to
19 paragraph (5) of subsection (b) of Section 16-111.5 of the
20 Public Utilities Act. In determining these annual
21 increases, the Agency shall have the discretion to
22 establish different minimum equity standards for different
23 types of procurements and different regions of the State
24 if the Agency finds that doing so will further the
25 purposes of this subsection (c-10). The proposed schedule
26 of annual increases shall be revisited and updated on an

1 annual basis. Revisions shall be developed with
2 stakeholder input, including from equity eligible persons,
3 equity eligible contractors, clean energy industry
4 representatives, and community-based organizations that
5 work with such persons and contractors.

6 (A) At the start of each delivery year, the Agency
7 shall require a compliance plan from each entity
8 participating in a procurement program of subsection
9 (c) of this Section, and entities opting to comply
10 with the minimum equity standard through the Illinois
11 Solar for All Program under Section 1-56 of this Act,
12 that demonstrates how they will achieve compliance
13 with the minimum equity standard percentage for work
14 completed in that delivery year. If an entity applies
15 for its approved vendor or designee status between
16 delivery years, the Agency shall require a compliance
17 plan at the time of application.

18 (B) Halfway through each delivery year, the Agency
19 shall require each entity participating in a
20 procurement program to confirm that it will achieve
21 compliance in that delivery year, when applicable. The
22 Agency may offer corrective action plans to entities
23 that are not on track to achieve compliance.

24 (C) At the end of each delivery year, each entity
25 participating and completing work in that delivery
26 year in a procurement program of subsection (c) shall

1 submit a report to the Agency that demonstrates how it
2 achieved compliance with the minimum equity standards
3 percentage for that delivery year.

4 (D) The Agency shall prohibit participation in
5 procurement programs by an approved vendor or
6 designee, as applicable, or entities with which an
7 approved vendor or designee, as applicable, shares a
8 common parent company if an approved vendor or
9 designee, as applicable, failed to meet the minimum
10 equity standards for the prior delivery year. Waivers
11 approved for lack of equity eligible persons or equity
12 eligible contractors in a geographic area of a project
13 shall not count against the approved vendor or
14 designee. The Agency shall offer a corrective action
15 plan for any such entities to assist them in obtaining
16 compliance and shall allow continued access to
17 procurement programs upon an approved vendor or
18 designee demonstrating compliance.

19 (E) The Agency shall pursue efficiencies achieved
20 by combining with other approved vendor or designee
21 reporting.

22 (2) Equity accountability system within the Adjustable
23 Block program. The equity category described in item (vi)
24 of subparagraph (K) of subsection (c) is only available to
25 applicants that are equity eligible contractors.

26 (3) Equity accountability system within competitive

1 procurements. Through its long-term renewable resources
2 procurement plan, the Agency shall develop requirements
3 for ensuring that competitive procurement processes,
4 including utility-scale solar, utility-scale wind, and
5 brownfield site photovoltaic projects, advance the equity
6 goals of this subsection (c-10). Subject to Commission
7 approval, the Agency shall develop bid application
8 requirements and a bid evaluation methodology for ensuring
9 that utilization of equity eligible contractors, whether
10 as bidders or as participants on project development, is
11 optimized, including requiring that winning or successful
12 applicants for utility-scale projects are or will partner
13 with equity eligible contractors and giving preference to
14 bids through which a higher portion of contract value
15 flows to equity eligible contractors. To the extent
16 practicable, entities participating in competitive
17 procurements shall also be required to meet all the equity
18 accountability requirements for approved vendors and their
19 designees under this subsection (c-10). In developing
20 these requirements, the Agency shall also consider whether
21 equity goals can be further advanced through additional
22 measures.

23 (4) In the first revision to the long-term renewable
24 energy resources procurement plan and each revision
25 thereafter, the Agency shall include the following:

26 (A) The current status and number of equity

1 eligible contractors listed in the Energy Workforce
2 Equity Database designed in subsection (c-25),
3 including the number of equity eligible contractors
4 with current certifications as issued by the Agency.

5 (B) A mechanism for measuring, tracking, and
6 reporting project workforce at the approved vendor or
7 designee level, as applicable, which shall include a
8 measurement methodology and records to be made
9 available for audit by the Agency or the Program
10 Administrator.

11 (C) A program for approved vendors, designees,
12 eligible persons, and equity eligible contractors to
13 receive trainings, guidance, and other support from
14 the Agency or its designee regarding the equity
15 category outlined in item (vi) of subparagraph (K) of
16 paragraph (1) of subsection (c) and in meeting the
17 minimum equity standards of this subsection (c-10).

18 (D) A process for certifying equity eligible
19 contractors and equity eligible persons. The
20 certification process shall coordinate with the Energy
21 Workforce Equity Database set forth in subsection
22 (c-25).

23 (E) An application for waiver of the minimum
24 equity standards of this subsection, which the Agency
25 shall have the discretion to grant in rare
26 circumstances. The Agency may grant such a waiver

1 where the applicant provides evidence of significant
2 efforts toward meeting the minimum equity commitment,
3 including: use of the Energy Workforce Equity
4 Database; efforts to hire or contract with entities
5 that hire eligible persons; and efforts to establish
6 contracting relationships with eligible contractors.
7 The Agency shall support applicants in understanding
8 the Energy Workforce Equity Database and other
9 resources for pursuing compliance of the minimum
10 equity standards. Waivers shall be project-specific,
11 unless the Agency deems it necessary to grant a waiver
12 across a portfolio of projects, and in effect for no
13 longer than one year. Any waiver extension or
14 subsequent waiver request from an applicant shall be
15 subject to the requirements of this Section and shall
16 specify efforts made to reach compliance. When
17 considering whether to grant a waiver, and to what
18 extent, the Agency shall consider the degree to which
19 similarly situated applicants have been able to meet
20 these minimum equity commitments. For repeated waiver
21 requests for specific lack of eligible persons or
22 eligible contractors available, the Agency shall make
23 recommendations to target recruitment to add such
24 eligible persons or eligible contractors to the
25 database.

26 (5) The Agency shall collect information about work on

1 projects or portfolios of projects subject to these
2 minimum equity standards to ensure compliance with this
3 subsection (c-10). Reporting in furtherance of this
4 requirement may be combined with other annual reporting
5 requirements. Such reporting shall include proof of
6 certification of each equity eligible contractor or equity
7 eligible person during the applicable time period.

8 As part of the reporting requirement under this
9 subparagraph (5), the Agency shall collect and report
10 information about the use of equity eligible contractors
11 and equity eligible persons, as well as Minimum Equity
12 Standard compliance and waiver usage on the Adjustable
13 Block program and utility-scale projects subject to
14 project labor agreements. The Agency shall note any
15 instances of the projects being unable to meet or
16 requiring a waiver to meet Minimum Equity Standard
17 requirements and the location of those projects.

18 On an annual basis, the Agency shall submit a written
19 summary of its findings on an annual basis to the General
20 Assembly and the Governor and shall make the report and
21 summary available on the Agency's website.

22 (6) The Agency shall keep confidential all information
23 and communication that provides private or personal
24 information.

25 (7) Modifications to the equity accountability system.
26 As part of the update of the long-term renewable resources

1 procurement plan to be initiated in 2023, or sooner if the
2 Agency deems necessary, the Agency shall determine the
3 extent to which the equity accountability system described
4 in this subsection (c-10) has advanced the goals of this
5 amendatory Act of the 102nd General Assembly, including
6 through the inclusion of equity eligible persons and
7 equity eligible contractors in renewable energy credit
8 projects. If the Agency finds that the equity
9 accountability system has failed to meet those goals to
10 its fullest potential, the Agency may revise the following
11 criteria for future Agency procurements: (A) the
12 percentage of project workforce, or other appropriate
13 workforce measure, certified as equity eligible persons or
14 equity eligible contractors; (B) definitions for equity
15 investment eligible persons and equity investment eligible
16 community; and (C) such other modifications necessary to
17 advance the goals of this amendatory Act of the 102nd
18 General Assembly effectively. Such revised criteria may
19 also establish distinct equity accountability systems for
20 different types of procurements or different regions of
21 the State if the Agency finds that doing so will further
22 the purposes of such programs. Revisions shall be
23 developed with stakeholder input, including from equity
24 eligible persons, equity eligible contractors, and
25 community-based organizations that work with such persons
26 and contractors.

1 (c-15) Racial discrimination elimination powers and
2 process.

3 (1) Purpose. It is the purpose of this subsection to
4 empower the Agency and other State actors to remedy racial
5 discrimination in Illinois' clean energy economy as
6 effectively and expediently as possible, including through
7 the use of race-conscious remedies, such as race-conscious
8 contracting and hiring goals, as consistent with State and
9 federal law.

10 (2) Racial disparity and discrimination review
11 process.

12 (A) Within one year after awarding contracts using
13 the equity actions processes established in this
14 Section, the Agency shall publish a report evaluating
15 the effectiveness of the equity actions point criteria
16 of this Section in increasing participation of equity
17 eligible persons and equity eligible contractors. The
18 report shall disaggregate participating workers and
19 contractors by race and ethnicity. The report shall be
20 forwarded to the Governor, the General Assembly, and
21 the Illinois Commerce Commission and be made available
22 to the public.

23 (B) As soon as is practicable thereafter, the
24 Agency, in consultation with the Department of
25 Commerce and Economic Opportunity, Department of
26 Labor, and other agencies that may be relevant, shall

1 commission and publish a disparity and availability
2 study that measures the presence and impact of
3 discrimination on minority businesses and workers in
4 Illinois' clean energy economy. The Agency may hire
5 consultants and experts to conduct the disparity and
6 availability study, with the retention of those
7 consultants and experts exempt from the requirements
8 of Section 20-10 of the Illinois Procurement Code. The
9 Illinois Power Agency shall forward a copy of its
10 findings and recommendations to the Governor, the
11 General Assembly, and the Illinois Commerce
12 Commission. If the disparity and availability study
13 establishes a strong basis in evidence that there is
14 discrimination in Illinois' clean energy economy, the
15 Agency, Department of Commerce and Economic
16 Opportunity, Department of Labor, Department of
17 Corrections, and other appropriate agencies shall take
18 appropriate remedial actions, including race-conscious
19 remedial actions as consistent with State and federal
20 law, to effectively remedy this discrimination. Such
21 remedies may include modification of the equity
22 accountability system as described in subsection
23 (c-10).

24 (c-20) Program data collection.

25 (1) Purpose. Data collection, data analysis, and
26 reporting are critical to ensure that the benefits of the

1 clean energy economy provided to Illinois residents and
2 businesses are equitably distributed across the State. The
3 Agency shall collect data from program applicants in order
4 to track and improve equitable distribution of benefits
5 across Illinois communities for all procurements the
6 Agency conducts. The Agency shall use this data to, among
7 other things, measure any potential impact of racial
8 discrimination on the distribution of benefits and provide
9 information necessary to correct any discrimination
10 through methods consistent with State and federal law.

11 (2) Agency collection of program data. The Agency
12 shall collect demographic and geographic data for each
13 entity awarded contracts under any Agency-administered
14 program.

15 (3) Required information to be collected. The Agency
16 shall collect the following information from applicants
17 and program participants where applicable:

18 (A) demographic information, including racial or
19 ethnic identity for real persons employed, contracted,
20 or subcontracted through the program and owners of
21 businesses or entities that apply to receive renewable
22 energy credits from the Agency;

23 (B) geographic location of the residency of real
24 persons employed, contracted, or subcontracted through
25 the program and geographic location of the
26 headquarters of the business or entity that applies to

1 receive renewable energy credits from the Agency; and

2 (C) any other information the Agency determines is
3 necessary for the purpose of achieving the purpose of
4 this subsection.

5 (4) Publication of collected information. The Agency
6 shall publish, at least annually, information on the
7 demographics of program participants on an aggregate
8 basis.

9 (5) Nothing in this subsection shall be interpreted to
10 limit the authority of the Agency, or other agency or
11 department of the State, to require or collect demographic
12 information from applicants of other State programs.

13 (c-25) Energy Workforce Equity Database.

14 (1) The Agency, in consultation with the Department of
15 Commerce and Economic Opportunity, shall create an Energy
16 Workforce Equity Database, and may contract with a third
17 party to do so ("database program administrator"). If the
18 Department decides to contract with a third party, that
19 third party shall be exempt from the requirements of
20 Section 20-10 of the Illinois Procurement Code. The Energy
21 Workforce Equity Database shall be a searchable database
22 of suppliers, vendors, and subcontractors for clean energy
23 industries that is:

24 (A) publicly accessible;

25 (B) easy for people to find and use;

26 (C) organized by company specialty or field;

1 (D) region-specific; and

2 (E) populated with information including, but not
3 limited to, contacts for suppliers, vendors, or
4 subcontractors who are minority and women-owned
5 business enterprise certified or who participate or
6 have participated in any of the programs described in
7 this Act.

8 (2) The Agency shall create an easily accessible,
9 public facing online tool using the database information
10 that includes, at a minimum, the following:

11 (A) a map of environmental justice and equity
12 investment eligible communities;

13 (B) job postings and recruiting opportunities;

14 (C) a means by which recruiting clean energy
15 companies can find and interact with current or former
16 participants of clean energy workforce training
17 programs;

18 (D) information on workforce training service
19 providers and training opportunities available to
20 prospective workers;

21 (E) renewable energy company diversity reporting;

22 (F) a list of equity eligible contractors with
23 their contact information, types of work performed,
24 and locations worked in;

25 (G) reporting on outcomes of the programs
26 described in the workforce programs of the Energy

1 Transition Act, including information such as, but not
2 limited to, retention rate, graduation rate, and
3 placement rates of trainees; and

4 (H) information about the Jobs and Environmental
5 Justice Grant Program, the Clean Energy Jobs and
6 Justice Fund, and other sources of capital.

7 (3) The Agency shall ensure the database is regularly
8 updated to ensure information is current and shall
9 coordinate with the Department of Commerce and Economic
10 Opportunity to ensure that it includes information on
11 individuals and entities that are or have participated in
12 the Clean Jobs Workforce Network Program, Clean Energy
13 Contractor Incubator Program, Returning Residents Clean
14 Jobs Training Program, or Clean Energy Primes Contractor
15 Accelerator Program.

16 (c-30) Enforcement of minimum equity standards. All
17 entities seeking renewable energy credits must submit an
18 annual report to demonstrate compliance with each of the
19 equity commitments required under subsection (c-10). If the
20 Agency concludes the entity has not met or maintained its
21 minimum equity standards required under the applicable
22 subparagraphs under subsection (c-10), the Agency shall deny
23 the entity's ability to participate in procurement programs in
24 subsection (c), including by withholding approved vendor or
25 designee status. The Agency may require the entity to enter
26 into a corrective action plan. An entity that is not

1 recertified for failing to meet required equity actions in
2 subparagraph (c-10) may reapply once they have a corrective
3 action plan and achieve compliance with the minimum equity
4 standards.

5 (d) Clean coal portfolio standard.

6 (1) The procurement plans shall include electricity
7 generated using clean coal. Each utility shall enter into
8 one or more sourcing agreements with the initial clean
9 coal facility, as provided in paragraph (3) of this
10 subsection (d), covering electricity generated by the
11 initial clean coal facility representing at least 5% of
12 each utility's total supply to serve the load of eligible
13 retail customers in 2015 and each year thereafter, as
14 described in paragraph (3) of this subsection (d), subject
15 to the limits specified in paragraph (2) of this
16 subsection (d). It is the goal of the State that by January
17 1, 2025, 25% of the electricity used in the State shall be
18 generated by cost-effective clean coal facilities. For
19 purposes of this subsection (d), "cost-effective" means
20 that the expenditures pursuant to such sourcing agreements
21 do not cause the limit stated in paragraph (2) of this
22 subsection (d) to be exceeded and do not exceed cost-based
23 benchmarks, which shall be developed to assess all
24 expenditures pursuant to such sourcing agreements covering
25 electricity generated by clean coal facilities, other than
26 the initial clean coal facility, by the procurement

1 administrator, in consultation with the Commission staff,
2 Agency staff, and the procurement monitor and shall be
3 subject to Commission review and approval.

4 A utility party to a sourcing agreement shall
5 immediately retire any emission credits that it receives
6 in connection with the electricity covered by such
7 agreement.

8 Utilities shall maintain adequate records documenting
9 the purchases under the sourcing agreement to comply with
10 this subsection (d) and shall file an accounting with the
11 load forecast that must be filed with the Agency by July 15
12 of each year, in accordance with subsection (d) of Section
13 16-111.5 of the Public Utilities Act.

14 A utility shall be deemed to have complied with the
15 clean coal portfolio standard specified in this subsection
16 (d) if the utility enters into a sourcing agreement as
17 required by this subsection (d).

18 (2) For purposes of this subsection (d), the required
19 execution of sourcing agreements with the initial clean
20 coal facility for a particular year shall be measured as a
21 percentage of the actual amount of electricity
22 (megawatt-hours) supplied by the electric utility to
23 eligible retail customers in the planning year ending
24 immediately prior to the agreement's execution. For
25 purposes of this subsection (d), the amount paid per
26 kilowatthour means the total amount paid for electric

1 service expressed on a per kilowatthour basis. For
2 purposes of this subsection (d), the total amount paid for
3 electric service includes without limitation amounts paid
4 for supply, transmission, distribution, surcharges and
5 add-on taxes.

6 Notwithstanding the requirements of this subsection
7 (d), the total amount paid under sourcing agreements with
8 clean coal facilities pursuant to the procurement plan for
9 any given year shall be reduced by an amount necessary to
10 limit the annual estimated average net increase due to the
11 costs of these resources included in the amounts paid by
12 eligible retail customers in connection with electric
13 service to:

14 (A) in 2010, no more than 0.5% of the amount paid
15 per kilowatthour by those customers during the year
16 ending May 31, 2009;

17 (B) in 2011, the greater of an additional 0.5% of
18 the amount paid per kilowatthour by those customers
19 during the year ending May 31, 2010 or 1% of the amount
20 paid per kilowatthour by those customers during the
21 year ending May 31, 2009;

22 (C) in 2012, the greater of an additional 0.5% of
23 the amount paid per kilowatthour by those customers
24 during the year ending May 31, 2011 or 1.5% of the
25 amount paid per kilowatthour by those customers during
26 the year ending May 31, 2009;

1 (D) in 2013, the greater of an additional 0.5% of
2 the amount paid per kilowatthour by those customers
3 during the year ending May 31, 2012 or 2% of the amount
4 paid per kilowatthour by those customers during the
5 year ending May 31, 2009; and

6 (E) thereafter, the total amount paid under
7 sourcing agreements with clean coal facilities
8 pursuant to the procurement plan for any single year
9 shall be reduced by an amount necessary to limit the
10 estimated average net increase due to the cost of
11 these resources included in the amounts paid by
12 eligible retail customers in connection with electric
13 service to no more than the greater of (i) 2.015% of
14 the amount paid per kilowatthour by those customers
15 during the year ending May 31, 2009 or (ii) the
16 incremental amount per kilowatthour paid for these
17 resources in 2013. These requirements may be altered
18 only as provided by statute.

19 No later than June 30, 2015, the Commission shall
20 review the limitation on the total amount paid under
21 sourcing agreements, if any, with clean coal facilities
22 pursuant to this subsection (d) and report to the General
23 Assembly its findings as to whether that limitation unduly
24 constrains the amount of electricity generated by
25 cost-effective clean coal facilities that is covered by
26 sourcing agreements.

1 (3) Initial clean coal facility. In order to promote
2 development of clean coal facilities in Illinois, each
3 electric utility subject to this Section shall execute a
4 sourcing agreement to source electricity from a proposed
5 clean coal facility in Illinois (the "initial clean coal
6 facility") that will have a nameplate capacity of at least
7 500 MW when commercial operation commences, that has a
8 final Clean Air Act permit on June 1, 2009 (the effective
9 date of Public Act 95-1027), and that will meet the
10 definition of clean coal facility in Section 1-10 of this
11 Act when commercial operation commences. The sourcing
12 agreements with this initial clean coal facility shall be
13 subject to both approval of the initial clean coal
14 facility by the General Assembly and satisfaction of the
15 requirements of paragraph (4) of this subsection (d) and
16 shall be executed within 90 days after any such approval
17 by the General Assembly. The Agency and the Commission
18 shall have authority to inspect all books and records
19 associated with the initial clean coal facility during the
20 term of such a sourcing agreement. A utility's sourcing
21 agreement for electricity produced by the initial clean
22 coal facility shall include:

23 (A) a formula contractual price (the "contract
24 price") approved pursuant to paragraph (4) of this
25 subsection (d), which shall:

26 (i) be determined using a cost of service

1 methodology employing either a level or deferred
2 capital recovery component, based on a capital
3 structure consisting of 45% equity and 55% debt,
4 and a return on equity as may be approved by the
5 Federal Energy Regulatory Commission, which in any
6 case may not exceed the lower of 11.5% or the rate
7 of return approved by the General Assembly
8 pursuant to paragraph (4) of this subsection (d);
9 and

10 (ii) provide that all miscellaneous net
11 revenue, including but not limited to net revenue
12 from the sale of emission allowances, if any,
13 substitute natural gas, if any, grants or other
14 support provided by the State of Illinois or the
15 United States Government, firm transmission
16 rights, if any, by-products produced by the
17 facility, energy or capacity derived from the
18 facility and not covered by a sourcing agreement
19 pursuant to paragraph (3) of this subsection (d)
20 or item (5) of subsection (d) of Section 16-115 of
21 the Public Utilities Act, whether generated from
22 the synthesis gas derived from coal, from SNG, or
23 from natural gas, shall be credited against the
24 revenue requirement for this initial clean coal
25 facility;

26 (B) power purchase provisions, which shall:

1 (i) provide that the utility party to such
2 sourcing agreement shall pay the contract price
3 for electricity delivered under such sourcing
4 agreement;

5 (ii) require delivery of electricity to the
6 regional transmission organization market of the
7 utility that is party to such sourcing agreement;

8 (iii) require the utility party to such
9 sourcing agreement to buy from the initial clean
10 coal facility in each hour an amount of energy
11 equal to all clean coal energy made available from
12 the initial clean coal facility during such hour
13 times a fraction, the numerator of which is such
14 utility's retail market sales of electricity
15 (expressed in kilowatthours sold) in the State
16 during the prior calendar month and the
17 denominator of which is the total retail market
18 sales of electricity (expressed in kilowatthours
19 sold) in the State by utilities during such prior
20 month and the sales of electricity (expressed in
21 kilowatthours sold) in the State by alternative
22 retail electric suppliers during such prior month
23 that are subject to the requirements of this
24 subsection (d) and paragraph (5) of subsection (d)
25 of Section 16-115 of the Public Utilities Act,
26 provided that the amount purchased by the utility

1 in any year will be limited by paragraph (2) of
2 this subsection (d); and

3 (iv) be considered pre-existing contracts in
4 such utility's procurement plans for eligible
5 retail customers;

6 (C) contract for differences provisions, which
7 shall:

8 (i) require the utility party to such sourcing
9 agreement to contract with the initial clean coal
10 facility in each hour with respect to an amount of
11 energy equal to all clean coal energy made
12 available from the initial clean coal facility
13 during such hour times a fraction, the numerator
14 of which is such utility's retail market sales of
15 electricity (expressed in kilowatthours sold) in
16 the utility's service territory in the State
17 during the prior calendar month and the
18 denominator of which is the total retail market
19 sales of electricity (expressed in kilowatthours
20 sold) in the State by utilities during such prior
21 month and the sales of electricity (expressed in
22 kilowatthours sold) in the State by alternative
23 retail electric suppliers during such prior month
24 that are subject to the requirements of this
25 subsection (d) and paragraph (5) of subsection (d)
26 of Section 16-115 of the Public Utilities Act,

1 provided that the amount paid by the utility in
2 any year will be limited by paragraph (2) of this
3 subsection (d);

4 (ii) provide that the utility's payment
5 obligation in respect of the quantity of
6 electricity determined pursuant to the preceding
7 clause (i) shall be limited to an amount equal to
8 (1) the difference between the contract price
9 determined pursuant to subparagraph (A) of
10 paragraph (3) of this subsection (d) and the
11 day-ahead price for electricity delivered to the
12 regional transmission organization market of the
13 utility that is party to such sourcing agreement
14 (or any successor delivery point at which such
15 utility's supply obligations are financially
16 settled on an hourly basis) (the "reference
17 price") on the day preceding the day on which the
18 electricity is delivered to the initial clean coal
19 facility busbar, multiplied by (2) the quantity of
20 electricity determined pursuant to the preceding
21 clause (i); and

22 (iii) not require the utility to take physical
23 delivery of the electricity produced by the
24 facility;

25 (D) general provisions, which shall:

26 (i) specify a term of no more than 30 years,

1 commencing on the commercial operation date of the
2 facility;

3 (ii) provide that utilities shall maintain
4 adequate records documenting purchases under the
5 sourcing agreements entered into to comply with
6 this subsection (d) and shall file an accounting
7 with the load forecast that must be filed with the
8 Agency by July 15 of each year, in accordance with
9 subsection (d) of Section 16-111.5 of the Public
10 Utilities Act;

11 (iii) provide that all costs associated with
12 the initial clean coal facility will be
13 periodically reported to the Federal Energy
14 Regulatory Commission and to purchasers in
15 accordance with applicable laws governing
16 cost-based wholesale power contracts;

17 (iv) permit the Illinois Power Agency to
18 assume ownership of the initial clean coal
19 facility, without monetary consideration and
20 otherwise on reasonable terms acceptable to the
21 Agency, if the Agency so requests no less than 3
22 years prior to the end of the stated contract
23 term;

24 (v) require the owner of the initial clean
25 coal facility to provide documentation to the
26 Commission each year, starting in the facility's

1 first year of commercial operation, accurately
2 reporting the quantity of carbon emissions from
3 the facility that have been captured and
4 sequestered and report any quantities of carbon
5 released from the site or sites at which carbon
6 emissions were sequestered in prior years, based
7 on continuous monitoring of such sites. If, in any
8 year after the first year of commercial operation,
9 the owner of the facility fails to demonstrate
10 that the initial clean coal facility captured and
11 sequestered at least 50% of the total carbon
12 emissions that the facility would otherwise emit
13 or that sequestration of emissions from prior
14 years has failed, resulting in the release of
15 carbon dioxide into the atmosphere, the owner of
16 the facility must offset excess emissions. Any
17 such carbon offsets must be permanent, additional,
18 verifiable, real, located within the State of
19 Illinois, and legally and practicably enforceable.
20 The cost of such offsets for the facility that are
21 not recoverable shall not exceed \$15 million in
22 any given year. No costs of any such purchases of
23 carbon offsets may be recovered from a utility or
24 its customers. All carbon offsets purchased for
25 this purpose and any carbon emission credits
26 associated with sequestration of carbon from the

1 facility must be permanently retired. The initial
2 clean coal facility shall not forfeit its
3 designation as a clean coal facility if the
4 facility fails to fully comply with the applicable
5 carbon sequestration requirements in any given
6 year, provided the requisite offsets are
7 purchased. However, the Attorney General, on
8 behalf of the People of the State of Illinois, may
9 specifically enforce the facility's sequestration
10 requirement and the other terms of this contract
11 provision. Compliance with the sequestration
12 requirements and offset purchase requirements
13 specified in paragraph (3) of this subsection (d)
14 shall be reviewed annually by an independent
15 expert retained by the owner of the initial clean
16 coal facility, with the advance written approval
17 of the Attorney General. The Commission may, in
18 the course of the review specified in item (vii),
19 reduce the allowable return on equity for the
20 facility if the facility willfully fails to comply
21 with the carbon capture and sequestration
22 requirements set forth in this item (v);

23 (vi) include limits on, and accordingly
24 provide for modification of, the amount the
25 utility is required to source under the sourcing
26 agreement consistent with paragraph (2) of this

1 subsection (d);

2 (vii) require Commission review: (1) to
3 determine the justness, reasonableness, and
4 prudence of the inputs to the formula referenced
5 in subparagraphs (A)(i) through (A)(iii) of
6 paragraph (3) of this subsection (d), prior to an
7 adjustment in those inputs including, without
8 limitation, the capital structure and return on
9 equity, fuel costs, and other operations and
10 maintenance costs and (2) to approve the costs to
11 be passed through to customers under the sourcing
12 agreement by which the utility satisfies its
13 statutory obligations. Commission review shall
14 occur no less than every 3 years, regardless of
15 whether any adjustments have been proposed, and
16 shall be completed within 9 months;

17 (viii) limit the utility's obligation to such
18 amount as the utility is allowed to recover
19 through tariffs filed with the Commission,
20 provided that neither the clean coal facility nor
21 the utility waives any right to assert federal
22 pre-emption or any other argument in response to a
23 purported disallowance of recovery costs;

24 (ix) limit the utility's or alternative retail
25 electric supplier's obligation to incur any
26 liability until such time as the facility is in

1 commercial operation and generating power and
2 energy and such power and energy is being
3 delivered to the facility busbar;

4 (x) provide that the owner or owners of the
5 initial clean coal facility, which is the
6 counterparty to such sourcing agreement, shall
7 have the right from time to time to elect whether
8 the obligations of the utility party thereto shall
9 be governed by the power purchase provisions or
10 the contract for differences provisions;

11 (xi) append documentation showing that the
12 formula rate and contract, insofar as they relate
13 to the power purchase provisions, have been
14 approved by the Federal Energy Regulatory
15 Commission pursuant to Section 205 of the Federal
16 Power Act;

17 (xii) provide that any changes to the terms of
18 the contract, insofar as such changes relate to
19 the power purchase provisions, are subject to
20 review under the public interest standard applied
21 by the Federal Energy Regulatory Commission
22 pursuant to Sections 205 and 206 of the Federal
23 Power Act; and

24 (xiii) conform with customary lender
25 requirements in power purchase agreements used as
26 the basis for financing non-utility generators.

1 (4) Effective date of sourcing agreements with the
2 initial clean coal facility. Any proposed sourcing
3 agreement with the initial clean coal facility shall not
4 become effective unless the following reports are prepared
5 and submitted and authorizations and approvals obtained:

6 (i) Facility cost report. The owner of the initial
7 clean coal facility shall submit to the Commission,
8 the Agency, and the General Assembly a front-end
9 engineering and design study, a facility cost report,
10 method of financing (including but not limited to
11 structure and associated costs), and an operating and
12 maintenance cost quote for the facility (collectively
13 "facility cost report"), which shall be prepared in
14 accordance with the requirements of this paragraph (4)
15 of subsection (d) of this Section, and shall provide
16 the Commission and the Agency access to the work
17 papers, relied upon documents, and any other backup
18 documentation related to the facility cost report.

19 (ii) Commission report. Within 6 months following
20 receipt of the facility cost report, the Commission,
21 in consultation with the Agency, shall submit a report
22 to the General Assembly setting forth its analysis of
23 the facility cost report. Such report shall include,
24 but not be limited to, a comparison of the costs
25 associated with electricity generated by the initial
26 clean coal facility to the costs associated with

1 electricity generated by other types of generation
2 facilities, an analysis of the rate impacts on
3 residential and small business customers over the life
4 of the sourcing agreements, and an analysis of the
5 likelihood that the initial clean coal facility will
6 commence commercial operation by and be delivering
7 power to the facility's busbar by 2016. To assist in
8 the preparation of its report, the Commission, in
9 consultation with the Agency, may hire one or more
10 experts or consultants, the costs of which shall be
11 paid for by the owner of the initial clean coal
12 facility. The Commission and Agency may begin the
13 process of selecting such experts or consultants prior
14 to receipt of the facility cost report.

15 (iii) General Assembly approval. The proposed
16 sourcing agreements shall not take effect unless,
17 based on the facility cost report and the Commission's
18 report, the General Assembly enacts authorizing
19 legislation approving (A) the projected price, stated
20 in cents per kilowatthour, to be charged for
21 electricity generated by the initial clean coal
22 facility, (B) the projected impact on residential and
23 small business customers' bills over the life of the
24 sourcing agreements, and (C) the maximum allowable
25 return on equity for the project; and

26 (iv) Commission review. If the General Assembly

1 enacts authorizing legislation pursuant to
2 subparagraph (iii) approving a sourcing agreement, the
3 Commission shall, within 90 days of such enactment,
4 complete a review of such sourcing agreement. During
5 such time period, the Commission shall implement any
6 directive of the General Assembly, resolve any
7 disputes between the parties to the sourcing agreement
8 concerning the terms of such agreement, approve the
9 form of such agreement, and issue an order finding
10 that the sourcing agreement is prudent and reasonable.
11 The facility cost report shall be prepared as follows:

12 (A) The facility cost report shall be prepared by
13 duly licensed engineering and construction firms
14 detailing the estimated capital costs payable to one
15 or more contractors or suppliers for the engineering,
16 procurement and construction of the components
17 comprising the initial clean coal facility and the
18 estimated costs of operation and maintenance of the
19 facility. The facility cost report shall include:

20 (i) an estimate of the capital cost of the
21 core plant based on one or more front end
22 engineering and design studies for the
23 gasification island and related facilities. The
24 core plant shall include all civil, structural,
25 mechanical, electrical, control, and safety
26 systems.

1 (ii) an estimate of the capital cost of the
2 balance of the plant, including any capital costs
3 associated with sequestration of carbon dioxide
4 emissions and all interconnects and interfaces
5 required to operate the facility, such as
6 transmission of electricity, construction or
7 backfeed power supply, pipelines to transport
8 substitute natural gas or carbon dioxide, potable
9 water supply, natural gas supply, water supply,
10 water discharge, landfill, access roads, and coal
11 delivery.

12 The quoted construction costs shall be expressed
13 in nominal dollars as of the date that the quote is
14 prepared and shall include capitalized financing costs
15 during construction, taxes, insurance, and other
16 owner's costs, and an assumed escalation in materials
17 and labor beyond the date as of which the construction
18 cost quote is expressed.

19 (B) The front end engineering and design study for
20 the gasification island and the cost study for the
21 balance of plant shall include sufficient design work
22 to permit quantification of major categories of
23 materials, commodities and labor hours, and receipt of
24 quotes from vendors of major equipment required to
25 construct and operate the clean coal facility.

26 (C) The facility cost report shall also include an

1 operating and maintenance cost quote that will provide
2 the estimated cost of delivered fuel, personnel,
3 maintenance contracts, chemicals, catalysts,
4 consumables, spares, and other fixed and variable
5 operations and maintenance costs. The delivered fuel
6 cost estimate will be provided by a recognized third
7 party expert or experts in the fuel and transportation
8 industries. The balance of the operating and
9 maintenance cost quote, excluding delivered fuel
10 costs, will be developed based on the inputs provided
11 by duly licensed engineering and construction firms
12 performing the construction cost quote, potential
13 vendors under long-term service agreements and plant
14 operating agreements, or recognized third party plant
15 operator or operators.

16 The operating and maintenance cost quote
17 (including the cost of the front end engineering and
18 design study) shall be expressed in nominal dollars as
19 of the date that the quote is prepared and shall
20 include taxes, insurance, and other owner's costs, and
21 an assumed escalation in materials and labor beyond
22 the date as of which the operating and maintenance
23 cost quote is expressed.

24 (D) The facility cost report shall also include an
25 analysis of the initial clean coal facility's ability
26 to deliver power and energy into the applicable

1 regional transmission organization markets and an
2 analysis of the expected capacity factor for the
3 initial clean coal facility.

4 (E) Amounts paid to third parties unrelated to the
5 owner or owners of the initial clean coal facility to
6 prepare the core plant construction cost quote,
7 including the front end engineering and design study,
8 and the operating and maintenance cost quote will be
9 reimbursed through Coal Development Bonds.

10 (5) Re-powering and retrofitting coal-fired power
11 plants previously owned by Illinois utilities to qualify
12 as clean coal facilities. During the 2009 procurement
13 planning process and thereafter, the Agency and the
14 Commission shall consider sourcing agreements covering
15 electricity generated by power plants that were previously
16 owned by Illinois utilities and that have been or will be
17 converted into clean coal facilities, as defined by
18 Section 1-10 of this Act. Pursuant to such procurement
19 planning process, the owners of such facilities may
20 propose to the Agency sourcing agreements with utilities
21 and alternative retail electric suppliers required to
22 comply with subsection (d) of this Section and item (5) of
23 subsection (d) of Section 16-115 of the Public Utilities
24 Act, covering electricity generated by such facilities. In
25 the case of sourcing agreements that are power purchase
26 agreements, the contract price for electricity sales shall

1 be established on a cost of service basis. In the case of
2 sourcing agreements that are contracts for differences,
3 the contract price from which the reference price is
4 subtracted shall be established on a cost of service
5 basis. The Agency and the Commission may approve any such
6 utility sourcing agreements that do not exceed cost-based
7 benchmarks developed by the procurement administrator, in
8 consultation with the Commission staff, Agency staff and
9 the procurement monitor, subject to Commission review and
10 approval. The Commission shall have authority to inspect
11 all books and records associated with these clean coal
12 facilities during the term of any such contract.

13 (6) Costs incurred under this subsection (d) or
14 pursuant to a contract entered into under this subsection
15 (d) shall be deemed prudently incurred and reasonable in
16 amount and the electric utility shall be entitled to full
17 cost recovery pursuant to the tariffs filed with the
18 Commission.

19 (d-5) Zero emission standard.

20 (1) Beginning with the delivery year commencing on
21 June 1, 2017, the Agency shall, for electric utilities
22 that serve at least 100,000 retail customers in this
23 State, procure contracts with zero emission facilities
24 that are reasonably capable of generating cost-effective
25 zero emission credits in an amount approximately equal to
26 16% of the actual amount of electricity delivered by each

1 electric utility to retail customers in the State during
2 calendar year 2014. For an electric utility serving fewer
3 than 100,000 retail customers in this State that
4 requested, under Section 16-111.5 of the Public Utilities
5 Act, that the Agency procure power and energy for all or a
6 portion of the utility's Illinois load for the delivery
7 year commencing June 1, 2016, the Agency shall procure
8 contracts with zero emission facilities that are
9 reasonably capable of generating cost-effective zero
10 emission credits in an amount approximately equal to 16%
11 of the portion of power and energy to be procured by the
12 Agency for the utility. The duration of the contracts
13 procured under this subsection (d-5) shall be for a term
14 of 10 years ending May 31, 2027. The quantity of zero
15 emission credits to be procured under the contracts shall
16 be all of the zero emission credits generated by the zero
17 emission facility in each delivery year; however, if the
18 zero emission facility is owned by more than one entity,
19 then the quantity of zero emission credits to be procured
20 under the contracts shall be the amount of zero emission
21 credits that are generated from the portion of the zero
22 emission facility that is owned by the winning supplier.

23 The 16% value identified in this paragraph (1) is the
24 average of the percentage targets in subparagraph (B) of
25 paragraph (1) of subsection (c) of this Section for the 5
26 delivery years beginning June 1, 2017.

1 The procurement process shall be subject to the
2 following provisions:

3 (A) Those zero emission facilities that intend to
4 participate in the procurement shall submit to the
5 Agency the following eligibility information for each
6 zero emission facility on or before the date
7 established by the Agency:

8 (i) the in-service date and remaining useful
9 life of the zero emission facility;

10 (ii) the amount of power generated annually
11 for each of the years 2005 through 2015, and the
12 projected zero emission credits to be generated
13 over the remaining useful life of the zero
14 emission facility, which shall be used to
15 determine the capability of each facility;

16 (iii) the annual zero emission facility cost
17 projections, expressed on a per megawatthour
18 basis, over the next 6 delivery years, which shall
19 include the following: operation and maintenance
20 expenses; fully allocated overhead costs, which
21 shall be allocated using the methodology developed
22 by the Institute for Nuclear Power Operations;
23 fuel expenditures; non-fuel capital expenditures;
24 spent fuel expenditures; a return on working
25 capital; the cost of operational and market risks
26 that could be avoided by ceasing operation; and

1 any other costs necessary for continued
2 operations, provided that "necessary" means, for
3 purposes of this item (iii), that the costs could
4 reasonably be avoided only by ceasing operations
5 of the zero emission facility; and

6 (iv) a commitment to continue operating, for
7 the duration of the contract or contracts executed
8 under the procurement held under this subsection
9 (d-5), the zero emission facility that produces
10 the zero emission credits to be procured in the
11 procurement.

12 The information described in item (iii) of this
13 subparagraph (A) may be submitted on a confidential
14 basis and shall be treated and maintained by the
15 Agency, the procurement administrator, and the
16 Commission as confidential and proprietary and exempt
17 from disclosure under subparagraphs (a) and (g) of
18 paragraph (1) of Section 7 of the Freedom of
19 Information Act. The Office of Attorney General shall
20 have access to, and maintain the confidentiality of,
21 such information pursuant to Section 6.5 of the
22 Attorney General Act.

23 (B) The price for each zero emission credit
24 procured under this subsection (d-5) for each delivery
25 year shall be in an amount that equals the Social Cost
26 of Carbon, expressed on a price per megawatthour

1 basis. However, to ensure that the procurement remains
2 affordable to retail customers in this State if
3 electricity prices increase, the price in an
4 applicable delivery year shall be reduced below the
5 Social Cost of Carbon by the amount ("Price
6 Adjustment") by which the market price index for the
7 applicable delivery year exceeds the baseline market
8 price index for the consecutive 12-month period ending
9 May 31, 2016. If the Price Adjustment is greater than
10 or equal to the Social Cost of Carbon in an applicable
11 delivery year, then no payments shall be due in that
12 delivery year. The components of this calculation are
13 defined as follows:

14 (i) Social Cost of Carbon: The Social Cost of
15 Carbon is \$16.50 per megawatthour, which is based
16 on the U.S. Interagency Working Group on Social
17 Cost of Carbon's price in the August 2016
18 Technical Update using a 3% discount rate,
19 adjusted for inflation for each year of the
20 program. Beginning with the delivery year
21 commencing June 1, 2023, the price per
22 megawatthour shall increase by \$1 per
23 megawatthour, and continue to increase by an
24 additional \$1 per megawatthour each delivery year
25 thereafter.

26 (ii) Baseline market price index: The baseline

1 market price index for the consecutive 12-month
2 period ending May 31, 2016 is \$31.40 per
3 megawatthour, which is based on the sum of (aa)
4 the average day-ahead energy price across all
5 hours of such 12-month period at the PJM
6 Interconnection LLC Northern Illinois Hub, (bb)
7 50% multiplied by the Base Residual Auction, or
8 its successor, capacity price for the rest of the
9 RTO zone group determined by PJM Interconnection
10 LLC, divided by 24 hours per day, and (cc) 50%
11 multiplied by the Planning Resource Auction, or
12 its successor, capacity price for Zone 4
13 determined by the Midcontinent Independent System
14 Operator, Inc., divided by 24 hours per day.

15 (iii) Market price index: The market price
16 index for a delivery year shall be the sum of
17 projected energy prices and projected capacity
18 prices determined as follows:

19 (aa) Projected energy prices: the
20 projected energy prices for the applicable
21 delivery year shall be calculated once for the
22 year using the forward market price for the
23 PJM Interconnection, LLC Northern Illinois
24 Hub. The forward market price shall be
25 calculated as follows: the energy forward
26 prices for each month of the applicable

1 delivery year averaged for each trade date
2 during the calendar year immediately preceding
3 that delivery year to produce a single energy
4 forward price for the delivery year. The
5 forward market price calculation shall use
6 data published by the Intercontinental
7 Exchange, or its successor.

8 (bb) Projected capacity prices:

9 (I) For the delivery years commencing
10 June 1, 2017, June 1, 2018, and June 1,
11 2019, the projected capacity price shall
12 be equal to the sum of (1) 50% multiplied
13 by the Base Residual Auction, or its
14 successor, price for the rest of the RTO
15 zone group as determined by PJM
16 Interconnection LLC, divided by 24 hours
17 per day and, (2) 50% multiplied by the
18 resource auction price determined in the
19 resource auction administered by the
20 Midcontinent Independent System Operator,
21 Inc., in which the largest percentage of
22 load cleared for Local Resource Zone 4,
23 divided by 24 hours per day, and where
24 such price is determined by the
25 Midcontinent Independent System Operator,
26 Inc.

1 (II) For the delivery year commencing
2 June 1, 2020, and each year thereafter,
3 the projected capacity price shall be
4 equal to the sum of (1) 50% multiplied by
5 the Base Residual Auction, or its
6 successor, price for the ComEd zone as
7 determined by PJM Interconnection LLC,
8 divided by 24 hours per day, and (2) 50%
9 multiplied by the resource auction price
10 determined in the resource auction
11 administered by the Midcontinent
12 Independent System Operator, Inc., in
13 which the largest percentage of load
14 cleared for Local Resource Zone 4, divided
15 by 24 hours per day, and where such price
16 is determined by the Midcontinent
17 Independent System Operator, Inc.

18 For purposes of this subsection (d-5):

19 "Rest of the RTO" and "ComEd Zone" shall have
20 the meaning ascribed to them by PJM
21 Interconnection, LLC.

22 "RTO" means regional transmission
23 organization.

24 (C) No later than 45 days after June 1, 2017 (the
25 effective date of Public Act 99-906), the Agency shall
26 publish its proposed zero emission standard

1 procurement plan. The plan shall be consistent with
2 the provisions of this paragraph (1) and shall provide
3 that winning bids shall be selected based on public
4 interest criteria that include, but are not limited
5 to, minimizing carbon dioxide emissions that result
6 from electricity consumed in Illinois and minimizing
7 sulfur dioxide, nitrogen oxide, and particulate matter
8 emissions that adversely affect the citizens of this
9 State. In particular, the selection of winning bids
10 shall take into account the incremental environmental
11 benefits resulting from the procurement, such as any
12 existing environmental benefits that are preserved by
13 the procurements held under Public Act 99-906 and
14 would cease to exist if the procurements were not
15 held, including the preservation of zero emission
16 facilities. The plan shall also describe in detail how
17 each public interest factor shall be considered and
18 weighted in the bid selection process to ensure that
19 the public interest criteria are applied to the
20 procurement and given full effect.

21 For purposes of developing the plan, the Agency
22 shall consider any reports issued by a State agency,
23 board, or commission under House Resolution 1146 of
24 the 98th General Assembly and paragraph (4) of
25 subsection (d) of this Section, as well as publicly
26 available analyses and studies performed by or for

1 regional transmission organizations that serve the
2 State and their independent market monitors.

3 Upon publishing of the zero emission standard
4 procurement plan, copies of the plan shall be posted
5 and made publicly available on the Agency's website.
6 All interested parties shall have 10 days following
7 the date of posting to provide comment to the Agency on
8 the plan. All comments shall be posted to the Agency's
9 website. Following the end of the comment period, but
10 no more than 60 days later than June 1, 2017 (the
11 effective date of Public Act 99-906), the Agency shall
12 revise the plan as necessary based on the comments
13 received and file its zero emission standard
14 procurement plan with the Commission.

15 If the Commission determines that the plan will
16 result in the procurement of cost-effective zero
17 emission credits, then the Commission shall, after
18 notice and hearing, but no later than 45 days after the
19 Agency filed the plan, approve the plan or approve
20 with modification. For purposes of this subsection
21 (d-5), "cost effective" means the projected costs of
22 procuring zero emission credits from zero emission
23 facilities do not cause the limit stated in paragraph
24 (2) of this subsection to be exceeded.

25 (C-5) As part of the Commission's review and
26 acceptance or rejection of the procurement results,

1 the Commission shall, in its public notice of
2 successful bidders:

3 (i) identify how the winning bids satisfy the
4 public interest criteria described in subparagraph
5 (C) of this paragraph (1) of minimizing carbon
6 dioxide emissions that result from electricity
7 consumed in Illinois and minimizing sulfur
8 dioxide, nitrogen oxide, and particulate matter
9 emissions that adversely affect the citizens of
10 this State;

11 (ii) specifically address how the selection of
12 winning bids takes into account the incremental
13 environmental benefits resulting from the
14 procurement, including any existing environmental
15 benefits that are preserved by the procurements
16 held under Public Act 99-906 and would have ceased
17 to exist if the procurements had not been held,
18 such as the preservation of zero emission
19 facilities;

20 (iii) quantify the environmental benefit of
21 preserving the resources identified in item (ii)
22 of this subparagraph (C-5), including the
23 following:

24 (aa) the value of avoided greenhouse gas
25 emissions measured as the product of the zero
26 emission facilities' output over the contract

1 term multiplied by the U.S. Environmental
2 Protection Agency eGrid subregion carbon
3 dioxide emission rate and the U.S. Interagency
4 Working Group on Social Cost of Carbon's price
5 in the August 2016 Technical Update using a 3%
6 discount rate, adjusted for inflation for each
7 delivery year; and

8 (bb) the costs of replacement with other
9 zero carbon dioxide resources, including wind
10 and photovoltaic, based upon the simple
11 average of the following:

12 (I) the price, or if there is more
13 than one price, the average of the prices,
14 paid for renewable energy credits from new
15 utility-scale wind projects in the
16 procurement events specified in item (i)
17 of subparagraph (G) of paragraph (1) of
18 subsection (c) of this Section; and

19 (II) the price, or if there is more
20 than one price, the average of the prices,
21 paid for renewable energy credits from new
22 utility-scale solar projects and
23 brownfield site photovoltaic projects in
24 the procurement events specified in item
25 (ii) of subparagraph (G) of paragraph (1)
26 of subsection (c) of this Section and,

1 after January 1, 2015, renewable energy
2 credits from photovoltaic distributed
3 generation projects in procurement events
4 held under subsection (c) of this Section.

5 Each utility shall enter into binding contractual
6 arrangements with the winning suppliers.

7 The procurement described in this subsection
8 (d-5), including, but not limited to, the execution of
9 all contracts procured, shall be completed no later
10 than May 10, 2017. Based on the effective date of
11 Public Act 99-906, the Agency and Commission may, as
12 appropriate, modify the various dates and timelines
13 under this subparagraph and subparagraphs (C) and (D)
14 of this paragraph (1). The procurement and plan
15 approval processes required by this subsection (d-5)
16 shall be conducted in conjunction with the procurement
17 and plan approval processes required by subsection (c)
18 of this Section and Section 16-111.5 of the Public
19 Utilities Act, to the extent practicable.
20 Notwithstanding whether a procurement event is
21 conducted under Section 16-111.5 of the Public
22 Utilities Act, the Agency shall immediately initiate a
23 procurement process on June 1, 2017 (the effective
24 date of Public Act 99-906).

25 (D) Following the procurement event described in
26 this paragraph (1) and consistent with subparagraph

1 (B) of this paragraph (1), the Agency shall calculate
2 the payments to be made under each contract for the
3 next delivery year based on the market price index for
4 that delivery year. The Agency shall publish the
5 payment calculations no later than May 25, 2017 and
6 every May 25 thereafter.

7 (E) Notwithstanding the requirements of this
8 subsection (d-5), the contracts executed under this
9 subsection (d-5) shall provide that the zero emission
10 facility may, as applicable, suspend or terminate
11 performance under the contracts in the following
12 instances:

13 (i) A zero emission facility shall be excused
14 from its performance under the contract for any
15 cause beyond the control of the resource,
16 including, but not restricted to, acts of God,
17 flood, drought, earthquake, storm, fire,
18 lightning, epidemic, war, riot, civil disturbance
19 or disobedience, labor dispute, labor or material
20 shortage, sabotage, acts of public enemy,
21 explosions, orders, regulations or restrictions
22 imposed by governmental, military, or lawfully
23 established civilian authorities, which, in any of
24 the foregoing cases, by exercise of commercially
25 reasonable efforts the zero emission facility
26 could not reasonably have been expected to avoid,

1 and which, by the exercise of commercially
2 reasonable efforts, it has been unable to
3 overcome. In such event, the zero emission
4 facility shall be excused from performance for the
5 duration of the event, including, but not limited
6 to, delivery of zero emission credits, and no
7 payment shall be due to the zero emission facility
8 during the duration of the event.

9 (ii) A zero emission facility shall be
10 permitted to terminate the contract if legislation
11 is enacted into law by the General Assembly that
12 imposes or authorizes a new tax, special
13 assessment, or fee on the generation of
14 electricity, the ownership or leasehold of a
15 generating unit, or the privilege or occupation of
16 such generation, ownership, or leasehold of
17 generation units by a zero emission facility.
18 However, the provisions of this item (ii) do not
19 apply to any generally applicable tax, special
20 assessment or fee, or requirements imposed by
21 federal law.

22 (iii) A zero emission facility shall be
23 permitted to terminate the contract in the event
24 that the resource requires capital expenditures in
25 excess of \$40,000,000 that were neither known nor
26 reasonably foreseeable at the time it executed the

1 contract and that a prudent owner or operator of
2 such resource would not undertake.

3 (iv) A zero emission facility shall be
4 permitted to terminate the contract in the event
5 the Nuclear Regulatory Commission terminates the
6 resource's license.

7 (F) If the zero emission facility elects to
8 terminate a contract under subparagraph (E) of this
9 paragraph (1), then the Commission shall reopen the
10 docket in which the Commission approved the zero
11 emission standard procurement plan under subparagraph
12 (C) of this paragraph (1) and, after notice and
13 hearing, enter an order acknowledging the contract
14 termination election if such termination is consistent
15 with the provisions of this subsection (d-5).

16 (2) For purposes of this subsection (d-5), the amount
17 paid per kilowatthour means the total amount paid for
18 electric service expressed on a per kilowatthour basis.
19 For purposes of this subsection (d-5), the total amount
20 paid for electric service includes, without limitation,
21 amounts paid for supply, transmission, distribution,
22 surcharges, and add-on taxes.

23 Notwithstanding the requirements of this subsection
24 (d-5), the contracts executed under this subsection (d-5)
25 shall provide that the total of zero emission credits
26 procured under a procurement plan shall be subject to the

1 limitations of this paragraph (2). For each delivery year,
2 the contractual volume receiving payments in such year
3 shall be reduced for all retail customers based on the
4 amount necessary to limit the net increase that delivery
5 year to the costs of those credits included in the amounts
6 paid by eligible retail customers in connection with
7 electric service to no more than 1.65% of the amount paid
8 per kilowatthour by eligible retail customers during the
9 year ending May 31, 2009. The result of this computation
10 shall apply to and reduce the procurement for all retail
11 customers, and all those customers shall pay the same
12 single, uniform cents per kilowatthour charge under
13 subsection (k) of Section 16-108 of the Public Utilities
14 Act. To arrive at a maximum dollar amount of zero emission
15 credits to be paid for the particular delivery year, the
16 resulting per kilowatthour amount shall be applied to the
17 actual amount of kilowatthours of electricity delivered by
18 the electric utility in the delivery year immediately
19 prior to the procurement, to all retail customers in its
20 service territory. Unpaid contractual volume for any
21 delivery year shall be paid in any subsequent delivery
22 year in which such payments can be made without exceeding
23 the amount specified in this paragraph (2). The
24 calculations required by this paragraph (2) shall be made
25 only once for each procurement plan year. Once the
26 determination as to the amount of zero emission credits to

1 be paid is made based on the calculations set forth in this
2 paragraph (2), no subsequent rate impact determinations
3 shall be made and no adjustments to those contract amounts
4 shall be allowed. All costs incurred under those contracts
5 and in implementing this subsection (d-5) shall be
6 recovered by the electric utility as provided in this
7 Section.

8 No later than June 30, 2019, the Commission shall
9 review the limitation on the amount of zero emission
10 credits procured under this subsection (d-5) and report to
11 the General Assembly its findings as to whether that
12 limitation unduly constrains the procurement of
13 cost-effective zero emission credits.

14 (3) Six years after the execution of a contract under
15 this subsection (d-5), the Agency shall determine whether
16 the actual zero emission credit payments received by the
17 supplier over the 6-year period exceed the Average ZEC
18 Payment. In addition, at the end of the term of a contract
19 executed under this subsection (d-5), or at the time, if
20 any, a zero emission facility's contract is terminated
21 under subparagraph (E) of paragraph (1) of this subsection
22 (d-5), then the Agency shall determine whether the actual
23 zero emission credit payments received by the supplier
24 over the term of the contract exceed the Average ZEC
25 Payment, after taking into account any amounts previously
26 credited back to the utility under this paragraph (3). If

1 the Agency determines that the actual zero emission credit
2 payments received by the supplier over the relevant period
3 exceed the Average ZEC Payment, then the supplier shall
4 credit the difference back to the utility. The amount of
5 the credit shall be remitted to the applicable electric
6 utility no later than 120 days after the Agency's
7 determination, which the utility shall reflect as a credit
8 on its retail customer bills as soon as practicable;
9 however, the credit remitted to the utility shall not
10 exceed the total amount of payments received by the
11 facility under its contract.

12 For purposes of this Section, the Average ZEC Payment
13 shall be calculated by multiplying the quantity of zero
14 emission credits delivered under the contract times the
15 average contract price. The average contract price shall
16 be determined by subtracting the amount calculated under
17 subparagraph (B) of this paragraph (3) from the amount
18 calculated under subparagraph (A) of this paragraph (3),
19 as follows:

20 (A) The average of the Social Cost of Carbon, as
21 defined in subparagraph (B) of paragraph (1) of this
22 subsection (d-5), during the term of the contract.

23 (B) The average of the market price indices, as
24 defined in subparagraph (B) of paragraph (1) of this
25 subsection (d-5), during the term of the contract,
26 minus the baseline market price index, as defined in

1 subparagraph (B) of paragraph (1) of this subsection
2 (d-5).

3 If the subtraction yields a negative number, then the
4 Average ZEC Payment shall be zero.

5 (4) Cost-effective zero emission credits procured from
6 zero emission facilities shall satisfy the applicable
7 definitions set forth in Section 1-10 of this Act.

8 (5) The electric utility shall retire all zero
9 emission credits used to comply with the requirements of
10 this subsection (d-5).

11 (6) Electric utilities shall be entitled to recover
12 all of the costs associated with the procurement of zero
13 emission credits through an automatic adjustment clause
14 tariff in accordance with subsection (k) and (m) of
15 Section 16-108 of the Public Utilities Act, and the
16 contracts executed under this subsection (d-5) shall
17 provide that the utilities' payment obligations under such
18 contracts shall be reduced if an adjustment is required
19 under subsection (m) of Section 16-108 of the Public
20 Utilities Act.

21 (7) This subsection (d-5) shall become inoperative on
22 January 1, 2028.

23 (d-10) Nuclear Plant Assistance; carbon mitigation
24 credits.

25 (1) The General Assembly finds:

26 (A) The health, welfare, and prosperity of all

1 Illinois citizens require that the State of Illinois act
2 to avoid and not increase carbon emissions from electric
3 generation sources while continuing to ensure affordable,
4 stable, and reliable electricity to all citizens.

5 (B) Absent immediate action by the State to preserve
6 existing carbon-free energy resources, those resources may
7 retire, and the electric generation needs of Illinois'
8 retail customers may be met instead by facilities that
9 emit significant amounts of carbon pollution and other
10 harmful air pollutants at a high social and economic cost
11 until Illinois is able to develop other forms of clean
12 energy.

13 (C) The General Assembly finds that nuclear power
14 generation is necessary for the State's transition to 100%
15 clean energy, and ensuring continued operation of nuclear
16 plants advances environmental and public health interests
17 through providing carbon-free electricity while reducing
18 the air pollution profile of the Illinois energy
19 generation fleet.

20 (D) The clean energy attributes of nuclear generation
21 facilities support the State in its efforts to achieve
22 100% clean energy.

23 (E) The State currently invests in various forms of
24 clean energy, including, but not limited to, renewable
25 energy, energy efficiency, and low-emission vehicles,
26 among others.

1 (F) The Environmental Protection Agency commissioned
2 an independent audit which provided a detailed assessment
3 of the financial condition of the Illinois nuclear fleet
4 to evaluate its financial viability and whether the
5 environmental benefits of such resources were at risk. The
6 report identified the risk of losing the environmental
7 benefits of several specific nuclear units. The report
8 also identified that the LaSalle County Generating Station
9 will continue to operate through 2026 and therefore is not
10 eligible to participate in the carbon mitigation credit
11 program.

12 (G) Nuclear plants provide carbon-free energy, which
13 helps to avoid many health-related negative impacts for
14 Illinois residents.

15 (H) The procurement of carbon mitigation credits
16 representing the environmental benefits of carbon-free
17 generation will further the State's efforts at achieving
18 100% clean energy and decarbonizing the electricity sector
19 in a safe, reliable, and affordable manner. Further, the
20 procurement of carbon emission credits will enhance the
21 health and welfare of Illinois residents through decreased
22 reliance on more highly polluting generation.

23 (I) The General Assembly therefore finds it necessary
24 to establish carbon mitigation credits to ensure decreased
25 reliance on more carbon-intensive energy resources, for
26 transitioning to a fully decarbonized electricity sector,

1 and to help ensure health and welfare of the State's
2 residents.

3 (2) As used in this subsection:

4 "Baseline costs" means costs used to establish a customer
5 protection cap that have been evaluated through an independent
6 audit of a carbon-free energy resource conducted by the
7 Environmental Protection Agency that evaluated projected
8 annual costs for operation and maintenance expenses; fully
9 allocated overhead costs, which shall be allocated using the
10 methodology developed by the Institute for Nuclear Power
11 Operations; fuel expenditures; nonfuel capital expenditures;
12 spent fuel expenditures; a return on working capital; the cost
13 of operational and market risks that could be avoided by
14 ceasing operation; and any other costs necessary for continued
15 operations, provided that "necessary" means, for purposes of
16 this definition, that the costs could reasonably be avoided
17 only by ceasing operations of the carbon-free energy resource.

18 "Carbon mitigation credit" means a tradable credit that
19 represents the carbon emission reduction attributes of one
20 megawatt-hour of energy produced from a carbon-free energy
21 resource.

22 "Carbon-free energy resource" means a generation facility
23 that: (1) is fueled by nuclear power; and (2) is
24 interconnected to PJM Interconnection, LLC.

25 (3) Procurement.

26 (A) Beginning with the delivery year commencing on

1 June 1, 2022, the Agency shall, for electric utilities
2 serving at least 3,000,000 retail customers in the State,
3 seek to procure contracts for no more than approximately
4 54,500,000 cost-effective carbon mitigation credits from
5 carbon-free energy resources because such credits are
6 necessary to support current levels of carbon-free energy
7 generation and ensure the State meets its carbon dioxide
8 emissions reduction goals. The Agency shall not make a
9 partial award of a contract for carbon mitigation credits
10 covering a fractional amount of a carbon-free energy
11 resource's projected output.

12 (B) Each carbon-free energy resource that intends to
13 participate in a procurement shall be required to submit
14 to the Agency the following information for the resource
15 on or before the date established by the Agency:

16 (i) the in-service date and remaining useful life
17 of the carbon-free energy resource;

18 (ii) the amount of power generated annually for
19 each of the past 10 years, which shall be used to
20 determine the capability of each facility;

21 (iii) a commitment to be reflected in any contract
22 entered into pursuant to this subsection (d-10) to
23 continue operating the carbon-free energy resource at
24 a capacity factor of at least 88% annually on average
25 for the duration of the contract or contracts executed
26 under the procurement held under this subsection

1 (d-10), except in an instance described in
2 subparagraph (E) of paragraph (1) of subsection (d-5)
3 of this Section or made impracticable as a result of
4 compliance with law or regulation;

5 (iv) financial need and the risk of loss of the
6 environmental benefits of such resource, which shall
7 include the following information:

8 (I) the carbon-free energy resource's cost
9 projections, expressed on a per megawatt-hour
10 basis, over the next 5 delivery years, which shall
11 include the following: operation and maintenance
12 expenses; fully allocated overhead costs, which
13 shall be allocated using the methodology developed
14 by the Institute for Nuclear Power Operations;
15 fuel expenditures; nonfuel capital expenditures;
16 spent fuel expenditures; a return on working
17 capital; the cost of operational and market risks
18 that could be avoided by ceasing operation; and
19 any other costs necessary for continued
20 operations, provided that "necessary" means, for
21 purposes of this subitem (I), that the costs could
22 reasonably be avoided only by ceasing operations
23 of the carbon-free energy resource; and

24 (II) the carbon-free energy resource's revenue
25 projections, including energy, capacity, ancillary
26 services, any other direct State support, known or

1 anticipated federal attribute credits, known or
2 anticipated tax credits, and any other direct
3 federal support.

4 The information described in this subparagraph (B) may
5 be submitted on a confidential basis and shall be treated
6 and maintained by the Agency, the procurement
7 administrator, and the Commission as confidential and
8 proprietary and exempt from disclosure under subparagraphs
9 (a) and (g) of paragraph (1) of Section 7 of the Freedom of
10 Information Act. The Office of the Attorney General shall
11 have access to, and maintain the confidentiality of, such
12 information pursuant to Section 6.5 of the Attorney
13 General Act.

14 (C) The Agency shall solicit bids for the contracts
15 described in this subsection (d-10) from carbon-free
16 energy resources that have satisfied the requirements of
17 subparagraph (B) of this paragraph (3). The contracts
18 procured pursuant to a procurement event shall reflect,
19 and be subject to, the following terms, requirements, and
20 limitations:

21 (i) Contracts are for delivery of carbon
22 mitigation credits, and are not energy or capacity
23 sales contracts requiring physical delivery. Pursuant
24 to item (iii), contract payments shall fully deduct
25 the value of any monetized federal production tax
26 credits, credits issued pursuant to a federal clean

1 energy standard, and other federal credits if
2 applicable.

3 (ii) Contracts for carbon mitigation credits shall
4 commence with the delivery year beginning on June 1,
5 2022 and shall be for a term of 5 delivery years
6 concluding on May 31, 2027.

7 (iii) The price per carbon mitigation credit to be
8 paid under a contract for a given delivery year shall
9 be equal to an accepted bid price less the sum of:

10 (I) one of the following energy price indices,
11 selected by the bidder at the time of the bid for
12 the term of the contract:

13 (aa) the weighted-average hourly day-ahead
14 price for the applicable delivery year at the
15 busbar of all resources procured pursuant to
16 this subsection (d-10), weighted by actual
17 production from the resources; or

18 (bb) the projected energy price for the
19 PJM Interconnection, LLC Northern Illinois Hub
20 for the applicable delivery year determined
21 according to subitem (aa) of item (iii) of
22 subparagraph (B) of paragraph (1) of
23 subsection (d-5).

24 (II) the Base Residual Auction Capacity Price
25 for the ComEd zone as determined by PJM
26 Interconnection, LLC, divided by 24 hours per day,

1 for the applicable delivery year for the first 3
2 delivery years, and then any subsequent delivery
3 years unless the PJM Interconnection, LLC applies
4 the Minimum Offer Price Rule to participating
5 carbon-free energy resources because they supply
6 carbon mitigation credits pursuant to this Section
7 at which time, upon notice by the carbon-free
8 energy resource to the Commission and subject to
9 the Commission's confirmation, the value under
10 this subitem shall be zero, as further described
11 in the carbon mitigation credit procurement plan;
12 and

13 (III) any value of monetized federal tax
14 credits, direct payments, or similar subsidy
15 provided to the carbon-free energy resource from
16 any unit of government that is not already
17 reflected in energy prices.

18 If the price-per-megawatt-hour calculation
19 performed under item (iii) of this subparagraph (C)
20 for a given delivery year results in a net positive
21 value, then the electric utility counterparty to the
22 contract shall multiply such net value by the
23 applicable contract quantity and remit the amount to
24 the supplier.

25 To protect retail customers from retail rate
26 impacts that may arise upon the initiation of carbon

1 policy changes, if the price-per-megawatt-hour
2 calculation performed under item (iii) of this
3 subparagraph (C) for a given delivery year results in
4 a net negative value, then the supplier counterparty
5 to the contract shall multiply such net value by the
6 applicable contract quantity and remit such amount to
7 the electric utility counterparty. The electric
8 utility shall reflect such amounts remitted by
9 suppliers as a credit on its retail customer bills as
10 soon as practicable.

11 (iv) To ensure that retail customers in Northern
12 Illinois do not pay more for carbon mitigation credits
13 than the value such credits provide, and
14 notwithstanding the provisions of this subsection
15 (d-10), the Agency shall not accept bids for contracts
16 that exceed a customer protection cap equal to the
17 baseline costs of carbon-free energy resources.

18 The baseline costs for the applicable year shall
19 be the following:

20 (I) For the delivery year beginning June 1,
21 2022, the baseline costs shall be an amount equal
22 to \$30.30 per megawatt-hour.

23 (II) For the delivery year beginning June 1,
24 2023, the baseline costs shall be an amount equal
25 to \$32.50 per megawatt-hour.

26 (III) For the delivery year beginning June 1,

1 2024, the baseline costs shall be an amount equal
2 to \$33.43 per megawatt-hour.

3 (IV) For the delivery year beginning June 1,
4 2025, the baseline costs shall be an amount equal
5 to \$33.50 per megawatt-hour.

6 (V) For the delivery year beginning June 1,
7 2026, the baseline costs shall be an amount equal
8 to \$34.50 per megawatt-hour.

9 An Environmental Protection Agency consultant
10 forecast, included in a report issued April 14, 2021,
11 projects that a carbon-free energy resource has the
12 opportunity to earn on average approximately \$30.28
13 per megawatt-hour, for the sale of energy and capacity
14 during the time period between 2022 and 2027.
15 Therefore, the sale of carbon mitigation credits
16 provides the opportunity to receive an additional
17 amount per megawatt-hour in addition to the projected
18 prices for energy and capacity.

19 Although actual energy and capacity prices may
20 vary from year-to-year, the General Assembly finds
21 that this customer protection cap will help ensure
22 that the cost of carbon mitigation credits will be
23 less than its value, based upon the social cost of
24 carbon identified in the Technical Support Document
25 issued in February 2021 by the U.S. Interagency
26 Working Group on Social Cost of Greenhouse Gases and

1 the PJM Interconnection, LLC carbon dioxide marginal
2 emission rate for 2020, and that a carbon-free energy
3 resource receiving payment for carbon mitigation
4 credits receives no more than necessary to keep those
5 units in operation.

6 (D) No later than 7 days after the effective date of
7 this amendatory Act of the 102nd General Assembly, the
8 Agency shall publish its proposed carbon mitigation credit
9 procurement plan. The Plan shall provide that winning bids
10 shall be selected by taking into consideration which
11 resources best match public interest criteria that
12 include, but are not limited to, minimizing carbon dioxide
13 emissions that result from electricity consumed in
14 Illinois and minimizing sulfur dioxide, nitrogen oxide,
15 and particulate matter emissions that adversely affect the
16 citizens of this State. The selection of winning bids
17 shall also take into account the incremental environmental
18 benefits resulting from the procurement or procurements,
19 such as any existing environmental benefits that are
20 preserved by a procurement held under this subsection
21 (d-10) and would cease to exist if the procurement were
22 not held, including the preservation of carbon-free energy
23 resources. For those bidders having the same public
24 interest criteria score, the relative ranking of such
25 bidders shall be determined by price. The Plan shall
26 describe in detail how each public interest factor shall

1 be considered and weighted in the bid selection process to
2 ensure that the public interest criteria are applied to
3 the procurement. The Plan shall, to the extent practical
4 and permissible by federal law, ensure that successful
5 bidders make commercially reasonable efforts to apply for
6 federal tax credits, direct payments, or similar subsidy
7 programs that support carbon-free generation and for which
8 the successful bidder is eligible. Upon publishing of the
9 carbon mitigation credit procurement plan, copies of the
10 plan shall be posted and made publicly available on the
11 Agency's website. All interested parties shall have 7 days
12 following the date of posting to provide comment to the
13 Agency on the plan. All comments shall be posted to the
14 Agency's website. Following the end of the comment period,
15 but no more than 19 days later than the effective date of
16 this amendatory Act of the 102nd General Assembly, the
17 Agency shall revise the plan as necessary based on the
18 comments received and file its carbon mitigation credit
19 procurement plan with the Commission.

20 (E) If the Commission determines that the plan is
21 likely to result in the procurement of cost-effective
22 carbon mitigation credits, then the Commission shall,
23 after notice and hearing and opportunity for comment, but
24 no later than 42 days after the Agency filed the plan,
25 approve the plan or approve it with modification. For
26 purposes of this subsection (d-10), "cost-effective" means

1 carbon mitigation credits that are procured from
2 carbon-free energy resources at prices that are within the
3 limits specified in this paragraph (3). As part of the
4 Commission's review and acceptance or rejection of the
5 procurement results, the Commission shall, in its public
6 notice of successful bidders:

7 (i) identify how the selected carbon-free energy
8 resources satisfy the public interest criteria
9 described in this paragraph (3) of minimizing carbon
10 dioxide emissions that result from electricity
11 consumed in Illinois and minimizing sulfur dioxide,
12 nitrogen oxide, and particulate matter emissions that
13 adversely affect the citizens of this State;

14 (ii) specifically address how the selection of
15 carbon-free energy resources takes into account the
16 incremental environmental benefits resulting from the
17 procurement, including any existing environmental
18 benefits that are preserved by the procurements held
19 under this amendatory Act of the 102nd General
20 Assembly and would have ceased to exist if the
21 procurements had not been held, such as the
22 preservation of carbon-free energy resources;

23 (iii) quantify the environmental benefit of
24 preserving the carbon-free energy resources procured
25 pursuant to this subsection (d-10), including the
26 following:

1 (I) an assessment value of avoided greenhouse
2 gas emissions measured as the product of the
3 carbon-free energy resources' output over the
4 contract term, using generally accepted
5 methodologies for the valuation of avoided
6 emissions; and

7 (II) an assessment of costs of replacement
8 with other carbon-free energy resources and
9 renewable energy resources, including wind and
10 photovoltaic generation, based upon an assessment
11 of the prices paid for renewable energy credits
12 through programs and procurements conducted
13 pursuant to subsection (c) of Section 1-75 of this
14 Act, and the additional storage necessary to
15 produce the same or similar capability of matching
16 customer usage patterns.

17 (F) The procurements described in this paragraph (3),
18 including, but not limited to, the execution of all
19 contracts procured, shall be completed no later than
20 December 3, 2021. The procurement and plan approval
21 processes required by this paragraph (3) shall be
22 conducted in conjunction with the procurement and plan
23 approval processes required by Section 16-111.5 of the
24 Public Utilities Act, to the extent practicable. However,
25 the Agency and Commission may, as appropriate, modify the
26 various dates and timelines under this subparagraph and

1 subparagraphs (D) and (E) of this paragraph (3) to meet
2 the December 3, 2021 contract execution deadline.
3 Following the completion of such procurements, and
4 consistent with this paragraph (3), the Agency shall
5 calculate the payments to be made under each contract in a
6 timely fashion.

7 (F-1) Costs incurred by the electric utility pursuant
8 to a contract authorized by this subsection (d-10) shall
9 be deemed prudently incurred and reasonable in amount, and
10 the electric utility shall be entitled to full cost
11 recovery pursuant to a tariff or tariffs filed with the
12 Commission.

13 (G) The counterparty electric utility shall retire all
14 carbon mitigation credits used to comply with the
15 requirements of this subsection (d-10).

16 (H) If a carbon-free energy resource is sold to
17 another owner, the rights, obligations, and commitments
18 under this subsection (d-10) shall continue to the
19 subsequent owner.

20 (I) This subsection (d-10) shall become inoperative on
21 January 1, 2028.

22 (d-20) Energy storage system portfolio standard.

23 (1) The General Assembly finds that the deployment of
24 energy storage systems is necessary to successfully
25 integrate high levels of renewable energy, to avoid the
26 creation and increase of carbon emissions from electric

1 generation sources, and to ensure affordable, stable,
2 clean, reliable, and resilient electricity.

3 (2) The Agency shall develop an energy storage system
4 resources procurement plan that includes the competitive
5 procurement events, procurement programs, or both, as
6 necessary (i) to meet the goals set forth in this
7 subsection (d-20), (ii) to meet the planning requirements
8 established under Sections 16-201 and 16-202 of the Public
9 Utilities Act, (iii) to meet the clean energy policy
10 established by Public Act 102-662, and (iv) to cause
11 electric utilities serving more than 300,000 customers in
12 the State as of January 1, 2019 to contract for energy
13 storage resources. The energy storage system resources
14 procurement plan approval processes shall be conducted
15 consistent with the processes outlined in paragraph (6) of
16 subsection (b) of Section 16-111.5 of the Public Utilities
17 Act, with the initial energy storage system resources
18 procurement plan released for comment in calendar year
19 2027. The Agency shall review and may revise the energy
20 storage system resources procurement plan at least every 2
21 years. The Agency shall establish, and the Commission
22 shall approve or approve as modified, an energy storage
23 system resources procurement plan that includes:

24 (A) storage targets in addition to the initial
25 procurements specified in paragraph (3) of this
26 subsection (d-20) at levels identified through the

1 integrated resource planning process outlined in
2 Section 16-202 of the Public Utilities Act;

3 (B) a bid selection process that is based on the
4 bid price, when compared with an equal energy storage
5 duration and interconnected to the same independent
6 system operator (ISO) or regional transmission
7 organization (RTO), and that may provide for
8 consideration of the following:

9 (i) the project's viability and ability to
10 meet or exceed operational date targets;

11 (ii) the developer's experience;

12 (iii) requirements for demonstration of
13 binding site control that are sufficient for
14 proposed energy storage facilities;

15 (iv) the availability or dependence on any
16 transmission expansion or upgrades needed; and

17 (v) other resource adequacy and reliability
18 considerations;

19 (C) consideration of the need to ensure adequate,
20 reliable, affordable, efficient, and environmentally
21 sustainable electric service at the lowest total cost
22 over time;

23 (D) proposals for the financial support of energy
24 storage systems using contract models, which may
25 include, but are not limited to, the following:

26 (i) an indexed storage credit procurement,

1 including payments to energy storage system owners
2 or operators with any offsets and refunds for
3 potential energy and capacity revenues;

4 (ii) support for energy storage system
5 resources through contract structures that do not
6 create contractual obligations on utilities that
7 are not contingent on full and timely cost
8 recovery, that avoid negative financial impacts on
9 the utilities, and that are agreed upon by the
10 utilities; and

11 (iii) other approaches as deemed suitable by
12 the Agency and the Commission; and

13 (E) consideration that the Agency may include a
14 methodology that could prioritize procurement of
15 energy storage resources that are located in
16 communities eligible to receive Energy Transition
17 Community Grants pursuant to Section 10-20 of the
18 Energy Community Reinvestment Act.

19 In developing its procurement plan and conducting the
20 storage procurements outlined in this paragraph (2) and in
21 paragraph (3), the Agency may use the services of expert
22 consulting firms identified in paragraphs (1) and (2) of
23 subsection (a) of this Section.

24 (3) Notwithstanding whether an energy storage system
25 resources procurement plan has been approved, the
26 following provisions shall apply to the Agency's initial

1 procurement of energy storage system resources under this
2 subsection (d-20):

3 (A) The Agency shall conduct an initial energy
4 storage procurement on or before August 26, 2026 or 90
5 days after the effective date of this amendatory Act
6 of the 104th General Assembly, whichever is earlier.
7 For the purposes of this initial energy storage
8 procurement, the Agency shall conduct a procurement
9 that results in electric utilities that served more
10 than 300,000 customers in the State as of January 1,
11 2019 contracting for at least 1,038 megawatts of
12 cost-effective stand-alone energy storage systems that
13 can achieve commercial operation on or before December
14 31, 2029 or an alternative date proposed by the Agency
15 that is no later than December 31, 2030. The
16 procurement target shall be separated for projects
17 interconnected within Midcontinent Independent System
18 Operator Local Resource Zone 4 (MISO Zone 4) and for
19 projects interconnected within the PJM
20 Interconnection, LLC ComEd Locational Deliverability
21 Area (PJM ComEd Area) as follows:

22 (i) 450 megawatts in MISO Zone 4; and

23 (ii) 588 megawatts in the PJM ComEd Area.

24 For purposes of this subsection (d-20),
25 "stand-alone" means systems that are (i) separately
26 metered by a revenue-quality meter that satisfies the

1 requirements of the RTO; (ii) operate independently
2 without constraints or hindrances from other
3 generation units; and (iii) demonstrate the ability to
4 charge and discharge independent of any generation
5 unit output.

6 (B) The Agency shall conduct a series of
7 additional energy storage procurements that result in
8 electric utilities contracting for energy storage
9 resources in an amount of 3,000 megawatts of
10 cumulative energy storage capacity for projects
11 committed to reaching commercial operation on or
12 before December 31, 2030, or an alternative date
13 proposed by the Agency, subject to extension for a
14 delay due to interconnection of the energy storage
15 system, a delay in obtaining permits necessary to
16 build or operate the energy storage system, or other
17 circumstances at the discretion of the Agency.

18 The additional energy storage resources
19 procurements shall be conducted in calendar years 2027
20 and 2028 in a manner that ensures the quantities
21 listed in this subparagraph (B), and as updated in the
22 integrated resource plan approved by the Commission
23 pursuant to Section 16-201 of the Public Utilities
24 Act, are met in the specified timeframe. To the extent
25 the integrated resource planning process outlined in
26 Section 16-202 of the Public Utilities Act authorizes

energy storage system procurement amounts above the amount identified in this subparagraph (B), the Agency shall conduct additional energy storage procurements in 2028, 2029, 2030, and thereafter that result in electric utilities contracting for energy storage resources at those additional identified levels. The procurements shall be conducted in a manner that maximizes projects available in the MISO and PJM queues, ensures the likelihood of project development through the development of project maturity requirements, enables sufficient competition for price competitiveness, and aligns to the extent practicable with regional transmission organization study phases. The procurements shall select projects interconnected to MISO Zone 4 and the PJM ComEd Area and shall follow either (i) a similar geographic split to the ratio of quantities established in subparagraph (A) of this paragraph (3), (ii) an alternative geographic split proposed by the Agency based on project availability in advanced stages of the MISO and PJM queues, or (iii) that is informed by MISO and PJM planning activities, auctions, or reports that indicate capacity resource shortages or impending shortages and that reflect the assessments made through the processes outlined in subparagraph (A) of paragraph (2). The additional energy storage capacity procurements may be adjusted

1 upward if determined necessary through the planning
2 process outlined in Section 16-201 of the Public
3 Utilities Act at times determined by the Commission.

4 (C) The initial energy storage resources
5 procurement under subparagraph (A) of this paragraph
6 (3) shall adopt a standard indexed storage credit
7 contract modeled after the contract and follow a
8 process modeled after the process included in the
9 staff report submitted to the Governor, General
10 Assembly, and Commission pursuant to subsection (g) of
11 Section 16-135 of the Public Utilities Act on May 1,
12 2025. In developing the procurement rules and
13 procurement process for the initial procurement, the
14 Agency shall provide an opportunity for comment on the
15 indexed storage credit contract included in the May 1,
16 2025 staff report and shall adopt modifications to the
17 contract consistent with the process outlined in
18 paragraph (2) of subsection (e) of Section 16-111.5 of
19 the Public Utilities Act.

20 (D) For the additional energy storage resources
21 procurements conducted in accordance with subparagraph
22 (B) of this paragraph (3), the Agency may, among other
23 considerations, consider other contract structures if
24 such contract structures and agreements do not create
25 contractual obligations on utilities that are not
26 contingent on full and timely cost recovery, avoid

1 negative financial impacts on the utilities, and are
2 agreed upon by the participating utility.

3 (E) The initial and additional energy storage
4 resources procurements under this paragraph (3) shall
5 solicit 20-year contracts.

6 (F) The Agency shall submit its proposed selection
7 of successful bids for each procurement event pursuant
8 to paragraphs (2) and (3) to the Commission for
9 approval consistent with the processes outlined in
10 Section 16-111.5 of the Public Utilities Act to the
11 extent practicable.

12 (4) The energy storage system resources procurement
13 plans developed by the Agency may consider alternatives to
14 the initial and additional procurement terms described in
15 paragraph (3) of this subsection (d-20), including, but
16 not limited to:

17 (A) alternatives to the standard indexed storage
18 credit contract used in the initial terms described in
19 subparagraph (C) of paragraph (3) of this subsection
20 (d-20);

21 (B) energy storage systems that are not
22 stand-alone;

23 (C) proportionate allocations between MISO Zone 4
24 and the PJM ComEd Area that are not based upon load
25 share, including allocations reflecting the
26 assessments made through the processes outlined in

1 subparagraph (A) of paragraph (2);

2 (D) contract lengths other than 20 years;

3 (E) energy storage system durations other than 4
4 hours; and

5 (F) energy storage systems connected to the
6 distribution systems of the electric utilities.

7 The Agency may propose specific timelines for energy
8 storage system resources procurements, which may differ
9 across RTO zones, that are based in part upon a
10 consideration of (i) the timing of the release of
11 interconnection cost information through both MISO and PJM
12 interconnection queue processes, (ii) factors that
13 maximize the likelihood of successful project development,
14 (iii) enabling sufficient competition for price
15 competitiveness, and (iv) aligning to the extent
16 practicable with RTO study phases.

17 (5) The Agency shall procure cost-effective energy
18 storage credits or other contract instruments intended to
19 facilitate the successful development of energy storage
20 projects. The procurement administrator shall establish
21 confidential price benchmarks based on publicly available
22 data on regional technology costs. Confidential price
23 benchmarks shall be developed by the procurement
24 administrator, in consultation with Commission staff,
25 Agency staff, and the procurement monitor, and shall be
26 subject to Commission review and approval. Price

1 benchmarks shall reflect development costs, financing
2 costs, and related costs resulting from requirements
3 imposed through other provisions of State law. As used in
4 this paragraph (5), "cost-effective" means a bidder's bid
5 price that does not exceed confidential price benchmarks.

6 (6) All procurements under this subsection (d-20)
7 shall comply with the geographic requirements in
8 subparagraph (I) of paragraph (1) of subsection (c) of
9 Section 1-75 and shall follow the procurement processes
10 and procedures described in this Section and Section
11 16-111.5 of the Public Utilities Act, to the extent
12 practicable. The processes and procedures may be expedited
13 to accommodate the schedule established by this Section.
14 The Agency shall require all bidders to pay to the Agency a
15 nonrefundable deposit determined by the Agency and no less
16 than \$10,000 per bid as practical. The Agency may also
17 assess bidder and supplier fees to cover the cost of
18 procurement events and develop collateral requirements to
19 maximize the likelihood of successful project development.
20 Bidders in the initial and additional procurements
21 described in paragraph (3) of this subsection (d-20) shall
22 also demonstrate experience in developing to commercial
23 readiness. As used in this paragraph (6), "developing to
24 commercial readiness" means having notice to proceed in
25 owning or operating energy facilities with a combined
26 nameplate capacity of at least 100 megawatts.

1 (7) In order to advance priority access to the clean
2 energy economy for businesses and workers from communities
3 that have been excluded from economic opportunities in the
4 energy sector, have been subject to disproportionate
5 levels of pollution, and have disproportionately
6 experienced negative public health outcomes, the Agency
7 shall apply its equity accountability system and minimum
8 equity standards established under subsections (c-10),
9 (c-15), (c-20), (c-25), and (c-30) of this Section to
10 energy storage procurement and programs and may include
11 any proposed modifications to the equity accountability
12 system and minimum equity standards that may be warranted
13 with respect to energy storage resources in its plan
14 submission to the Commission under Section 16-111.5 of the
15 Public Utilities Act.

16 (8) Projects shall be developed in compliance with the
17 prevailing wage and project labor agreement requirements
18 for renewable energy projects in subparagraph (Q) of
19 paragraph (1) of subsection (c) of Section 1-75.

20 (9) An entity operating an energy storage facility
21 shall demonstrate that it has entered into a labor peace
22 agreement with a bona fide labor organization that is
23 actively engaged in representing its employees. The labor
24 peace agreement shall apply to the employees necessary for
25 the ongoing maintenance and operation of the energy
26 storage facility. The existence of a labor peace agreement

1 shall be an ongoing material condition of an entity's
2 authorization to maintain and operate the energy storage
3 facility.

4 (10) In order to promote the competitive development
5 of energy storage systems in furtherance of the State's
6 interest in the health, safety, and welfare of its
7 residents, storage credits shall not be eligible to be
8 selected under this subsection (d-20) if the energy
9 storage resources are sourced from an energy storage
10 system whose costs were being recovered through rates
11 regulated by the State or any other state or states on or
12 after January 1, 2017. No entity shall be permitted to bid
13 unless it certifies to the Agency that it is not an
14 electric utility, as defined in Section 16-102 of the
15 Public Utilities Act, serving more than 10,000 customers
16 in the State.

17 (11) The Agency shall require, as a prerequisite to
18 payment for any storage credits, that the winning bidder
19 provide the Agency or its designee a copy of the
20 interconnection agreement under which the applicable
21 energy storage system is connected to the transmission or
22 distribution system.

23 (12) Contracts shall provide that, if the cost
24 recovery mechanism referenced in subsection (k) of Section
25 16-108 of the Public Utilities Act remains in full force
26 without amendment or the utility is otherwise authorized

1 or entitled to full, prompt, and uninterrupted recovery of
2 its costs through any other mechanism, then such seller
3 shall be entitled to full, prompt, and uninterrupted
4 payment under the applicable contract notwithstanding the
5 application of this paragraph (12).

6 (e) The draft procurement plans are subject to public
7 comment, as required by Section 16-111.5 of the Public
8 Utilities Act.

9 (f) The Agency shall submit the final procurement plan to
10 the Commission. The Agency shall revise a procurement plan if
11 the Commission determines that it does not meet the standards
12 set forth in Section 16-111.5 of the Public Utilities Act.

13 (g) The Agency shall assess fees to each affected utility
14 to recover the costs incurred in preparation of procurement
15 plans and in the operation of programs ~~the annual procurement~~
16 ~~plan for the utility.~~

17 (h) The Agency shall assess fees to each bidder to recover
18 the costs incurred in connection with a competitive
19 procurement process.

20 (i) A renewable energy credit, carbon emission credit,
21 zero emission credit, or carbon mitigation credit can only be
22 used once to comply with a single portfolio or other standard
23 as set forth in subsection (c), subsection (d), or subsection
24 (d-5) of this Section, respectively. A renewable energy
25 credit, carbon emission credit, zero emission credit, or
26 carbon mitigation credit cannot be used to satisfy the

1 requirements of more than one standard. If more than one type
2 of credit is issued for the same megawatt hour of energy, only
3 one credit can be used to satisfy the requirements of a single
4 standard. After such use, the credit must be retired together
5 with any other credits issued for the same megawatt hour of
6 energy.

7 (Source: P.A. 102-662, eff. 9-15-21; 103-380, eff. 1-1-24;
8 103-580, eff. 12-8-23; 103-1066, eff. 2-20-25.)

9 (20 ILCS 3855/1-125)

10 Sec. 1-125. Agency annual reports.

11 (a) By March ~~February~~ 15 of each year, the Agency shall
12 report annually to the Governor and the General Assembly on
13 the operations and transactions of the Agency. The annual
14 report shall include, but not be limited to, each of the
15 following:

16 (1) The average quantity, price, and term of all
17 contracts for electricity procured under the procurement
18 plans for electric utilities.

19 (2) (Blank).

20 (3) The quantity, price, and rate impact of all energy
21 efficiency and demand response measures purchased for
22 electric utilities, and any measures included in the
23 procurement plan pursuant to Section 16-111.5B of the
24 Public Utilities Act.

25 (4) The amount of power and energy produced by each

1 Agency facility.

2 (5) The quantity of electricity supplied by each
3 Agency facility to municipal electric systems,
4 governmental aggregators, or rural electric cooperatives
5 in Illinois.

6 (6) The revenues as allocated by the Agency to each
7 facility.

8 (7) The costs as allocated by the Agency to each
9 facility.

10 (8) The accumulated depreciation for each facility.

11 (9) The status of any projects under development.

12 (10) Basic financial and operating information
13 specifically detailed for the reporting year and
14 including, but not limited to, income and expense
15 statements, balance sheets, and changes in financial
16 position, all in accordance with generally accepted
17 accounting principles, debt structure, and a summary of
18 funds on a cash basis.

19 (11) The average quantity, price, contract type and
20 term, and rate impact of all renewable resources procured
21 under the long-term renewable resources procurement plans
22 for electric utilities.

23 (12) A comparison of the costs associated with the
24 Agency's procurement of renewable energy resources to (A)
25 the Agency's costs associated with electricity generated
26 by other types of generation facilities and (B) the

1 benefits associated with the Agency's procurement of
2 renewable energy resources.

3 (13) An analysis of the rate impacts associated with
4 the Illinois Power Agency's procurement of renewable
5 resources, including, but not limited to, any long-term
6 contracts, on the eligible retail customers of electric
7 utilities. The analysis shall include the Agency's
8 estimate of the total dollar impact that the Agency's
9 procurement of renewable resources has had on the annual
10 electricity bills of the customer classes that comprise
11 each eligible retail customer class taking service from an
12 electric utility.

13 (14) (Blank).

14 (b) In addition to reporting on the transactions and
15 operations of the Agency, the Agency shall also endeavor to
16 report on the following items through its annual report,
17 recognizing that full and accurate information may not be
18 available for certain items:

19 (1) The overall nameplate capacity amount of installed
20 and scheduled renewable energy generation capacity
21 physically located in Illinois.

22 (2) The percentage of installed and scheduled
23 renewable energy generation capacity as a share of overall
24 electricity generation capacity physically located in
25 Illinois.

26 (3) The amount of megawatt hours produced by renewable

1 energy generation capacity physically located in Illinois
2 for the preceding delivery year.

3 (4) The percentage of megawatt hours produced by
4 renewable energy generation capacity physically located in
5 Illinois as a share of overall electricity generation from
6 facilities physically located in Illinois for the
7 preceding delivery year and as a share of retail
8 electricity sales in Illinois.

9 (5) The renewable portfolio standard expenditures made
10 pursuant to paragraph (1) of subsection (c) of Section
11 1-75 and the total scheduled and installed renewable
12 generation capacity expected to result from these
13 investments. This information shall include the total cost
14 of REC delivery contracts of the renewable portfolio
15 standard by project category, including, but not limited
16 to, renewable energy credits delivery contracts entered
17 into pursuant to subparagraphs (C), (G), (K), and (R) of
18 paragraph (1) of subsection (c) Section 1-75. The Agency
19 shall also report on the total amount of customer load
20 featuring renewable portfolio standard compliance
21 obligations scheduled to be met by self-direct customers
22 pursuant to subparagraph (R) of paragraph (1) of
23 subsection (c) of Section 1-75, as well as the minimum
24 annual quantities of renewable energy credits scheduled to
25 be retired by those customers and amount of installed
26 renewable energy generating capacity used to meet the

1 requirements of subparagraph (R) of paragraph (1) of
2 subsection (c) of Section 1-75.

3 The Agency may seek assistance from the Illinois Commerce
4 Commission in developing its annual report and may also retain
5 the services of its expert consulting firm used to develop its
6 procurement plans as outlined in paragraph (1) of subsection
7 (a) of Section 1-75. Confidential or commercially sensitive
8 business information provided by retail customers, alternative
9 retail electric suppliers, or other parties shall be kept
10 confidential by the Agency consistent with Section 1-120, but
11 may be publicly reported in aggregate form.

12 (Source: P.A. 102-662, eff. 9-15-21.)

13 Section 90-14. The State Finance Act is amended by
14 changing Sections 5.136, 5.427, and 8.3 as follows:

15 (30 ILCS 105/5.136)

16 Sec. 5.136. The Low-Level Radioactive Waste Facility
17 ~~Development and~~ Operation Fund.

18 (Source: P.A. 99-933, eff. 1-27-17.)

19 (30 ILCS 105/5.427)

20 Sec. 5.427. The Electric Vehicle Rebate and Charging Fund.
21 (Source: P.A. 102-662, eff. 9-15-21.)

22 (30 ILCS 105/8.3)

1 Sec. 8.3. Money in the Road Fund shall, if and when the
2 State of Illinois incurs any bonded indebtedness for the
3 construction of permanent highways, be set aside and used for
4 the purpose of paying and discharging annually the principal
5 and interest on that bonded indebtedness then due and payable,
6 and for no other purpose. The surplus, if any, in the Road Fund
7 after the payment of principal and interest on that bonded
8 indebtedness then annually due shall be used as follows:

9 first -- to pay the cost of administration of Chapters
10 2 through 10 of the Illinois Vehicle Code, except the cost
11 of administration of Articles I and II of Chapter 3 of that
12 Code, and to pay the costs of the Executive Ethics
13 Commission for oversight and administration of the Chief
14 Procurement Officer appointed under paragraph (2) of
15 subsection (a) of Section 10-20 of the Illinois
16 Procurement Code for transportation; and

17 secondly -- for expenses of the Department of
18 Transportation for construction, reconstruction,
19 improvement, repair, maintenance, operation, and
20 administration of highways in accordance with the
21 provisions of laws relating thereto, or for any purpose
22 related or incident to and connected therewith, including
23 the separation of grades of those highways with railroads
24 and with highways and including the payment of awards made
25 by the Illinois Workers' Compensation Commission under the
26 terms of the Workers' Compensation Act or Workers'

Occupational Diseases Act for injury or death of an employee of the Division of Highways in the Department of Transportation; or for the acquisition of land and the erection of buildings for highway purposes, including the acquisition of highway right-of-way or for investigations to determine the reasonably anticipated future highway needs; or for making of surveys, plans, specifications and estimates for and in the construction and maintenance of flight strips and of highways necessary to provide access to military and naval reservations, to defense industries and defense-industry sites, and to the sources of raw materials and for replacing existing highways and highway connections shut off from general public use at military and naval reservations and defense-industry sites, or for the purchase of right-of-way, except that the State shall be reimbursed in full for any expense incurred in building the flight strips; or for the operating and maintaining of highway garages; or for patrolling and policing the public highways and conserving the peace; or for the operating expenses of the Department relating to the administration of public transportation programs; or, during fiscal year 2024, for the purposes of a grant not to exceed \$9,108,400 to the Regional Transportation Authority on behalf of PACE for the purpose of ADA/Para-transit expenses; or, during fiscal year 2025, for the purposes of a grant not to exceed \$10,020,000 to the Regional Transportation Authority on

1 behalf of PACE for the purpose of ADA/Para-transit
2 expenses; or for any of those purposes or any other
3 purpose that may be provided by law.

4 Appropriations for any of those purposes are payable from
5 the Road Fund. Appropriations may also be made from the Road
6 Fund for the administrative expenses of any State agency that
7 are related to motor vehicles or arise from the use of motor
8 vehicles.

9 Beginning with fiscal year 1980 and thereafter, no Road
10 Fund monies shall be appropriated to the following Departments
11 or agencies of State government for administration, grants, or
12 operations; but this limitation is not a restriction upon
13 appropriating for those purposes any Road Fund monies that are
14 eligible for federal reimbursement:

15 1. Department of Public Health;

16 2. Department of Transportation, only with respect to
17 subsidies for one-half fare Student Transportation and
18 Reduced Fare for Elderly, except fiscal year 2024 when no
19 more than \$19,063,500 may be expended and except fiscal
20 year 2025 when no more than \$20,969,900 may be expended;

21 3. Department of Central Management Services, except
22 for expenditures incurred for group insurance premiums of
23 appropriate personnel;

24 4. Judicial Systems and Agencies.

25 Beginning with fiscal year 1981 and thereafter, no Road
26 Fund monies shall be appropriated to the following Departments

1 or agencies of State government for administration, grants, or
2 operations; but this limitation is not a restriction upon
3 appropriating for those purposes any Road Fund monies that are
4 eligible for federal reimbursement:

5 1. Illinois State Police, except for expenditures with
6 respect to the Division of Patrol and Division of Criminal
7 Investigation;

8 2. Department of Transportation, only with respect to
9 Intercity Rail Subsidies, except fiscal year 2024 when no
10 more than \$60,000,000 may be expended and except fiscal
11 year 2025 when no more than \$67,000,000 may be expended,
12 and Rail Freight Services.

13 Beginning with fiscal year 1982 and thereafter, no Road
14 Fund monies shall be appropriated to the following Departments
15 or agencies of State government for administration, grants, or
16 operations; but this limitation is not a restriction upon
17 appropriating for those purposes any Road Fund monies that are
18 eligible for federal reimbursement: Department of Central
19 Management Services, except for awards made by the Illinois
20 Workers' Compensation Commission under the terms of the
21 Workers' Compensation Act or Workers' Occupational Diseases
22 Act for injury or death of an employee of the Division of
23 Highways in the Department of Transportation.

24 Beginning with fiscal year 1984 and thereafter, no Road
25 Fund monies shall be appropriated to the following Departments
26 or agencies of State government for administration, grants, or

1 operations; but this limitation is not a restriction upon
2 appropriating for those purposes any Road Fund monies that are
3 eligible for federal reimbursement:

4 1. Illinois State Police, except not more than 40% of
5 the funds appropriated for the Division of Patrol and
6 Division of Criminal Investigation;

7 2. State Officers.

8 Beginning with fiscal year 1984 and thereafter, no Road
9 Fund monies shall be appropriated to any Department or agency
10 of State government for administration, grants, or operations
11 except as provided hereafter; but this limitation is not a
12 restriction upon appropriating for those purposes any Road
13 Fund monies that are eligible for federal reimbursement. It
14 shall not be lawful to circumvent the above appropriation
15 limitations by governmental reorganization or other methods.
16 Appropriations shall be made from the Road Fund only in
17 accordance with the provisions of this Section.

18 Money in the Road Fund shall, if and when the State of
19 Illinois incurs any bonded indebtedness for the construction
20 of permanent highways, be set aside and used for the purpose of
21 paying and discharging during each fiscal year the principal
22 and interest on that bonded indebtedness as it becomes due and
23 payable as provided in the General Obligation Bond Act, and
24 for no other purpose. The surplus, if any, in the Road Fund
25 after the payment of principal and interest on that bonded
26 indebtedness then annually due shall be used as follows:

1 first -- to pay the cost of administration of Chapters
2 2 through 10 of the Illinois Vehicle Code; and

3 secondly -- no Road Fund monies derived from fees,
4 excises, or license taxes relating to registration,
5 operation and use of vehicles on public highways or to
6 fuels used for the propulsion of those vehicles, shall be
7 appropriated or expended other than for costs of
8 administering the laws imposing those fees, excises, and
9 license taxes, statutory refunds and adjustments allowed
10 thereunder, administrative costs of the Department of
11 Transportation, including, but not limited to, the
12 operating expenses of the Department relating to the
13 administration of public transportation programs, payment
14 of debts and liabilities incurred in construction and
15 reconstruction of public highways and bridges, acquisition
16 of rights-of-way for and the cost of construction,
17 reconstruction, maintenance, repair, and operation of
18 public highways and bridges under the direction and
19 supervision of the State, political subdivision, or
20 municipality collecting those monies, or during fiscal
21 year 2024 for the purposes of a grant not to exceed
22 \$9,108,400 to the Regional Transportation Authority on
23 behalf of PACE for the purpose of ADA/Para-transit
24 expenses, or during fiscal year 2025 for the purposes of a
25 grant not to exceed \$10,020,000 to the Regional
26 Transportation Authority on behalf of PACE for the purpose

1 of ADA/Para-transit expenses, and the costs for patrolling
2 and policing the public highways (by the State, political
3 subdivision, or municipality collecting that money) for
4 enforcement of traffic laws. The separation of grades of
5 such highways with railroads and costs associated with
6 protection of at-grade highway and railroad crossing shall
7 also be permissible.

8 Appropriations for any of such purposes are payable from
9 the Road Fund or the Grade Crossing Protection Fund as
10 provided in Section 8 of the Motor Fuel Tax Law.

11 Except as provided in this paragraph, beginning with
12 fiscal year 1991 and thereafter, no Road Fund monies shall be
13 appropriated to the Illinois State Police for the purposes of
14 this Section in excess of its total fiscal year 1990 Road Fund
15 appropriations for those purposes unless otherwise provided in
16 Section 5g of this Act. For fiscal years 2003, 2004, 2005,
17 2006, and 2007 only, no Road Fund monies shall be appropriated
18 to the Department of State Police for the purposes of this
19 Section in excess of \$97,310,000. For fiscal year 2008 only,
20 no Road Fund monies shall be appropriated to the Department of
21 State Police for the purposes of this Section in excess of
22 \$106,100,000. For fiscal year 2009 only, no Road Fund monies
23 shall be appropriated to the Department of State Police for
24 the purposes of this Section in excess of \$114,700,000.
25 Beginning in fiscal year 2010, no Road Fund moneys shall be
26 appropriated to the Illinois State Police. It shall not be

1 lawful to circumvent this limitation on appropriations by
2 governmental reorganization or other methods unless otherwise
3 provided in Section 5g of this Act.

4 In fiscal year 1994, no Road Fund monies shall be
5 appropriated to the Secretary of State for the purposes of
6 this Section in excess of the total fiscal year 1991 Road Fund
7 appropriations to the Secretary of State for those purposes,
8 plus \$9,800,000. It shall not be lawful to circumvent this
9 limitation on appropriations by governmental reorganization or
10 other method.

11 Beginning with fiscal year 1995 and thereafter, no Road
12 Fund monies shall be appropriated to the Secretary of State
13 for the purposes of this Section in excess of the total fiscal
14 year 1994 Road Fund appropriations to the Secretary of State
15 for those purposes. It shall not be lawful to circumvent this
16 limitation on appropriations by governmental reorganization or
17 other methods.

18 Beginning with fiscal year 2000, total Road Fund
19 appropriations to the Secretary of State for the purposes of
20 this Section shall not exceed the amounts specified for the
21 following fiscal years:

22	Fiscal Year 2000	\$80,500,000;
23	Fiscal Year 2001	\$80,500,000;
24	Fiscal Year 2002	\$80,500,000;
25	Fiscal Year 2003	\$130,500,000;
26	Fiscal Year 2004	\$130,500,000;

1	Fiscal Year 2005	\$130,500,000;
2	Fiscal Year 2006	\$130,500,000;
3	Fiscal Year 2007	\$130,500,000;
4	Fiscal Year 2008	\$130,500,000;
5	Fiscal Year 2009	\$130,500,000.

6 For fiscal year 2010, no road fund moneys shall be
7 appropriated to the Secretary of State.

8 Beginning in fiscal year 2011, moneys in the Road Fund
9 shall be appropriated to the Secretary of State for the
10 exclusive purpose of paying refunds due to overpayment of fees
11 related to Chapter 3 of the Illinois Vehicle Code unless
12 otherwise provided for by law.

13 Beginning in fiscal year 2025, moneys in the Road Fund may
14 be appropriated to the Environmental Protection Agency for the
15 exclusive purpose of making deposits into the Electric Vehicle
16 Rebate and Charging Fund, subject to appropriation, to be used
17 for purposes consistent with Section 11 of Article IX of the
18 Illinois Constitution.

19 It shall not be lawful to circumvent this limitation on
20 appropriations by governmental reorganization or other
21 methods.

22 No new program may be initiated in fiscal year 1991 and
23 thereafter that is not consistent with the limitations imposed
24 by this Section for fiscal year 1984 and thereafter, insofar
25 as appropriation of Road Fund monies is concerned.

26 Nothing in this Section prohibits transfers from the Road

1 Fund to the State Construction Account Fund under Section 5e
2 of this Act; nor to the General Revenue Fund, as authorized by
3 Public Act 93-25.

4 The additional amounts authorized for expenditure in this
5 Section by Public Acts 92-0600, 93-0025, 93-0839, and 94-91
6 shall be repaid to the Road Fund from the General Revenue Fund
7 in the next succeeding fiscal year that the General Revenue
8 Fund has a positive budgetary balance, as determined by
9 generally accepted accounting principles applicable to
10 government.

11 The additional amounts authorized for expenditure by the
12 Secretary of State and the Department of State Police in this
13 Section by Public Act 94-91 shall be repaid to the Road Fund
14 from the General Revenue Fund in the next succeeding fiscal
15 year that the General Revenue Fund has a positive budgetary
16 balance, as determined by generally accepted accounting
17 principles applicable to government.

18 (Source: P.A. 102-16, eff. 6-17-21; 102-538, eff. 8-20-21;
19 102-699, eff. 4-19-22; 102-813, eff. 5-13-22; 103-8, eff.
20 6-7-23; 103-34, eff. 1-1-24; 103-588, eff. 6-5-24; 103-605,
21 eff. 7-1-24; 103-616, eff. 7-1-24; revised 8-5-24.)

22 Section 90-15. The Illinois Procurement Code is amended by
23 changing Sections 1-10 and 30-20 as follows:

24 (30 ILCS 500/1-10)

1 Sec. 1-10. Application.

2 (a) This Code applies only to procurements for which
3 bidders, offerors, potential contractors, or contractors were
4 first solicited on or after July 1, 1998. This Code shall not
5 be construed to affect or impair any contract, or any
6 provision of a contract, entered into based on a solicitation
7 prior to the implementation date of this Code as described in
8 Article 99, including, but not limited to, any covenant
9 entered into with respect to any revenue bonds or similar
10 instruments. All procurements for which contracts are
11 solicited between the effective date of Articles 50 and 99 and
12 July 1, 1998 shall be substantially in accordance with this
13 Code and its intent.

14 (b) This Code shall apply regardless of the source of the
15 funds with which the contracts are paid, including federal
16 assistance moneys. This Code shall not apply to:

17 (1) Contracts between the State and its political
18 subdivisions or other governments, or between State
19 governmental bodies, except as specifically provided in
20 this Code.

21 (2) Grants, except for the filing requirements of
22 Section 20-80.

23 (3) Purchase of care, except as provided in Section
24 5-30.6 of the Illinois Public Aid Code and this Section.

25 (4) Hiring of an individual as an employee and not as
26 an independent contractor, whether pursuant to an

1 employment code or policy or by contract directly with
2 that individual.

3 (5) Collective bargaining contracts.

4 (6) Purchase of real estate, except that notice of
5 this type of contract with a value of more than \$25,000
6 must be published in the Procurement Bulletin within 10
7 calendar days after the deed is recorded in the county of
8 jurisdiction. The notice shall identify the real estate
9 purchased, the names of all parties to the contract, the
10 value of the contract, and the effective date of the
11 contract.

12 (7) Contracts necessary to prepare for anticipated
13 litigation, enforcement actions, or investigations,
14 provided that the chief legal counsel to the Governor
15 shall give his or her prior approval when the procuring
16 agency is one subject to the jurisdiction of the Governor,
17 and provided that the chief legal counsel of any other
18 procuring entity subject to this Code shall give his or
19 her prior approval when the procuring entity is not one
20 subject to the jurisdiction of the Governor.

21 (8) (Blank).

22 (9) Procurement expenditures by the Illinois
23 Conservation Foundation when only private funds are used.

24 (10) (Blank).

25 (11) Public-private agreements entered into according
26 to the procurement requirements of Section 20 of the

1 Public-Private Partnerships for Transportation Act and
2 design-build agreements entered into according to the
3 procurement requirements of Section 25 of the
4 Public-Private Partnerships for Transportation Act.

5 (12) (A) Contracts for legal, financial, and other
6 professional and artistic services entered into by the
7 Illinois Finance Authority in which the State of Illinois
8 is not obligated. Such contracts shall be awarded through
9 a competitive process authorized by the members of the
10 Illinois Finance Authority and are subject to Sections
11 5-30, 20-160, 50-13, 50-20, 50-35, and 50-37 of this Code,
12 as well as the final approval by the members of the
13 Illinois Finance Authority of the terms of the contract.

14 (B) Contracts for legal and financial services entered
15 into by the Illinois Housing Development Authority in
16 connection with the issuance of bonds in which the State
17 of Illinois is not obligated. Such contracts shall be
18 awarded through a competitive process authorized by the
19 members of the Illinois Housing Development Authority and
20 are subject to Sections 5-30, 20-160, 50-13, 50-20, 50-35,
21 and 50-37 of this Code, as well as the final approval by
22 the members of the Illinois Housing Development Authority
23 of the terms of the contract.

24 (13) Contracts for services, commodities, and
25 equipment to support the delivery of timely forensic
26 science services in consultation with and subject to the

1 approval of the Chief Procurement Officer as provided in
2 subsection (d) of Section 5-4-3a of the Unified Code of
3 Corrections, except for the requirements of Sections
4 20-60, 20-65, 20-70, and 20-160 and Article 50 of this
5 Code; however, the Chief Procurement Officer may, in
6 writing with justification, waive any certification
7 required under Article 50 of this Code. For any contracts
8 for services which are currently provided by members of a
9 collective bargaining agreement, the applicable terms of
10 the collective bargaining agreement concerning
11 subcontracting shall be followed.

12 On and after January 1, 2019, this paragraph (13),
13 except for this sentence, is inoperative.

14 (14) Contracts for participation expenditures required
15 by a domestic or international trade show or exhibition of
16 an exhibitor, member, or sponsor.

17 (15) Contracts with a railroad or utility that
18 requires the State to reimburse the railroad or utilities
19 for the relocation of utilities for construction or other
20 public purpose. Contracts included within this paragraph
21 (15) shall include, but not be limited to, those
22 associated with: relocations, crossings, installations,
23 and maintenance. For the purposes of this paragraph (15),
24 "railroad" means any form of non-highway ground
25 transportation that runs on rails or electromagnetic
26 guideways and "utility" means: (1) public utilities as

1 defined in Section 3-105 of the Public Utilities Act, (2)
2 telecommunications carriers as defined in Section 13-202
3 of the Public Utilities Act, (3) electric cooperatives as
4 defined in Section 3.4 of the Electric Supplier Act, (4)
5 telephone or telecommunications cooperatives as defined in
6 Section 13-212 of the Public Utilities Act, (5) rural
7 water or waste water systems with 10,000 connections or
8 less, (6) a holder as defined in Section 21-201 of the
9 Public Utilities Act, and (7) municipalities owning or
10 operating utility systems consisting of public utilities
11 as that term is defined in Section 11-117-2 of the
12 Illinois Municipal Code.

13 (16) Procurement expenditures necessary for the
14 Department of Public Health to provide the delivery of
15 timely newborn screening services in accordance with the
16 Newborn Metabolic Screening Act.

17 (17) Procurement expenditures necessary for the
18 Department of Agriculture, the Department of Financial and
19 Professional Regulation, the Department of Human Services,
20 and the Department of Public Health to implement the
21 Compassionate Use of Medical Cannabis Program and Opioid
22 Alternative Pilot Program requirements and ensure access
23 to medical cannabis for patients with debilitating medical
24 conditions in accordance with the Compassionate Use of
25 Medical Cannabis Program Act.

26 (18) This Code does not apply to any procurements

1 necessary for the Department of Agriculture, the
2 Department of Financial and Professional Regulation, the
3 Department of Human Services, the Department of Commerce
4 and Economic Opportunity, and the Department of Public
5 Health to implement the Cannabis Regulation and Tax Act if
6 the applicable agency has made a good faith determination
7 that it is necessary and appropriate for the expenditure
8 to fall within this exemption and if the process is
9 conducted in a manner substantially in accordance with the
10 requirements of Sections 20-160, 25-60, 30-22, 50-5,
11 50-10, 50-10.5, 50-12, 50-13, 50-15, 50-20, 50-21, 50-35,
12 50-36, 50-37, 50-38, and 50-50 of this Code; however, for
13 Section 50-35, compliance applies only to contracts or
14 subcontracts over \$100,000. Notice of each contract
15 entered into under this paragraph (18) that is related to
16 the procurement of goods and services identified in
17 paragraph (1) through (9) of this subsection shall be
18 published in the Procurement Bulletin within 14 calendar
19 days after contract execution. The Chief Procurement
20 Officer shall prescribe the form and content of the
21 notice. Each agency shall provide the Chief Procurement
22 Officer, on a monthly basis, in the form and content
23 prescribed by the Chief Procurement Officer, a report of
24 contracts that are related to the procurement of goods and
25 services identified in this subsection. At a minimum, this
26 report shall include the name of the contractor, a

1 description of the supply or service provided, the total
2 amount of the contract, the term of the contract, and the
3 exception to this Code utilized. A copy of any or all of
4 these contracts shall be made available to the Chief
5 Procurement Officer immediately upon request. The Chief
6 Procurement Officer shall submit a report to the Governor
7 and General Assembly no later than November 1 of each year
8 that includes, at a minimum, an annual summary of the
9 monthly information reported to the Chief Procurement
10 Officer. This exemption becomes inoperative 5 years after
11 June 25, 2019 (the effective date of Public Act 101-27).

12 (19) Acquisition of modifications or adjustments,
13 limited to assistive technology devices and assistive
14 technology services, adaptive equipment, repairs, and
15 replacement parts to provide reasonable accommodations (i)
16 that enable a qualified applicant with a disability to
17 complete the job application process and be considered for
18 the position such qualified applicant desires, (ii) that
19 modify or adjust the work environment to enable a
20 qualified current employee with a disability to perform
21 the essential functions of the position held by that
22 employee, (iii) to enable a qualified current employee
23 with a disability to enjoy equal benefits and privileges
24 of employment as are enjoyed by other similarly situated
25 employees without disabilities, and (iv) that allow a
26 customer, client, claimant, or member of the public

1 seeking State services full use and enjoyment of and
2 access to its programs, services, or benefits.

3 For purposes of this paragraph (19):

4 "Assistive technology devices" means any item, piece
5 of equipment, or product system, whether acquired
6 commercially off the shelf, modified, or customized, that
7 is used to increase, maintain, or improve functional
8 capabilities of individuals with disabilities.

9 "Assistive technology services" means any service that
10 directly assists an individual with a disability in
11 selection, acquisition, or use of an assistive technology
12 device.

13 "Qualified" has the same meaning and use as provided
14 under the federal Americans with Disabilities Act when
15 describing an individual with a disability.

16 (20) Procurement expenditures necessary for the
17 Illinois Commerce Commission to hire third-party
18 facilitators pursuant to Sections 16-105.17 and 16-108.18
19 of the Public Utilities Act or an ombudsman pursuant to
20 Section 16-107.5 of the Public Utilities Act, a
21 facilitator pursuant to Section 16-105.17 of the Public
22 Utilities Act, ~~or~~ a grid auditor pursuant to Section
23 16-105.10 of the Public Utilities Act, a facilitator,
24 expert, or consultant pursuant to Sections 16-126.2 and
25 16-202 of the Public Utilities Act, a procurement monitor
26 pursuant to Section 16-111.5 of the Public Utilities Act,

1 an ombudsperson pursuant to Section 20-145 of the Public
2 Utilities Act, or consultants and experts pursuant to
3 Section 5-15 of the Utility Data Access Act.

4 (21) Procurement expenditures for the purchase,
5 renewal, and expansion of software, software licenses, or
6 software maintenance agreements that support the efforts
7 of the Illinois State Police to enforce, regulate, and
8 administer the Firearm Owners Identification Card Act, the
9 Firearm Concealed Carry Act, the Firearms Restraining
10 Order Act, the Firearm Dealer License Certification Act,
11 the Law Enforcement Agencies Data System (LEADS), the
12 Uniform Crime Reporting Act, the Criminal Identification
13 Act, the Illinois Uniform Conviction Information Act, and
14 the Gun Trafficking Information Act, or establish or
15 maintain record management systems necessary to conduct
16 human trafficking investigations or gun trafficking or
17 other stolen firearm investigations. This paragraph (21)
18 applies to contracts entered into on or after January 10,
19 2023 (the effective date of Public Act 102-1116) and the
20 renewal of contracts that are in effect on January 10,
21 2023 (the effective date of Public Act 102-1116).

22 (22) Contracts for project management services and
23 system integration services required for the completion of
24 the State's enterprise resource planning project. This
25 exemption becomes inoperative 5 years after June 7, 2023
26 (the effective date of the changes made to this Section by

1 Public Act 103-8). This paragraph (22) applies to
2 contracts entered into on or after June 7, 2023 (the
3 effective date of the changes made to this Section by
4 Public Act 103-8) and the renewal of contracts that are in
5 effect on June 7, 2023 (the effective date of the changes
6 made to this Section by Public Act 103-8).

7 (23) Procurements necessary for the Department of
8 Insurance to implement the Illinois Health Benefits
9 Exchange Law if the Department of Insurance has made a
10 good faith determination that it is necessary and
11 appropriate for the expenditure to fall within this
12 exemption. The procurement process shall be conducted in a
13 manner substantially in accordance with the requirements
14 of Sections 20-160 and 25-60 and Article 50 of this Code. A
15 copy of these contracts shall be made available to the
16 Chief Procurement Officer immediately upon request. This
17 paragraph is inoperative 5 years after June 27, 2023 (the
18 effective date of Public Act 103-103).

19 (24) Contracts for public education programming,
20 noncommercial sustaining announcements, public service
21 announcements, and public awareness and education
22 messaging with the nonprofit trade associations of the
23 providers of those services that inform the public on
24 immediate and ongoing health and safety risks and hazards.

25 (25) Procurements necessary for the Department of
26 Early Childhood to implement the Department of Early

1 Childhood Act if the Department has made a good faith
2 determination that it is necessary and appropriate for the
3 expenditure to fall within this exemption. This exemption
4 shall only be used for products and services procured
5 solely for use by the Department of Early Childhood. The
6 procurements may include those necessary to design and
7 build integrated, operational systems of programs and
8 services. The procurements may include, but are not
9 limited to, those necessary to align and update program
10 standards, integrate funding systems, design and establish
11 data and reporting systems, align and update models for
12 technical assistance and professional development, design
13 systems to manage grants and ensure compliance, design and
14 implement management and operational structures, and
15 establish new means of engaging with families, educators,
16 providers, and stakeholders. The procurement processes
17 shall be conducted in a manner substantially in accordance
18 with the requirements of Article 50 (ethics) and Sections
19 5-5 (Procurement Policy Board), 5-7 (Commission on Equity
20 and Inclusion), 20-80 (contract files), 20-120
21 (subcontractors), 20-155 (paperwork), 20-160
22 (ethics/campaign contribution prohibitions), 25-60
23 (prevailing wage), and 25-90 (prohibited and authorized
24 cybersecurity) of this Code. Beginning January 1, 2025,
25 the Department of Early Childhood shall provide a
26 quarterly report to the General Assembly detailing a list

1 of expenditures and contracts for which the Department
2 uses this exemption. This paragraph is inoperative on and
3 after July 1, 2027.

4 (26) ~~(25)~~ Procurements that are necessary for
5 increasing the recruitment and retention of State
6 employees, particularly minority candidates for
7 employment, including:

8 (A) procurements related to registration fees for
9 job fairs and other outreach and recruitment events;

10 (B) production of recruitment materials; and

11 (C) other services related to recruitment and
12 retention of State employees.

13 The exemption under this paragraph (26) ~~(25)~~ applies
14 only if the State agency has made a good faith
15 determination that it is necessary and appropriate for the
16 expenditure to fall within this paragraph (26) ~~(25)~~. The
17 procurement process under this paragraph (26) ~~(25)~~ shall
18 be conducted in a manner substantially in accordance with
19 the requirements of Sections 20-160 and 25-60 and Article
20 50 of this Code. A copy of these contracts shall be made
21 available to the Chief Procurement Officer immediately
22 upon request. Nothing in this paragraph (26) ~~(25)~~
23 authorizes the replacement or diminishment of State
24 responsibilities in hiring or the positions that
25 effectuate that hiring. This paragraph (26) ~~(25)~~ is
26 inoperative on and after June 30, 2029.

1 Notwithstanding any other provision of law, for contracts
2 with an annual value of more than \$100,000 entered into on or
3 after October 1, 2017 under an exemption provided in any
4 paragraph of this subsection (b), except paragraph (1), (2),
5 or (5), each State agency shall post to the appropriate
6 procurement bulletin the name of the contractor, a description
7 of the supply or service provided, the total amount of the
8 contract, the term of the contract, and the exception to the
9 Code utilized. The chief procurement officer shall submit a
10 report to the Governor and General Assembly no later than
11 November 1 of each year that shall include, at a minimum, an
12 annual summary of the monthly information reported to the
13 chief procurement officer.

14 (c) This Code does not apply to the electric power
15 procurement process provided for under Section 1-75 of the
16 Illinois Power Agency Act and Section 16-111.5 of the Public
17 Utilities Act. This Code does not apply to the procurement of
18 technical and policy experts pursuant to Section 1-129 of the
19 Illinois Power Agency Act.

20 (d) Except for Section 20-160 and Article 50 of this Code,
21 and as expressly required by Section 9.1 of the Illinois
22 Lottery Law, the provisions of this Code do not apply to the
23 procurement process provided for under Section 9.1 of the
24 Illinois Lottery Law.

25 (e) This Code does not apply to the process used by the
26 Capital Development Board to retain a person or entity to

1 assist the Capital Development Board with its duties related
2 to the determination of costs of a clean coal SNG brownfield
3 facility, as defined by Section 1-10 of the Illinois Power
4 Agency Act, as required in subsection (h-3) of Section 9-220
5 of the Public Utilities Act, including calculating the range
6 of capital costs, the range of operating and maintenance
7 costs, or the sequestration costs or monitoring the
8 construction of clean coal SNG brownfield facility for the
9 full duration of construction.

10 (f) (Blank).

11 (g) (Blank).

12 (h) This Code does not apply to the process to procure or
13 contracts entered into in accordance with Sections 11-5.2 and
14 11-5.3 of the Illinois Public Aid Code.

15 (i) Each chief procurement officer may access records
16 necessary to review whether a contract, purchase, or other
17 expenditure is or is not subject to the provisions of this
18 Code, unless such records would be subject to attorney-client
19 privilege.

20 (j) This Code does not apply to the process used by the
21 Capital Development Board to retain an artist or work or works
22 of art as required in Section 14 of the Capital Development
23 Board Act.

24 (k) This Code does not apply to the process to procure
25 contracts, or contracts entered into, by the State Board of
26 Elections or the State Electoral Board for hearing officers

1 appointed pursuant to the Election Code.

2 (1) This Code does not apply to the processes used by the
3 Illinois Student Assistance Commission to procure supplies and
4 services paid for from the private funds of the Illinois
5 Prepaid Tuition Fund. As used in this subsection (1), "private
6 funds" means funds derived from deposits paid into the
7 Illinois Prepaid Tuition Trust Fund and the earnings thereon.

8 (m) This Code shall apply regardless of the source of
9 funds with which contracts are paid, including federal
10 assistance moneys. Except as specifically provided in this
11 Code, this Code shall not apply to procurement expenditures
12 necessary for the Department of Public Health to conduct the
13 Healthy Illinois Survey in accordance with Section 2310-431 of
14 the Department of Public Health Powers and Duties Law of the
15 Civil Administrative Code of Illinois.

16 (Source: P.A. 102-175, eff. 7-29-21; 102-483, eff. 1-1-22;
17 102-558, eff. 8-20-21; 102-600, eff. 8-27-21; 102-662, eff.
18 9-15-21; 102-721, eff. 1-1-23; 102-813, eff. 5-13-22;
19 102-1116, eff. 1-10-23; 103-8, eff. 6-7-23; 103-103, eff.
20 6-27-23; 103-570, eff. 1-1-24; 103-580, eff. 12-8-23; 103-594,
21 eff. 6-25-24; 103-605, eff. 7-1-24; 103-865, eff. 1-1-25;
22 revised 11-26-24.)

23 (30 ILCS 500/30-20)

24 Sec. 30-20. Prequalification.

25 (a) The Capital Development Board shall promulgate rules

1 for the development of prequalified supplier lists for
2 construction and construction-related professional services
3 and the periodic updating of those lists. Construction and
4 construction-related professional services contracts over
5 \$25,000 may be awarded to any qualified suppliers.

6 (b) If deemed necessary by the Agency, the ~~The~~ Illinois
7 Power Agency shall promulgate rules for the development of
8 prequalified supplier lists for construction and
9 construction-related professional services and the periodic
10 updating of those lists. Construction and construction-related
11 ~~construction-related~~ professional services contracts over
12 \$25,000 may be awarded to any qualified suppliers, pursuant to
13 a competitive bidding process.

14 (Source: P.A. 95-481, eff. 8-28-07.)

15 Section 90-17. The Illinois Works Jobs Program Act is
16 amended by changing Section 20-15 as follows:

17 (30 ILCS 559/20-15)

18 Sec. 20-15. Illinois Works Preapprenticeship Program;
19 Illinois Works Bid Credit Program.

20 (a) The Illinois Works Preapprenticeship Program is
21 established and shall be administered by the Department. The
22 goal of the Illinois Works Preapprenticeship Program is to
23 create a network of community-based organizations throughout
24 the State that will recruit, prescreen, and provide

1 preapprenticeship skills training, for which participants may
2 attend free of charge and receive a stipend, to create a
3 qualified, diverse pipeline of workers who are prepared for
4 careers in the construction and building trades. Upon
5 completion of the Illinois Works Preapprenticeship Program,
6 the candidates will be skilled and work-ready.

7 (b) There is created the Illinois Works Fund, a special
8 fund in the State treasury. The Illinois Works Fund shall be
9 administered by the Department. The Illinois Works Fund shall
10 be used to provide funding for community-based organizations
11 throughout the State. In addition to any other transfers that
12 may be provided for by law, on and after July 1, 2019 at the
13 direction of the Director of the Governor's Office of
14 Management and Budget, the State Comptroller shall direct and
15 the State Treasurer shall transfer amounts not exceeding a
16 total of \$50,000,000 from the Rebuild Illinois Projects Fund
17 to the Illinois Works Fund.

18 (b-5) In addition to any other transfers that may be
19 provided for by law, beginning July 1, 2024 and each July 1
20 thereafter, or as soon thereafter as practical, the State
21 Comptroller shall direct and the State Treasurer shall
22 transfer \$27,500,000 from the Capital Projects Fund to the
23 Illinois Works Fund.

24 (c) Each community-based organization that receives
25 funding from the Illinois Works Fund shall provide an annual
26 report to the Illinois Works Review Panel by April 1 of each

1 calendar year. The annual report shall include the following
2 information:

3 (1) a description of the community-based
4 organization's recruitment, screening, and training
5 efforts;

6 (2) the number of individuals who apply to,
7 participate in, and complete the community-based
8 organization's program, broken down by race, gender, age,
9 and veteran status; and

10 (3) the number of the individuals referenced in item (2)
11 of this subsection who are initially accepted and placed
12 into apprenticeship programs in the construction and
13 building trades.

14 (d) The Department shall create and administer the
15 Illinois Works Bid Credit Program that shall provide economic
16 incentives, through bid credits, to encourage contractors and
17 subcontractors to provide contracting and employment
18 opportunities to historically underrepresented populations in
19 the construction industry.

20 The Illinois Works Bid Credit Program shall allow
21 contractors and subcontractors to earn bid credits for use
22 toward future bids for public works projects contracted by the
23 State or an agency of the State in order to increase the
24 chances that the contractor and the subcontractors will be
25 selected.

26 Contractors or subcontractors may be eligible to earn bid

1 credits for employing apprentices who have been verified by
2 the Department to have completed the Illinois Works
3 Preapprenticeship Program, the Climate Works Preapprenticeship
4 Program, or the Highway Construction Careers Training Program.

5 Contractors or subcontractors shall earn bid credits at a rate
6 established by the Department and based on labor hours worked
7 by apprentices who have been verified by the Department to
8 have completed the Illinois Works Preapprenticeship Program,
9 the Climate Works Preapprenticeship Program, or the Highway
10 Construction Careers Training Program. In order to earn bid

11 credits, contractors and subcontractors shall provide the
12 Department with certified payroll documenting the hours
13 performed by apprentices who have been verified by the
14 Department to have completed the Illinois Works
15 Preapprenticeship Program, the Climate Works Preapprenticeship
16 Program, or the Highway Construction Careers Training Program.

17 Contractors and subcontractors can use bid credits toward
18 future bids for public works projects contracted or funded by
19 the State or an agency of the State in order to increase the
20 likelihood of being selected as the contractor for the public
21 works project toward which they have applied the bid credit.
22 The Department shall establish the rate by rule and shall
23 publish it on the Department's website. The rule may include
24 maximum bid credits allowed per contractor, per subcontractor,
25 per apprentice, per bid, or per year.

26 The Illinois Works Credit Bank is hereby created and shall

1 be administered by the Department. The Illinois Works Credit
2 Bank shall track the bid credits.

3 A contractor or subcontractor who has been awarded bid
4 credits under any other State program for employing
5 apprentices who have completed the Illinois Works
6 Preapprenticeship Program is not eligible to receive bid
7 credits under the Illinois Works Bid Credit Program relating
8 to the same contract.

9 The Department shall report to the Illinois Works Review
10 Panel the following: (i) the number of bid credits awarded by
11 the Department; (ii) the number of bid credits submitted by
12 the contractor or subcontractor to the agency administering
13 the public works contract; and (iii) the number of bid credits
14 accepted by the agency for such contract. Any agency that
15 awards bid credits pursuant to the Illinois Works Credit Bank
16 Program shall report to the Department the number of bid
17 credits it accepted for the public works contract.

18 Upon a finding that a contractor or subcontractor has
19 reported falsified records to the Department in order to
20 fraudulently obtain bid credits, the Department may bar the
21 contractor or subcontractor from participating in the Illinois
22 Works Bid Credit Program and may suspend the contractor or
23 subcontractor from bidding on or participating in any public
24 works project. False or fraudulent claims for payment relating
25 to false bid credits may be subject to damages and penalties
26 under applicable law.

1 (e) The Department shall adopt any rules deemed necessary
2 to implement this Section. In order to provide for the
3 expeditious and timely implementation of this Act, the
4 Department may adopt emergency rules. The adoption of
5 emergency rules authorized by this subsection is deemed to be
6 necessary for the public interest, safety, and welfare.

7 (Source: P.A. 103-8, eff. 6-7-23; 103-305, eff. 7-28-23;
8 103-588, eff. 6-5-24; 103-605, eff. 7-1-24; 104-2, eff.
9 6-16-25.)

10 Section 90-20. The Property Tax Code is amended by adding
11 Division 22 as follows:

12 (35 ILCS 200/Art. 10 Div. 22 heading new)

13 Division 22. Commercial energy storage systems

14 (35 ILCS 200/10-920 new)

15 Sec. 10-920. Definitions. As used in this Division:

16 "Allowance for physical depreciation" means the product of
17 the quotient that is generated by dividing the actual age in
18 years of the commercial energy storage system on the
19 assessment date by 25 years multiplied by the commercial
20 energy storage system's trended real property cost basis.
21 "Allowance for physical depreciation" may not exceed an amount
22 that reduces the value of the commercial energy storage system
23 to 30% of its trended real property cost basis or less.

1 "Commercial energy storage system" means any device or
2 assembly of devices that is (i) either installed as a
3 stand-alone system or tied to a power generation system, (ii)
4 used for the primary purpose of storing of energy for
5 wholesale or retail sale and not primarily for storage to
6 later consume on the property on which the device resides, and
7 (iii) an energy storage system, as defined in Section 16-135
8 of the Public Utilities Act.

9 "Commercial energy storage system real property cost
10 basis" means the owner of the commercial energy storage
11 system's interest in the land within the project boundaries
12 and real property improvements and shall be calculated at \$65
13 per kilowatt-hour of rated kilowatt-hour energy capacity.

14 "Consumer Price Index" means the index published by the
15 Bureau of Labor Statistics of the United States Department of
16 Labor that measures the average change in prices of goods and
17 services purchased by all urban consumers, United States city
18 average, all items, 1982-84 = 100.

19 "Rated kWh energy capacity" means the maximum amount of
20 stored energy in kilowatt hours. "Trended real property cost
21 basis" means the commercial energy storage system real
22 property cost basis multiplied by the trending factor.

23 "Trending factor" means the following:

24 (1) for stand-alone commercial energy storage systems,
25 the lesser of 2% or the number generated by dividing the
26 Consumer Price Index published by the Bureau of Labor

1 Statistics in the December immediately preceding the
2 assessment date by the Consumer Price Index published by
3 the Bureau of Labor Statistics in December of 2024; or
4 (2) for commercial energy storage systems tied to a
5 power generation system, a trending factor of 1.00.

6 (35 ILCS 200/10-925 new)

7 Sec. 10-925. Improvement valuation of commercial energy
8 systems. Beginning in assessment year 2026, the fair cash
9 value of commercial energy storage system improvements shall
10 be determined by subtracting the allowance for physical
11 depreciation from the commercial energy storage system trended
12 real property cost basis. Functional obsolescence and external
13 obsolescence of the commercial energy storage system
14 improvements may further reduce the fair cash value of the
15 improvements to the extent the obsolescence is proven by the
16 taxpayer by clear and convincing evidence, except that the
17 combined depreciation from all functional and economic
18 obsolescence shall not exceed 70% of the trended real property
19 cost basis. The chief county assessment officer may make
20 reasonable adjustments to the actual age of the commercial
21 energy storage system to account for the routine replacement
22 or upgrade of system components.

23 (35 ILCS 200/10-930 new)

24 Sec. 10-930. Commercial energy storage systems;

1 equalization. Commercial energy storage systems that are
2 subject to assessment under this Division are not subject to
3 equalization factors applied by the Department, any board of
4 review, an assessor, or a chief county assessment officer.

5 (35 ILCS 200/10-935 new)

6 Sec. 10-935. Survey for commercial energy storage systems;
7 parcel identification numbers. Notwithstanding any other
8 provision of law, the owner of the commercial energy storage
9 system shall commission a metes and bounds survey description
10 of the land upon which the commercial energy storage system is
11 located, including access routes, over which the owner of the
12 commercial energy storage system has exclusive control. Land
13 held for future development shall not be included in the
14 project area for real property assessment purposes. The owner
15 of the commercial energy storage system shall, at the owner's
16 own expense, use a State-registered land surveyor to prepare
17 the survey. The owner of the commercial energy storage system
18 shall deliver a copy of the survey to the chief county
19 assessment officer and to the owner of the land upon which the
20 commercial energy storage system is located. Upon receiving a
21 copy of the survey and an agreed acknowledgment to the
22 separate parcel identification number by the owner of the land
23 upon which the commercial energy storage system is
24 constructed, the chief county assessment officer shall issue a
25 separate parcel identification number for the real property

1 improvements, including the land containing the commercial
2 energy storage system, to be used only for the purposes of
3 property assessment for taxation. If no survey is provided,
4 the chief county assessment officer shall determine the area
5 of the site that is occupied by the commercial energy storage
6 system. The chief county assessment officer's determination
7 shall be final and may not be challenged on review by the owner
8 of the commercial energy storage system. The property records
9 shall contain the legal description of the commercial energy
10 storage system parcel and describe any leasehold interest or
11 other interest of the owner of the commercial energy storage
12 system in the property. A plat prepared under this Section
13 shall not be construed as a violation of the Plat Act.

14 Surveys that are prepared in accordance with either
15 Section 10-740 or Section 10-620 and that also include the
16 location of a commercial energy storage system in the survey's
17 metes and bounds description shall satisfy the requirements of
18 this Section.

19 (35 ILCS 200/10-940 new)

20 Sec. 10-940. Real estate taxes. Notwithstanding the
21 provisions of Section 9-175 of this Code, the owner of the
22 commercial energy storage system shall be liable for the real
23 estate taxes for the land and real property improvements of
24 the commercial energy storage system. Notwithstanding the
25 foregoing, the owner of the land upon which a commercial

1 energy storage system is located may pay any unpaid tax of the
2 commercial energy storage system parcel prior to the
3 initiation of any tax sale proceedings.

4 (35 ILCS 200/10-945 new)

5 Sec. 10-945. Property assessed as farmland.
6 Notwithstanding any other provision of law, real property
7 assessed as farmland in accordance with Section 10-110 in the
8 assessment year prior to valuation under this Division shall
9 return to being assessed as farmland in accordance with
10 Section 10-110 in the year following completion of the removal
11 of the commercial energy storage system if the property is
12 returned to a farm use, as defined in Section 1-60,
13 notwithstanding that the land was not used for farming for the
14 2 preceding years.

15 (35 ILCS 200/10-950 new)

16 Sec. 10-950. Abatements. Any taxing district may, upon a
17 majority vote of its governing authority and after the
18 determination of the assessed valuation as set forth in this
19 Code, order the clerk of the appropriate municipality or
20 county to abate any portion of real property taxes otherwise
21 levied or extended by the taxing district on a commercial
22 energy storage system.

23 (35 ILCS 200/10-953 new)

1 Sec. 10-953. Cook County exemption. This Division 22 does
2 not apply to any property located within Cook County.

3 (35 ILCS 200/10-955 new)

4 Sec. 10-955. Applicability. The provisions of this
5 Division apply for assessment years 2026 through 2040.

6 Section 90-22. The Radioactive Waste Compact Enforcement
7 Act is amended by changing Section 15, 25, 30, and 31 as
8 follows:

9 (45 ILCS 141/15)

10 Sec. 15. Definitions. In this Act:

11 "IEMA-OHS" means the Illinois Emergency Management Agency
12 and Office of Homeland Security, or its successor agency.

13 "Commission" means the Central Midwest Interstate
14 Low-Level Radioactive Waste Commission.

15 "Compact" means the Central Midwest Interstate Low-Level
16 Radioactive Waste Compact.

17 "Director" means the Director of IEMA-OHS.

18 "Disposal" means the isolation of waste from the biosphere
19 in a permanent facility designed for that purpose.

20 "Facility" means a parcel of land or site, together with
21 the structures, equipment, and improvements on or appurtenant
22 to the land or site, that is used or is being developed for the
23 treatment, storage or disposal of low-level radioactive waste.

1 "Low-level radioactive waste" or "waste" means radioactive
2 waste not classified as (1) high-level radioactive waste, (2)
3 transuranic waste, (3) spent nuclear fuel, or (4) byproduct
4 material as defined in Sections 11e(2), 11e(3), and 11e(4) of
5 the Atomic Energy Act (42 U.S.C. 2014). This definition shall
6 apply notwithstanding any declaration by the federal
7 government, a state, or any regulatory agency that any
8 radioactive material is exempt from any regulatory control.

9 "Management plan" means the plan adopted by the Commission
10 for the storage, transportation, treatment and disposal of
11 waste within the region.

12 "Nuclear facilities" means nuclear power plants,
13 facilities housing nuclear test and research reactors,
14 facilities for the chemical conversion of uranium, and
15 facilities for the storage of spent nuclear fuel or high-level
16 radioactive waste.

17 "Nuclear power plant" or "nuclear steam-generating
18 facility" means a thermal power plant in which the energy
19 (heat) released by the fissioning of nuclear fuel is used to
20 boil water to produce steam.

21 "Nuclear power reactor" means an apparatus, other than an
22 atomic weapon, designed or used to sustain nuclear fission in
23 a self-supporting chain reaction.

24 "Person" means any individual, corporation, business
25 enterprise or other legal entity, public or private, and any
26 legal successor, representative, agent or agency of that

1 individual, corporation, business enterprise, or legal entity.

2 "Region" means the geographical area of the State of
3 Illinois and the Commonwealth of Kentucky.

4 "Regional Facility" means any facility as defined in this
5 Act that is (1) located in Illinois, and (2) established by
6 Illinois pursuant to designation of Illinois as a host state
7 by the Commission.

8 ~~"Small modular reactor" or "SMR" means an advanced nuclear~~
9 ~~reactor: (1) with a rated nameplate capacity of 300 electrical~~
10 ~~megawatts or less; and (2) that may be constructed and~~
11 ~~operated in combination with similar reactors at a single~~
12 ~~site.~~

13 "Storage" means the temporary holding of radioactive
14 material for treatment or disposal.

15 "Treatment" means any method, technique or process,
16 including storage for radioactive decay, designed to change
17 the physical, chemical, or biological characteristics of the
18 radioactive material in order to render the radioactive
19 material safe for transport or management, amenable to
20 recovery, convertible to another usable material, or reduced
21 in volume.

22 (Source: P.A. 103-306, eff. 7-28-23; 103-569, eff. 6-1-24.)

23 (45 ILCS 141/25)

24 Sec. 25. Enforcement.

25 (a) The Agency shall adopt regulations to administer and

1 enforce the provisions of this Act. The regulations shall be
2 adopted with the consultation and cooperation of the
3 Commission.

4 Regulations adopted by the Agency under this Act shall
5 prohibit the shipment into or acceptance of waste in Illinois
6 if the shipment or acceptance would result in a violation of
7 any provision of the Compact or this Act.

8 (b) The Agency may, by regulation, impose conditions on
9 the shipment into or acceptance of waste in Illinois that the
10 Agency determines to be reasonable and necessary to enforce
11 the provisions of this Act. The conditions may include, but
12 are not limited to (i) requiring prior notification of any
13 proposed shipment or receipt of waste; (ii) requiring the
14 shipper or recipient to identify the location to which the
15 waste will be sent for disposal following treatment or storage
16 in Illinois; (iii) limiting the time that waste from outside
17 Illinois may be held in Illinois; (iv) requiring the shipper
18 or recipient to post bond or by other mechanism to assure that
19 radioactive material will not be treated, stored, or disposed
20 of in Illinois in violation of any provision of this Act; (v)
21 requiring that the shipper consent to service of process
22 before shipment of waste into Illinois.

23 (c) The Agency shall, by regulation, impose a system of
24 civil penalties in accordance with the provisions of this Act.
25 Amounts recovered under these regulations shall be deposited
26 in the Low-Level Radioactive Waste Facility ~~Development and~~

1 Operation Fund.

2 (d) The regulations adopted by the Agency may provide for
3 the granting of exemptions, but only upon a showing by the
4 applicant that the granting of an exemption would be
5 consistent with the Compact.

6 (Source: P.A. 103-569, eff. 6-1-24.)

7 (45 ILCS 141/30)

8 Sec. 30. Penalties.

9 (a) Any person who ships or receives radioactive material
10 in violation of any provision of this Act or a regulation of
11 the Agency adopted under this Act shall be subject to a civil
12 penalty not to exceed \$100,000 per occurrence.

13 (b) Any person who fails to pay a civil penalty imposed by
14 regulations adopted under this Act, or any portion of the
15 penalty, shall be liable in a civil action in an amount not to
16 exceed 4 times the amount imposed and not paid.

17 (c) Any person who intentionally violates a provision of
18 subsection (a) (1), (a) (2), (a) (3), (a) (4) or (a) (6) of Section
19 20 of this Act shall be guilty of a Class 4 felony.

20 (d) At the request of the Agency, the Attorney General
21 shall, on behalf of the State, bring an action for the recovery
22 of any civil penalty or the prosecution of any criminal
23 offense provided for by this Act. Any civil penalties so
24 recovered shall be deposited in the Low-Level Radioactive
25 Waste Facility ~~Development and~~ Operation Fund.

1 (Source: P.A. 95-777, eff. 8-4-08.)

2 (45 ILCS 141/31)

3 Sec. 31. The Agency may accept donations of money,
4 equipment, supplies, materials, and services from any person
5 for accomplishing the purposes of this Act. Any donation of
6 money shall be deposited in the Low-Level Radioactive Waste
7 Facility ~~Development and~~ Operation Fund and shall be expended
8 by the Agency only in accordance with the purposes of the
9 donation.

10 (Source: P.A. 95-777, eff. 8-4-08.)

11 Section 90-27. The Counties Code is amended by adding
12 Division 5-46 and Section 5-12024 and changing Section 5-12020
13 as follows:

14 (55 ILCS 5/5-12020)

15 Sec. 5-12020. Commercial wind energy facilities and
16 commercial solar energy facilities.

17 (a) As used in this Section:

18 "Commercial solar energy facility" means a "commercial
19 solar energy system" as defined in Section 10-720 of the
20 Property Tax Code. "Commercial solar energy facility" does not
21 mean a utility-scale solar energy facility being constructed
22 at a site that was eligible to participate in a procurement
23 event conducted by the Illinois Power Agency pursuant to

1 subsection (c-5) of Section 1-75 of the Illinois Power Agency
2 Act.

3 "Commercial wind energy facility" means a wind energy
4 conversion facility of equal or greater than 500 kilowatts in
5 total nameplate generating capacity. "Commercial wind energy
6 facility" includes a wind energy conversion facility seeking
7 an extension of a permit to construct granted by a county or
8 municipality before January 27, 2023 (the effective date of
9 Public Act 102-1123).

10 "Facility owner" means (i) a person with a direct
11 ownership interest in a commercial wind energy facility or a
12 commercial solar energy facility, or both, regardless of
13 whether the person is involved in acquiring the necessary
14 rights, permits, and approvals or otherwise planning for the
15 construction and operation of the facility, and (ii) at the
16 time the facility is being developed, a person who is acting as
17 a developer of the facility by acquiring the necessary rights,
18 permits, and approvals or by planning for the construction and
19 operation of the facility, regardless of whether the person
20 will own or operate the facility.

21 "Nonparticipating property" means real property that is
22 not a participating property.

23 "Nonparticipating residence" means a residence that is
24 located on nonparticipating property and that is existing and
25 occupied on the date that an application for a permit to
26 develop the commercial wind energy facility or the commercial

1 solar energy facility is filed with the county.

2 "Occupied community building" means any one or more of the
3 following buildings that is existing and occupied on the date
4 that the application for a permit to develop the commercial
5 wind energy facility or the commercial solar energy facility
6 is filed with the county: a school, place of worship, day care
7 facility, public library, or community center.

8 "Participating property" means real property that is the
9 subject of a written agreement between a facility owner and
10 the owner of the real property that provides the facility
11 owner an easement, option, lease, or license to use the real
12 property for the purpose of constructing a commercial wind
13 energy facility, a commercial solar energy facility, or
14 supporting facilities. "Participating property" also includes
15 real property that is owned by a facility owner for the purpose
16 of constructing a commercial wind energy facility, a
17 commercial solar energy facility, or supporting facilities.

18 "Participating residence" means a residence that is
19 located on participating property and that is existing and
20 occupied on the date that an application for a permit to
21 develop the commercial wind energy facility or the commercial
22 solar energy facility is filed with the county.

23 "Protected lands" means real property that is:

- 24 (1) subject to a permanent conservation right
25 consistent with the Real Property Conservation Rights Act;
26 or

1 (2) registered or designated as a nature preserve,
2 buffer, or land and water reserve under the Illinois
3 Natural Areas Preservation Act.

4 "Supporting facilities" means the transmission lines,
5 substations, access roads, meteorological towers, storage
6 containers, and equipment associated with the generation and
7 storage of electricity by the commercial wind energy facility
8 or commercial solar energy facility. "Supporting facilities"
9 includes energy storage systems capable of absorbing energy
10 and storing it for use at a later time, including, but not
11 limited to, batteries and other electrochemical and
12 electromechanical technologies or systems.

13 "Wind tower" includes the wind turbine tower, nacelle, and
14 blades.

15 (b) Notwithstanding any other provision of law or whether
16 the county has formed a zoning commission and adopted formal
17 zoning under Section 5-12007, a county may establish standards
18 for commercial wind energy facilities, commercial solar energy
19 facilities, or both. The standards may include all of the
20 requirements specified in this Section but may not include
21 requirements for commercial wind energy facilities or
22 commercial solar energy facilities that are more restrictive
23 than specified in this Section. A county may also regulate the
24 siting of commercial wind energy facilities with standards
25 that are not more restrictive than the requirements specified
26 in this Section in unincorporated areas of the county that are

1 outside the zoning jurisdiction of a municipality and that are
2 outside the 1.5-mile radius surrounding the zoning
3 jurisdiction of a municipality. A county may also regulate the
4 siting of commercial solar energy facilities with standards
5 that are not more restrictive than the requirements specified
6 in this Section in unincorporated areas of the county that are
7 outside of the zoning jurisdiction of a municipality.

8 (c) If a county has elected to establish standards under
9 subsection (b), before the county grants siting approval or a
10 special use permit for a commercial wind energy facility or a
11 commercial solar energy facility, or modification of an
12 approved siting or special use permit, the county board of the
13 county in which the facility is to be sited or the zoning board
14 of appeals for the county shall hold at least one public
15 hearing. The public hearing shall be conducted in accordance
16 with the Open Meetings Act and shall conclude ~~be held~~ not more
17 than 60 days after the filing of the application for the
18 facility. The county shall allow interested parties to a
19 special use permit an opportunity to present evidence and to
20 cross-examine witnesses at the hearing, but the county may
21 impose reasonable restrictions on the public hearing,
22 including reasonable time limitations on the presentation of
23 evidence and the cross-examination of witnesses. The county
24 shall also allow public comment at the public hearing in
25 accordance with the Open Meetings Act. The county shall make
26 its siting and permitting decisions not more than 30 days

1 after the conclusion of the public hearing. Notice of the
2 hearing shall be published in a newspaper of general
3 circulation in the county. A facility owner must enter into an
4 agricultural impact mitigation agreement with the Department
5 of Agriculture prior to the date of the required public
6 hearing. A commercial wind energy facility owner seeking an
7 extension of a permit granted by a county prior to July 24,
8 2015 (the effective date of Public Act 99-132) must enter into
9 an agricultural impact mitigation agreement with the
10 Department of Agriculture prior to a decision by the county to
11 grant the permit extension. Counties may allow test wind
12 towers or test solar energy systems to be sited without formal
13 approval by the county board.

14 (d) A county with an existing zoning ordinance in conflict
15 with this Section shall amend that zoning ordinance to be in
16 compliance with this Section within 120 days after January 27,
17 2023 (the effective date of Public Act 102-1123).

18 (e) A county may require:

19 (1) a wind tower of a commercial wind energy facility
20 to be sited as follows, with setback distances measured
21 from the center of the base of the wind tower:

22 Setback Description	Setback Distance
23 Occupied Community	2.1 times the maximum blade tip
24 Buildings	height of the wind tower to the

1		nearest point on the outside
2		wall of the structure
3	Participating Residences	1.1 times the maximum blade tip
4		height of the wind tower to the
5		nearest point on the outside
6		wall of the structure
7	Nonparticipating Residences	2.1 times the maximum blade tip
8		height of the wind tower to the
9		nearest point on the outside
10		wall of the structure
11	Boundary Lines of	None
12	Participating Property	
13	Boundary Lines of	1.1 times the maximum blade tip
14	Nonparticipating Property	height of the wind tower to the
15		nearest point on the property
16		line of the nonparticipating
17		property
18	Public Road Rights-of-Way	1.1 times the maximum blade tip
19		height of the wind tower
20		to the center point of the
21		public road right-of-way

1 Overhead Communication and 1.1 times the maximum blade tip
2 Electric Transmission height of the wind tower to the
3 and Distribution Facilities nearest edge of the property
4 (Not Including Overhead line, easement, or
5 Utility Service Lines to right-of-way
6 Individual Houses or containing the overhead line
7 Outbuildings)

8 Overhead Utility Service None
9 Lines to Individual
10 Houses or Outbuildings

11 Fish and Wildlife Areas 2.1 times the maximum blade
12 and Illinois Nature tip height of the wind tower
13 Preserve Commission to the nearest point on the
14 Protected Lands property line of the fish and
15 wildlife area or protected
16 land

17 This Section does not exempt or excuse compliance with
18 electric facility clearances approved or required by the
19 National Electrical Code, the ~~The~~ National Electrical
20 Safety Code, the Illinois Commerce Commission, and the
21 Federal Energy Regulatory Commission, and their designees
22 or successors~~;~~

23 (2) a wind tower of a commercial wind energy facility

to be sited so that industry standard computer modeling indicates that any occupied community building or nonparticipating residence will not experience more than 30 hours per year of shadow flicker under planned operating conditions;

(3) a commercial solar energy facility to be sited as follows, with setback distances measured from the nearest edge of any above-ground component of the facility, excluding fencing:

Setback Description	Setback Distance
Occupied Community Buildings and Dwellings on Nonparticipating Properties	150 feet from the nearest point on the outside wall of the structure
Boundary Lines of Participating Property	None
Public Road Rights-of-Way	50 feet from the nearest edge <u>of the public right-of-way</u>
Boundary Lines of Nonparticipating Property	50 feet to the nearest point on the property line of the nonparticipating

1 property

2 (4) a commercial solar energy facility to be sited so
3 that the facility's perimeter is enclosed by fencing
4 having a height of at least 6 feet and no more than 25
5 feet; and

6 (5) a commercial solar energy facility to be sited so
7 that no component of a solar panel has a height of more
8 than 20 feet above ground when the solar energy facility's
9 arrays are at full tilt.

10 This subsection (e) shall not preclude the ability of a
11 county to require a reasonable setback distance between
12 fencing and public rights-of-way if the requirement is not
13 specific to commercial wind energy facilities or commercial
14 solar energy facilities and does not preclude the development
15 of commercial wind energy facilities or commercial solar
16 energy facilities or the ability of commercial wind energy
17 facilities or commercial solar energy facilities to comply
18 with the requirements set forth in this subsection (e).

19 The requirements set forth in this subsection (e) may be
20 waived subject to the written consent of the owner of each
21 affected nonparticipating property.

22 (f) A county may not set a sound limitation for wind towers
23 in commercial wind energy facilities or any components in
24 commercial solar energy facilities that is more restrictive
25 than the sound limitations established by the Illinois

1 Pollution Control Board under 35 Ill. Adm. Code Parts 900,
2 901, and 910. Additionally, in accordance with Section 25 of
3 the Environmental Protection Act, a participating property,
4 participating residence, nonparticipating property,
5 nonparticipating residence, or any combination of those
6 properties or residences may waive enforcement of the rules
7 adopted by the Illinois Pollution Control Board under 35 Ill.
8 Adm. Code Parts 900, 901, and 910 by written waiver that
9 complies with the applicable directive established in Section
10 25 of the Environmental Protection Act and is recorded in the
11 Office of the Recorder of the county in which the
12 participating property, participating residence,
13 nonparticipating property, or nonparticipating residence is
14 located. Once recorded, such a waiver shall be binding on any
15 current and future owners, residents, lessees, invitees, and
16 users of the participating property, participating residence,
17 nonparticipating property, or nonparticipating residence for
18 enforcement purposes. An owner of any participating residence
19 or nonparticipating residence shall disclose the existence of
20 such a waiver to any lessee before entering any new lease for
21 the residence.

22 A seller or transferor of a participating property,
23 participating residence, nonparticipating property,
24 nonparticipating residence, or any combination of those
25 properties or residences shall disclose the existence of such
26 a waiver to any buyer or transferee before any sale or transfer

1 of the property. If disclosure of the waiver occurs after the
2 buyer has made an offer to purchase the property, the seller
3 shall disclose the existence of the waiver before accepting
4 the buyer's offer and shall (1) allow the buyer an opportunity
5 to review the disclosure and (2) inform the buyer that the
6 buyer has the right to amend the buyer's offer.

7 (g) A county may not place any restriction on the
8 installation or use of a commercial wind energy facility or a
9 commercial solar energy facility unless it adopts an ordinance
10 that complies with this Section. A county may not establish
11 siting standards for supporting facilities that preclude
12 development of commercial wind energy facilities or commercial
13 solar energy facilities.

14 A request for siting approval or a special use permit for a
15 commercial wind energy facility or a commercial solar energy
16 facility, or modification of an approved siting or special use
17 permit, shall be approved if the request is in compliance with
18 the standards and conditions imposed in this Act, the zoning
19 ordinance adopted consistent with this Act Code, and the
20 conditions imposed under State and federal statutes and
21 regulations.

22 (h) A county may not adopt zoning regulations that
23 disallow, permanently or temporarily, commercial wind energy
24 facilities or commercial solar energy facilities from being
25 developed or operated in any district zoned to allow
26 agricultural or industrial uses.

1 (i) (Blank). ~~A county may not require permit application~~
2 ~~fees for a commercial wind energy facility or commercial solar~~
3 ~~energy facility that are unreasonable. All application fees~~
4 ~~imposed by the county shall be consistent with fees for~~
5 ~~projects in the county with similar capital value and cost.~~

6 (i-5) All siting approval or special use permit
7 application fees for a commercial wind energy facility or
8 commercial solar energy facility must be reasonable. Fees that
9 do not exceed \$5,000 per each megawatt of nameplate capacity
10 of the energy facility, up to a maximum of \$125,000, shall be
11 considered presumptively reasonable. A county may also require
12 reimbursement from the applicant for any reasonable expenses
13 incurred by the county in processing the siting approval or
14 special use permit application in excess of the maximum fee. A
15 siting approval or special use permit shall not be subject to
16 any time deadline to start construction or obtain a building
17 permit of less than 5 years from the date of siting approval or
18 special use permit approval. A county shall allow an applicant
19 to request an extension of the deadline based upon reasonable
20 cause for the extension request. The exemption shall not be
21 unreasonably withheld, conditioned, or denied.

22 (i-10) A county may require, for a commercial wind energy
23 facility or commercial solar energy facility, a single
24 building permit and a reasonable permit fee for the facility
25 which includes all supporting facilities. County building
26 permit fees for commercial wind energy facility or commercial

1 solar energy facility that do not exceed \$5,000 per each
2 megawatt of nameplate capacity of the energy facility, up to a
3 maximum of \$75,000, shall be considered presumptively
4 reasonable. A county may also require reimbursement from the
5 applicant for any reasonable expenses incurred by the county
6 in processing the building permit in excess of the maximum
7 fee. A county may require an applicant, upon start of
8 construction of the facility, to maintain liability insurance
9 that is commercially reasonable and consistent with prevailing
10 industry standards for similar energy facilities.

11 (j) Except as otherwise provided in this Section, a county
12 shall not require standards for construction, decommissioning,
13 or deconstruction of a commercial wind energy facility or
14 commercial solar energy facility or related financial
15 assurances that are more restrictive than those included in
16 the Department of Agriculture's standard wind farm
17 agricultural impact mitigation agreement, template 81818, or
18 standard solar agricultural impact mitigation agreement,
19 version 8.19.19, as applicable and in effect on December 31,
20 2022. The amount of any decommissioning payment shall be in
21 accordance with the financial assurance required by those
22 agricultural impact mitigation agreements.

23 (j-5) A commercial wind energy facility or a commercial
24 solar energy facility shall file a farmland drainage plan with
25 the county and impacted drainage districts outlining how
26 surface and subsurface drainage of farmland will be restored

1 during and following construction or deconstruction of the
2 facility. The plan is to be created independently by the
3 facility developer and shall include the location of any
4 potentially impacted drainage district facilities to the
5 extent this information is publicly available from the county
6 or the drainage district, plans to repair any subsurface
7 drainage affected during construction or deconstruction using
8 procedures outlined in the agricultural impact mitigation
9 agreement entered into by the commercial wind energy facility
10 owner or commercial solar energy facility owner, and
11 procedures for the repair and restoration of surface drainage
12 affected during construction or deconstruction. All surface
13 and subsurface damage shall be repaired as soon as reasonably
14 practicable.

15 (k) A county may not condition approval of a commercial
16 wind energy facility or commercial solar energy facility on a
17 property value guarantee and may not require a facility owner
18 to pay into a neighboring property devaluation escrow account.

19 (l) A county may require certain vegetative screening
20 between a surrounding a commercial wind energy facility or
21 commercial solar energy facility and nonparticipating
22 residences. A county but may not require earthen berms or
23 similar structures. Vegetative screening requirements shall be
24 commercially reasonable and limited in height at full maturity
25 to avoid reduction of the productive energy output of the
26 commercial solar energy facility. A county may not require

1 vegetative screening to exceed 5 feet in height when first
2 installed or prior to commercial operation date. The screening
3 requirements shall take into account the size and location of
4 the facility, visibility from nonparticipating residences,
5 compatibility of native plant species, cost and feasibility of
6 installation and maintenance, and industry standards and best
7 practices for commercial solar energy facilities.

8 (m) A county may set blade tip height limitations for wind
9 towers in commercial wind energy facilities but may not set a
10 blade tip height limitation that is more restrictive than the
11 height allowed under a Determination of No Hazard to Air
12 Navigation by the Federal Aviation Administration under 14 CFR
13 Part 77.

14 (n) A county may require that a commercial wind energy
15 facility owner or commercial solar energy facility owner
16 provide:

17 (1) the results and recommendations from consultation
18 with the Illinois Department of Natural Resources that are
19 obtained through the Ecological Compliance Assessment Tool
20 (EcoCAT) or a comparable successor tool; and

21 (2) (blank). ~~the results of the United States Fish and~~
22 ~~Wildlife Service's Information for Planning and Consulting~~
23 ~~environmental review or a comparable successor tool that~~
24 ~~is consistent with (i) the "U.S. Fish and Wildlife~~
25 ~~Service's Land-Based Wind Energy Guidelines" and (ii) any~~
26 ~~applicable United States Fish and Wildlife Service solar~~

1 ~~wildlife guidelines that have been subject to public~~
2 ~~review.~~

3 (o) A county may require a commercial wind energy facility
4 or commercial solar energy facility to adhere to the
5 recommendations provided by the Illinois Department of Natural
6 Resources in an EcoCAT natural resource review report under 17
7 Ill. Adm. Code Part 1075.

8 (p) A county may require a facility owner to:

9 (1) demonstrate avoidance of protected lands as
10 identified by the Illinois Department of Natural Resources
11 and the Illinois Nature Preserve Commission; or

12 (2) consider the recommendations of the Illinois
13 Department of Natural Resources for setbacks from
14 protected lands, including areas identified by the
15 Illinois Nature Preserve Commission.

16 (q) A county may require that a facility owner provide
17 evidence of consultation with the Illinois State Historic
18 Preservation Office to assess potential impacts on
19 State-registered historic sites under the Illinois State
20 Agency Historic Resources Preservation Act.

21 (r) To maximize community benefits, including, but not
22 limited to, reduced stormwater runoff, flooding, and erosion
23 at the ground mounted solar energy system, improved soil
24 health, and increased foraging habitat for game birds,
25 songbirds, and pollinators, a county may (1) require a
26 commercial solar energy facility owner to plant, establish,

1 and maintain for the life of the facility vegetative ground
2 cover, consistent with the goals of the Pollinator-Friendly
3 Solar Site Act and (2) require the submittal of a vegetation
4 management plan that is in compliance with the agricultural
5 impact mitigation agreement in the application to construct
6 and operate a commercial solar energy facility in the county
7 if the vegetative ground cover and vegetation management plan
8 comply with the requirements of the underlying agreement with
9 the landowner or landowners where the facility will be
10 constructed.

11 No later than 90 days after January 27, 2023 (the
12 effective date of Public Act 102-1123), the Illinois
13 Department of Natural Resources shall develop guidelines for
14 vegetation management plans that may be required under this
15 subsection for commercial solar energy facilities. The
16 guidelines must include guidance for short-term and long-term
17 property management practices that provide and maintain native
18 and non-invasive naturalized perennial vegetation to protect
19 the health and well-being of pollinators.

20 (s) If a facility owner enters into a road use agreement
21 with the Illinois Department of Transportation, a road
22 district, or other unit of local government relating to a
23 commercial wind energy facility or a commercial solar energy
24 facility, the road use agreement shall require the facility
25 owner to be responsible for (i) the reasonable cost of
26 improving roads used by the facility owner to construct the

1 commercial wind energy facility or the commercial solar energy
2 facility and (ii) the reasonable cost of repairing roads used
3 by the facility owner during construction of the commercial
4 wind energy facility or the commercial solar energy facility
5 so that those roads are in a condition that is safe for the
6 driving public after the completion of the facility's
7 construction. Roadways improved in preparation for and during
8 the construction of the commercial wind energy facility or
9 commercial solar energy facility shall be repaired and
10 restored to the improved condition at the reasonable cost of
11 the developer if the roadways have degraded or were damaged as
12 a result of construction-related activities.

13 The road use agreement shall not require the facility
14 owner to pay costs, fees, or charges for road work that is not
15 specifically and uniquely attributable to the construction of
16 the commercial wind energy facility or the commercial solar
17 energy facility. No road district or other unit of local
18 government may request or require permit fees, fines, or other
19 payment obligations as a requirement for a road use agreement
20 with a facility owner unless the amount of the reasonable
21 permit fee or payment is equivalent to the amount of actual
22 expenses incurred by the road district or other unit of local
23 government for negotiating, executing, constructing, or
24 implementing the road use agreement. The road use agreement
25 shall not require any road work to be performed by or paid for
26 by the facility owner that is not specifically and uniquely

1 attributable to the road improvements required for the
2 construction of the commercial wind energy facility or the
3 commercial solar energy facility or the restoration of the
4 roads used by the facility owner during construction-related
5 activities. ~~Road related fees, permit fees, or other charges~~
6 ~~imposed by the Illinois Department of Transportation, a road~~
7 ~~district, or other unit of local government under a road use~~
8 ~~agreement with the facility owner shall be reasonably related~~
9 ~~to the cost of administration of the road use agreement.~~

10 (s-5) The facility owner shall also compensate landowners
11 for crop losses or other agricultural damages resulting from
12 damage to the drainage system caused by the construction of
13 the commercial wind energy facility or the commercial solar
14 energy facility. The commercial wind energy facility owner or
15 commercial solar energy facility owner shall repair or pay for
16 the repair of all damage to the subsurface drainage system
17 caused by the construction of the commercial wind energy
18 facility or the commercial solar energy facility in accordance
19 with the agriculture impact mitigation agreement requirements
20 for repair of drainage. The commercial wind energy facility
21 owner or commercial solar energy facility owner shall repair
22 or pay for the repair and restoration of surface drainage
23 caused by the construction or deconstruction of the commercial
24 wind energy facility or the commercial solar energy facility
25 as soon as reasonably practicable.

26 (t) Notwithstanding any other provision of law, a facility

1 owner with siting approval from a county to construct a
2 commercial wind energy facility or a commercial solar energy
3 facility is authorized to cross or impact a drainage system,
4 including, but not limited to, drainage tiles, open drainage
5 ditches, culverts, and water gathering vaults, owned or under
6 the control of a drainage district under the Illinois Drainage
7 Code without obtaining prior agreement or approval from the
8 drainage district in accordance with the farmland drainage
9 plan required by subsection (j-5).

10 (u) The amendments to this Section adopted in Public Act
11 102-1123 do not apply to: (1) an application for siting
12 approval or for a special use permit for a commercial wind
13 energy facility or commercial solar energy facility if the
14 application was submitted to a unit of local government before
15 January 27, 2023 (the effective date of Public Act 102-1123);
16 (2) a commercial wind energy facility or a commercial solar
17 energy facility if the facility owner has submitted an
18 agricultural impact mitigation agreement to the Department of
19 Agriculture before January 27, 2023 (the effective date of
20 Public Act 102-1123); ~~or~~ (3) a commercial wind energy or
21 commercial solar energy development on property that is
22 located within an enterprise zone certified under the Illinois
23 Enterprise Zone Act, that was classified as industrial by the
24 appropriate zoning authority on or before January 27, 2023,
25 and that is located within 4 miles of the intersection of
26 Interstate 88 and Interstate 39; or (4) a commercial wind

1 energy or commercial solar energy development on property in
2 Madison County that is located within the area that has as its
3 northern boundary the portion of Drexelius Road that is
4 between the intersection of Drexelius Road and Wolf Road and
5 the intersection of Drexelius Road and Fosterburg Road, that
6 has as its eastern boundary the portion of Fosterburg Road
7 that is between the intersection of Fosterburg Road and
8 Drexelius Road and the intersection of Fosterburg Road and
9 Wolf Road, and that has as its southern and western boundaries
10 the portion of Wolf Road that is between the intersection of
11 Fosterburg Road and Wolf Road and the intersection of
12 Drexelius Road and Wolf Road.

13 (Source: P.A. 102-1123, eff. 1-27-23; 103-81, eff. 6-9-23;
14 103-580, eff. 12-8-23; revised 7-29-24.)

15 (55 ILCS 5/5-12024 new)

16 Sec. 5-12024. Energy storage systems.

17 (a) As used in this Section:

18 "Energy storage system" means a facility with an aggregate
19 energy capacity that is greater than 1,000 kilowatts and that
20 is capable of absorbing energy and storing it for use at a
21 later time, including, but not limited to, electrochemical and
22 electromechanical technologies. "Energy storage system" does
23 not include technologies that require combustion. "Energy
24 storage system" also does not include energy storage systems
25 associated with commercial solar energy facilities or

1 commercial wind energy facilities as defined in Section
2 5-12020.

3 "Excused service interruption" means any period during
4 which an energy storage system does not store or discharge
5 electricity and that is planned or reasonably foreseeable for
6 standard commercial operation, including any unavailability
7 caused by a buyer; storage capacity tests; system emergencies;
8 curtailments, including curtailment orders; transmission
9 system outages; compliance with any operating restriction;
10 serial defects; and planned outages.

11 "Facility owner" means (i) a person with a direct
12 ownership interest in an energy storage system, regardless of
13 whether the person is involved in acquiring the necessary
14 rights, permits, and approvals or otherwise planning for the
15 construction and operation of the facility and (ii) a person
16 who, at the time the facility is being developed, is acting as
17 a developer of the facility by acquiring the necessary rights,
18 permits, and approvals or by planning for the construction and
19 operation of the facility, regardless of whether the person
20 will own or operate the facility.

21 "Force majeure" means any event or circumstance that
22 delays or prevents an energy storage system from timely
23 performing all or a portion of its commercial operations if
24 the act or event, despite the exercise of commercially
25 reasonable efforts, cannot be avoided by and is beyond the
26 reasonable control, whether direct or indirect, of, and

1 without the fault or negligence of, a facility owner or
2 operator or any of its assignees. "Force majeure" includes,
3 but is not limited to:

4 (1) fire, flood, tornado, or other natural disasters
5 or acts of God;

6 (2) war, civil strife, terrorist attack, or other
7 similar acts of violence;

8 (3) unavailability of materials, equipment, services,
9 or labor, including unavailability due to global supply
10 chain shortages;

11 (4) utility or energy shortages or acts or omissions
12 of public utility providers;

13 (5) any delay resulting from a pandemic, epidemic, or
14 other public health emergency or related restrictions; and

15 (6) litigation or a regulatory proceeding regarding a
16 facility.

17 "NFPA" means the National Fire Protection Association.

18 "Nonparticipating property" means real property that is
19 not a participating property.

20 "Nonparticipating residence" means a residence that is
21 located on nonparticipating property and that exists and is
22 occupied on the date that the application for a permit to
23 develop an energy storage system is filed with the county.

24 "Occupied community building" means a school, place of
25 worship, day care facility, public library, or community
26 center that is occupied on the date that the application for a

1 permit to develop an energy storage system is filed with the
2 county in which the building is located.

3 "Participating property" means real property that is the
4 subject of a written agreement between a facility owner and
5 the owner of the real property and that provides the facility
6 owner an easement, option, lease, or license to use the real
7 property for the purpose of constructing an energy storage
8 system or supporting facilities.

9 "Protected lands" means real property that is: (i) subject
10 to a permanent conservation right consistent with the Real
11 Property Conservation Rights Act; or (ii) registered or
12 designated as a nature preserve, buffer, or land and water
13 reserve under the Illinois Natural Areas Preservation Act.

14 "Supporting facilities" means the transmission lines,
15 substations, switchyard, access roads, meteorological towers,
16 storage containers, and equipment associated with the
17 generation, storage, and dispatch of electricity by an energy
18 storage system.

19 (b) Notwithstanding any other provision of law, if a
20 county has formed a zoning commission and adopted formal
21 zoning under Section 5-12007, then a county may establish
22 standards for energy storage systems in areas of the county
23 that are not within the zoning jurisdiction of a municipality.
24 The standards may include all of the requirements specified in
25 this Section but may not include requirements for energy
26 storage systems that are more restrictive than specified in

1 this Section or requirements that are not specified in this
2 Section.

3 (c) A county may require the energy storage facility to
4 comply with the version of NFPA 855 "Standard for the
5 Installation of Stationary Energy Storage Systems" in effect
6 on the effective date of this amendatory Act or any successor
7 standard issued by the NFPA in effect on the date of siting or
8 special use permit approval. A county may not include
9 requirements for energy storage systems that are more
10 restrictive than NFPA 855 "Standard for the Installation of
11 Stationary Energy Storage Systems" unless required by this
12 Section.

13 (d) If a county has elected to establish standards under
14 subsection (b), then the zoning board of appeals for the
15 county shall hold at least one public hearing before the
16 county grants (i) siting approval or a special use permit for
17 an energy storage system or (ii) modification of an approved
18 siting or special use permit. The public hearing shall be
19 conducted in accordance with the Open Meetings Act and shall
20 conclude not more than 60 days after the filing of the
21 application for the facility. The county shall allow
22 interested parties to a special use permit an opportunity to
23 present evidence and to cross-examine witnesses at the
24 hearing, but the county may impose reasonable restrictions on
25 the public hearing, including reasonable time limitations on
26 the presentation of evidence and the cross-examination of

1 witnesses. The county shall also allow public comment at the
2 public hearing in accordance with the Open Meetings Act. The
3 county shall make its siting and permitting decisions not more
4 than 30 days after the conclusion of the public hearing.
5 Notice of the hearing shall be published in a newspaper of
6 general circulation in the county.

7 (e) A county with an existing zoning ordinance in conflict
8 with this Section shall amend that zoning ordinance to comply
9 with this Section within 120 days after the effective date of
10 this amendatory Act of the 104th General Assembly.

11 (f) A county shall require an energy storage system to be
12 sited as follows, with setback distances measured from the
13 nearest edge of the nearest battery or other electrochemical
14 or electromechanical enclosure:

<u>Setback Description</u>	<u>Setback Distance</u>
<u>Occupied Community</u> <u>Buildings and</u> <u>Nonparticipating Residences</u>	<u>150 feet from the nearest</u> <u>point of the outside wall of</u> <u>the occupied community building</u> <u>or nonparticipating residence</u>
<u>Boundary Lines of</u> <u>Occupied Community</u> <u>Buildings and</u> <u>Nonparticipating Residences</u>	<u>50 feet to the nearest point</u> <u>on the property line of</u> <u>the occupied community building</u> <u>or nonparticipating property</u>

1 Public Road Rights-of-Way 50 feet from the nearest edge
2 of the right-of-way

3 (2) A county shall also require an energy storage
4 system to be sited so that the facility's perimeter is
5 enclosed by fencing having a height of at least 7 feet and
6 no more than 25 feet.

7 This Section does not exempt or excuse compliance with
8 electric facility clearances approved or required by the
9 National Electrical Code, the National Electrical Safety Code,
10 the Illinois Commerce Commission, the Federal Energy
11 Regulatory Commission, and their designees or successors.

12 (g) A county may not set a sound limitation for energy
13 storage systems that is more restrictive than the sound
14 limitations established by the Illinois Pollution Control
15 Board under 35 Ill. Adm. Code Parts 900, 901, and 910. After
16 commercial operation, a county may require the facility owner
17 to provide, not more than once, octave band sound pressure
18 level measurements from a reasonable number of sampled
19 locations at the perimeter of the energy storage system to
20 demonstrate compliance with this Section.

21 (h) The provisions set forth in subsection (f) may be
22 waived subject to the written consent of the owner of each
23 affected nonparticipating property or nonparticipating
24 residence.

25 (i) A county may not place any restriction on the

1 installation or use of an energy storage system unless it has
2 formed a zoning commission and adopted formal zoning under
3 Section 5-12007 and adopts an ordinance that complies with
4 this Section. A county may not establish siting standards for
5 supporting facilities that preclude development of an energy
6 storage system.

7 (j) A request for siting approval or a special use permit
8 for an energy storage system, or modification of an approved
9 siting approval or special use permit, shall be approved if
10 the request complies with the standards and conditions imposed
11 in this Code, the zoning ordinance adopted consistent with
12 this Section, and other State and federal statutes and
13 regulations. The siting approval or special use permit
14 approved by the county shall grant the facility owner a period
15 of at least 3 years after county approval to obtain a building
16 permit or commence construction of the energy storage system,
17 before the siting approval or special use permit may become
18 subject to revocation by the county. Facility owners may be
19 granted an extension on obtaining building permits or
20 commencing constructing upon a showing of good cause. A
21 facility owner's request for an extension may not be
22 unreasonably withheld, conditioned, or denied.

23 (k) A county may not adopt zoning regulations that
24 disallow, permanently or temporarily, an energy storage system
25 from being developed or operated in any district zones to
26 allow agricultural or industrial uses.

1 (l) A facility owner shall file a farmland drainage plan
2 with the county and impacted drainage districts that outlines
3 how surface and subsurface drainage of farmland will be
4 restored during and following the construction or
5 deconstruction of the energy storage system. The plan shall be
6 created independently by the facility owner and shall include
7 the location of any potentially impacted drainage district
8 facilities to the extent the information is publicly available
9 from the county or the drainage district and plans to repair
10 any subsurface drainage affected during construction or
11 deconstruction using procedures outlined in the
12 decommissioning plan. All surface and subsurface damage shall
13 be repaired as soon as reasonably practicable.

14 (m) A facility owner shall compensate landowners for crop
15 losses or other agricultural damages resulting from damage to
16 a drainage system caused by the construction of an energy
17 storage system. The facility owner shall repair or pay for the
18 repair of all damage to the subsurface drainage system caused
19 by the construction of the energy storage system. The facility
20 owner shall repair or pay for the repair and restoration of
21 surface drainage caused by the construction or deconstruction
22 of the energy storage facility as soon as reasonably
23 practicable.

24 (n) County siting approval or special use permit
25 application fees for an energy storage system shall not exceed
26 the lesser of (i) \$5,000 per each megawatt of nameplate

1 capacity of the energy storage system or (ii) \$50,000.

2 (o) The county may require a facility owner to provide a
3 decommissioning plan to the county. The decommissioning plan
4 may include all requirements for decommissioning plans in NFPA
5 855 and may also require the facility owner to:

6 (1) state how the energy storage system will be
7 decommissioned, including removal to a depth of 3 feet of
8 all structures that have no ongoing purpose and all debris
9 and restoration of the soil and any vegetation to a
10 condition as close as reasonably practicable to the soil's
11 and vegetation's preconstruction condition within 18
12 months of the end of project life or facility abandonment;

13 (2) include provisions related to commercially
14 reasonable efforts to reuse or recycle of equipment and
15 components associated with the commercial offsite energy
16 storage system;

17 (3) include financial assurance in the form of a
18 reclamation or surety bond or other commercially available
19 financial assurance that is acceptable to the county, with
20 the county or participating property owner as beneficiary.
21 The amount of the financial assurance shall not be more
22 than the estimated cost of decommissioning the energy
23 facility, after deducting salvage value, as calculated by
24 a professional engineer licensed to practice engineering
25 in this State with expertise in preparing decommissioning
26 estimates, retained by the applicant. The financial

1 assurance shall be provided to the county incrementally as
2 follows:

3 (A) 25% before the start of full commercial
4 operation;

5 (B) 50% before the start of the 5th year of
6 commercial operation; and

7 (C) 100% by the start of the tenth year of
8 commercial operation;

9 (4) update the amount of the financial assurance not
10 more than every 5 years for the duration of commercial
11 operations. The amount shall be calculated by a
12 professional engineer licensed to practice engineering in
13 this State with expertise in decommissioning, hired by the
14 facility owner; and

15 (5) decommission the energy storage system, in
16 accordance with an approved decommissioning plan, within
17 18 months after abandonment. An energy storage system that
18 has not stored electrical energy for 12 consecutive months
19 or that fails, for a period of 6 consecutive months, to pay
20 a property owner who is party to a written agreement,
21 including, but not limited to, an easement, option, lease,
22 or license under the terms of which an energy storage
23 system is constructed on the property, amounts owed in
24 accordance with the written agreement shall be considered
25 abandoned, except when the inability to store energy is
26 the result of an event of force majeure or excused service

1 interruption.

2 (p) A county may not condition approval of an energy
3 storage system on a property value guarantee and may not
4 require a facility owner to pay into a neighboring property
5 devaluation escrow account.

6 (q) A county may require that a facility owner provide the
7 results and recommendations from consultation with the
8 Department of Natural Resources that are obtained through the
9 Ecological Compliance Assessment Tool (EcoCAT) or a comparable
10 successor tool.

11 (r) A county may require an energy storage system to
12 adhere to the recommendations provided by the Department of
13 Natural Resources in an Agency Action Report under 17 Ill.
14 Adm. Code 1075.

15 (s) A county may require a facility owner to:

16 (1) demonstrate avoidance of protected lands as
17 identified by the Department of Natural Resources and the
18 Illinois Nature Preserves Commission; or

19 (2) consider the recommendations of the Department of
20 Natural Resources for setbacks from protected lands,
21 including areas identified by the Illinois Nature
22 Preserves Commission.

23 (t) A county may require that a facility owner provide
24 evidence of consultation with the Illinois Historic
25 Preservation Division to assess potential impacts on
26 State-registered historic sites under the Illinois State

1 Agency Historic Resources Preservation Act.

2 (u) A county may require that an application for siting
3 approval or special use permit include the following
4 information on a site plan:

5 (1) a description of the property lines and physical
6 features, including roads, for the facility site;

7 (2) a description of the proposed changes to the
8 landscape of the facility site, including vegetation
9 clearing and planting, exterior lighting, and screening or
10 structures; and

11 (3) a description of the zoning district designation
12 for the parcel of land comprising the facility site.

13 (v) A county may not prohibit an energy storage system
14 from undertaking periodic augmentation to maintain the
15 approximate original capacity of the energy storage system. A
16 county may not require renewed or additional siting approval
17 or special use permit approval of periodic augmentation to
18 maintain the approximate original capacity of the energy
19 storage system.

20 (w) A county that issues a building permit for energy
21 storage systems shall review and process building permit
22 applications within 60 days after receipt of the building
23 permit application. If a county does not grant or deny the
24 building permit application within 60 days, the building
25 permit shall be deemed granted. If a county denies a building
26 permit application, it shall specify the reason for the denial

1 in writing as part of its denial.

2 (x) A county may require a single building permit and a
3 reasonable permit fee for the facility which includes all
4 supporting facilities. A county building permit fee for an
5 energy storage system that does not exceed the lesser of (i)
6 \$5,000 per each megawatt of nameplate capacity of the energy
7 storage system or (ii) \$50,000 shall be considered
8 presumptively reasonable. A county may require that the
9 application for building permit contain:

10 (1) an electrical diagram detailing the battery energy
11 storage system layout, associated components, and
12 electrical interconnection methods, with all National
13 Electrical Code compliant disconnects and overcurrent
14 devices; and

15 (2) an equipment specification sheet.

16 (y) A county may require the facility owner to submit to
17 the county prior to the facility's commercial operation a
18 commissioning report meeting the requirements of NFPA 855
19 Sections 4.2.4, 6.1.3, and 6.1.5.5, as published in 2023, or
20 the applicable Sections in the most recent version of NFPA
21 855.

22 (z) A county may require the facility owner to submit to
23 the county prior to the facility's commercial operation a
24 hazard mitigation analysis meeting the requirements of NFPA
25 855 Section 4.4 or the applicable Sections in the most recent
26 version of NFPA 855.

1 (aa) A county may require the facility owner to submit to
2 the county an emergency operations plan meeting the
3 requirements of NFPA 855 Section 4.3.2.1.4, published in 2023,
4 or applicable Sections in the most recent version of NFPA 855,
5 prior to commercial operation.

6 (bb) A county may require a warning that complies with
7 requirements in NFPA 855 Section 4.7.4, published in 2023, or
8 applicable sections in the most recent version of NFPA 855.

9 (cc) A county may require the energy storage system to
10 adhere to the principles for responsible outdoor lighting
11 provided by the International Dark-Sky Association and shall
12 limit outdoor lighting to that which is minimally required for
13 safety and operational purposes. Any outdoor lighting shall be
14 reasonably shielded and downcast from all residences and
15 adjacent properties.

16 (dd) This Section does not exempt compliance with fire and
17 safety standards and guidance established for the installation
18 of lithium-ion battery energy storage systems set by the NFPA.

19 (ee) Prior to commencement of commercial operation, the
20 facility owner shall offer to provide training for local fire
21 departments and emergency responders in accordance with the
22 facility emergency operations plan. A copy of the emergency
23 operations plan shall be given to the facility owner, the
24 local fire department, and emergency responders. All batteries
25 integrated within an energy storage system shall be listed
26 under the UL 1973 Standard. All batteries integrated within an

1 energy storage system shall be listed in accordance with UL
2 9540 Standard, either from the manufacturer or by a field
3 evaluation.

4 (ff) If a facility owner enters into a road use agreement
5 with the Department of Transportation, a road district, or
6 other unit of local government relating to an energy storage
7 system, then the road use agreement shall require the facility
8 owner to be responsible for (i) the reasonable cost of
9 improving, if necessary, roads used by the facility owner to
10 construct the energy storage system and (ii) the reasonable
11 cost of repairing roads used by the facility owner during
12 construction of the energy storage system so that those roads
13 are in a condition that is safe for the driving public after
14 the completion of the facility's construction. A roadway
15 improved in preparation for and during the construction of the
16 energy storage system shall be repaired and restored to the
17 improved condition at the reasonable cost of the developer if
18 the roadways have degraded or were damaged as a result of
19 construction-related activities.

20 The road use agreement shall not require the facility
21 owner to pay costs, fees, or charges for road work that is not
22 specifically and uniquely attributable to the construction of
23 the energy storage system. No road district or other unit of
24 local government may request or require a fine, permit fee, or
25 other payment obligation as a requirement for a road use
26 agreement with a facility owner unless the amount of the fine,

1 permit fee, or other payment obligation is equivalent to the
2 amount of actual expenses incurred by the road district or
3 other unit of local government for negotiating, executing,
4 constructing, or implementing the road use agreement. The road
5 use agreement shall not require the facility owner to perform
6 or pay for any road work that is unrelated to the road
7 improvements required for the construction of the commercial
8 wind energy facility or the commercial solar energy facility
9 or the restoration of the roads used by the facility owner
10 during construction-related activities.

11 (gg) The provisions of this amendatory Act of the 104th
12 General Assembly do not apply to an application for siting
13 approval or special use permit for an energy storage system if
14 the application was submitted to a county before the effective
15 date of this amendatory Act of the 104th General Assembly.

16 (55 ILCS 5/Art. 5 Div. 5-46 heading new)

17 Division 5-46. Solar Bill of Rights

18 (55 ILCS 5/5-46005 new)

19 Sec. 5-46005. Definitions. As used in this Division:

20 "Low-voltage solar-powered device" means a piece of
21 equipment designed for a particular purpose, including, but
22 not limited to, doorbells, security systems, and illumination
23 equipment, powered by a solar collector operating at less than
24 50 volts, and located:

1 (1) entirely within the lot or parcel owned by the
2 property owner; or

3 (2) within a common area without being permanently
4 attached to common property.

5 "Solar collector" means:

6 (1) an assembly, structure, or design, including
7 passive elements, used for gathering, concentrating, or
8 absorbing direct and indirect solar energy and specially
9 designed for holding a substantial amount of useful
10 thermal energy and to transfer that energy to a gas,
11 solid, or liquid or to use that energy directly;

12 (2) a mechanism that absorbs solar energy and converts
13 it into electricity;

14 (3) a mechanism or process used for gathering solar
15 energy through wind or thermal gradients; or

16 (4) a component used to transfer thermal energy to a
17 gas, solid, or liquid, or to convert it into electricity.

18 "Solar energy" means radiant energy received from the sun
19 at wavelengths suitable for heat transfer, photosynthetic use,
20 or photovoltaic use.

21 "Solar energy system" means:

22 (1) a complete assembly, structure, or design of a
23 solar collector or a solar storage mechanism that uses
24 solar energy for generating electricity or for heating or
25 cooling gases, solids, liquids, or other materials; and

26 (2) the design, materials, or elements of a system and

1 its maintenance, operation, and labor components, and the
2 necessary components, if any, of supplemental conventional
3 energy systems designed or constructed to interface with a
4 solar energy system.

5 "Solar storage mechanism" means equipment or elements,
6 such as piping and transfer mechanisms, containers, heat
7 exchangers, batteries, or controls thereof and gases, solids,
8 liquids, or combinations thereof, that are utilized for
9 storing solar energy, gathered by a solar collector, for
10 subsequent use.

11 (55 ILCS 5/5-46010 new)

12 Sec. 5-46010. Prohibitions. Notwithstanding any provision
13 of this Code or other provision of law, the adoption of any
14 ordinance or resolution or the exercise of any power by a
15 county that prohibits or has the effect of prohibiting the
16 installation of a solar energy system or low-voltage
17 solar-powered devices is expressly prohibited.

18 (55 ILCS 5/5-46020 new)

19 Sec. 5-46020. Costs; attorney's fees. In any litigation
20 arising under this Division or involving the application of
21 this Division, the prevailing party shall be entitled to costs
22 and reasonable attorney's fees.

23 (55 ILCS 5/5-46025 new)

1 Sec. 5-46025. Applicability.

2 (a) As used in this Section, "shared roof" means any roof
3 that (i) serves more than one unit, including, but not limited
4 to, a contiguous roof serving adjacent units, or (ii) is part
5 of the common elements or common area of a unit.

6 (b) This Division shall not apply to any building that:

7 (1) is greater than 60 feet in height; or

8 (2) has a shared roof.

9 (c) Notwithstanding subsection (b) of this Section, this
10 Division shall apply to any building with a shared roof:

11 (1) where the solar energy system is located entirely
12 within that portion of the shared roof that is owned and
13 maintained by the property owner;

14 (2) where all property owners sharing the shared roof
15 are in agreement to install a solar energy system; or

16 (3) to the extent this Division applies to low-voltage
17 solar-powered devices.

18 Section 90-30. The Illinois Municipal Code is amended by
19 adding Division 15.5 as follows:

20 (65 ILCS 5/Art. 11 Div. 15.5 heading new)

21 Division 15.5. Solar Bill of Rights

22 (65 ILCS 5/11-15.5-5 new)

23 Sec. 11-15.5-5. Definitions. As used in this Division:

1 "Low-voltage solar-powered device" means a piece of
2 equipment designed for a particular purpose, including, but
3 not limited to, doorbells, security systems, and illumination
4 equipment, powered by a solar collector operating at less than
5 50 volts, and located:

6 (1) entirely within the lot or parcel owned by the
7 property owner; or

8 (2) within a common area without being permanently
9 attached to common property.

10 "Solar collector" means:

11 (1) an assembly, structure, or design, including
12 passive elements, used for gathering, concentrating, or
13 absorbing direct and indirect solar energy and specially
14 designed for holding a substantial amount of useful
15 thermal energy and to transfer that energy to a gas,
16 solid, or liquid or to use that energy directly;

17 (2) a mechanism that absorbs solar energy and converts
18 it into electricity;

19 (3) a mechanism or process used for gathering solar
20 energy through wind or thermal gradients; or

21 (4) a component used to transfer thermal energy to a
22 gas, solid, or liquid, or to convert it into electricity.

23 "Solar energy" means radiant energy received from the sun
24 at wavelengths suitable for heat transfer, photosynthetic use,
25 or photovoltaic use.

26 "Solar energy system" means:

1 (1) a complete assembly, structure, or design of a
2 solar collector or a solar storage mechanism that uses
3 solar energy for generating electricity or for heating or
4 cooling gases, solids, liquids, or other materials; and

5 (2) the design, materials, or elements of a system and
6 its maintenance, operation, and labor components, and the
7 necessary components, if any, of supplemental conventional
8 energy systems designed or constructed to interface with a
9 solar energy system.

10 "Solar storage mechanism" means equipment or elements,
11 such as piping and transfer mechanisms, containers, heat
12 exchangers, batteries, or controls thereof and gases, solids,
13 liquids, or combinations thereof, that are utilized for
14 storing solar energy, gathered by a solar collector, for
15 subsequent use.

16 (65 ILCS 5/11-15.5-10 new)

17 Sec. 11-15.5-10. Prohibitions. Notwithstanding any
18 provision of this Code or other provision of law, the adoption
19 of any ordinance or resolution or the exercise of any power, by
20 municipality that prohibits or has the effect of prohibiting
21 the installation of a solar energy system or low-voltage
22 solar-powered devices is expressly prohibited. Municipalities
23 that own local electric distribution systems may adopt and
24 implement reasonable policies, consistent with Section 17-900
25 of the Public Utilities Act, regarding the interconnection and

1 use of solar energy systems.

2 (65 ILCS 5/11-15.5-20 new)

3 Sec. 11-15.5-20. Costs; attorney's fees. In any litigation
4 arising under this Division or involving the application of
5 this Division, the prevailing party shall be entitled to costs
6 and reasonable attorney's fees.

7 (65 ILCS 5/11-15.5-25 new)

8 Sec. 11-15.5-25. Applicability.

9 (a) As used in this Section, "shared roof" means any roof
10 that (i) serves more than one unit, including, but not limited
11 to, a contiguous roof serving adjacent units, or (ii) is part
12 of the common elements or common area of a unit.

13 (b) This Division shall not apply to any building that:

14 (1) is greater than 60 feet in height; or

15 (2) has a shared roof.

16 (c) Notwithstanding subsection (b) of this Section, this
17 Division shall apply to any building with a shared roof:

18 (1) where the solar energy system is located entirely
19 within that portion of the shared roof owned and
20 maintained by the property owner;

21 (2) where all property owners sharing the shared roof
22 are in agreement to install a solar energy system; or

23 (3) to the extent this Division applies to low-voltage
24 solar-powered devices.

1 Section 90-35. The Public Utilities Act is amended by
2 changing Sections 7-102, 8-103B, 8-104, 8-512, 9-229,
3 16-107.5, 16-107.6, 16-108, 16-108.19, 16-108.30, 16-111.5,
4 16-111.7, 16-115A, 16-119A, and 17-900 and by adding Sections
5 8-101.1, 8-513, 16-105.17, 16-107.8, 16-107.9, 16-126.2,
6 16-145, 16-201, 16-202, 20-140, 20-145, and Article 23 as
7 follows:

8 (220 ILCS 5/7-102) (from Ch. 111 2/3, par. 7-102)

9 Sec. 7-102. Transactions requiring Commission approval.

10 (A) Unless the consent and approval of the Commission is
11 first obtained or unless such approval is waived by the
12 Commission or is exempted in accordance with the provisions of
13 this Section or of any other Section of this Act:

14 (a) No 2 or more public utilities may enter into
15 contracts with each other that will enable such public
16 utilities to operate their lines or plants in connection
17 with each other.

18 (b) No public utility may purchase, lease, or in any
19 other manner acquire control, direct or indirect, over the
20 franchises, licenses, permits, plants, equipment, business
21 or other property of any other public utility.

22 (c) No public utility may assign, transfer, lease,
23 mortgage, sell (by option or otherwise), or otherwise
24 dispose of or encumber the whole or any part of its

1 franchises, licenses, permits, plant, equipment, business,
2 or other property, but the consent and approval of the
3 Commission shall not be required for the sale, lease,
4 assignment or transfer (1) by any public utility of any
5 tangible personal property which is not necessary or
6 useful in the performance of its duties to the public, ~~or~~
7 (2) by any electric utility, as defined by Section 16-105,
8 of functional control to a regional transmission operator,
9 as defined in Section 16-126, of facilities operating at
10 69,000 volts and that would otherwise qualify for such
11 transfer under the applicable rules of the regional
12 transmission operator taking functional control, or (3) by
13 any railroad of any real or tangible personal property.

14 (d) No public utility may by any means, direct or
15 indirect, merge or consolidate its franchises, licenses,
16 permits, plants, equipment, business or other property
17 with that of any other public utility.

18 (e) No public utility may purchase, acquire, take or
19 receive any stock, stock certificates, bonds, notes or
20 other evidences of indebtedness of any other public
21 utility.

22 (f) No public utility may in any manner, directly or
23 indirectly, guarantee the performance of any contract or
24 other obligation of any other person, firm or corporation
25 whatsoever.

26 (g) No public utility may use, appropriate, or divert

1 any of its moneys, property or other resources in or to any
2 business or enterprise which is not, prior to such use,
3 appropriation or diversion essentially and directly
4 connected with or a proper and necessary department or
5 division of the business of such public utility; provided
6 that this subsection shall not be construed as modifying
7 subsections (a) through (e) of this Section.

8 (h) No public utility may, directly or indirectly,
9 invest, loan or advance, or permit to be invested, loaned
10 or advanced any of its moneys, property or other resources
11 in, for, in behalf of or to any other person, firm, trust,
12 group, association, company or corporation whatsoever,
13 except that no consent or approval by the Commission is
14 necessary for the purchase of stock in development credit
15 corporations organized under the Illinois Development
16 Credit Corporation Act, providing that no such purchase
17 may be made hereunder if, as a result of such purchase, the
18 cumulative purchase price of all such shares owned by the
19 utility would exceed one-fiftieth of one per cent of the
20 utility's gross operating revenue for the preceding
21 calendar year.

22 (B) Any public utility may present to the Commission for
23 approval options or contracts to sell or lease real property,
24 notwithstanding that the value of the property under option
25 may have changed between the date of the option and the
26 subsequent date of sale or lease. If the options or contracts

1 are approved by the Commission, subsequent sales or leases in
2 conformance with those options or contracts may be made by the
3 public utility without any further action by the Commission.
4 If approval of the options or contracts is denied by the
5 Commission, the options or contracts are void and any
6 consideration theretofore paid to the public utility must be
7 refunded within 30 days following disapproval of the
8 application.

9 (C) The proceedings for obtaining the approval of the
10 Commission provided for in this Section shall be as follows:
11 There shall be filed with the Commission a petition, joint or
12 otherwise, as the case may be, signed and verified by the
13 president, any vice president, secretary, treasurer,
14 comptroller, general manager, or chief engineer of the
15 respective companies, or by the person or company, as the case
16 may be, clearly setting forth the object and purposes desired,
17 and setting forth the full and complete terms of the proposed
18 assignment, transfer, lease, mortgage, purchase, sale, merger,
19 consolidation, contract or other transaction, as the case may
20 be. Upon the filing of such petition, the Commission shall, if
21 it deems necessary, fix a time and place for the hearing
22 thereon. After such hearing, or in case no hearing is
23 required, if the Commission is satisfied that such petition
24 should reasonably be granted, and that the public will be
25 convenienced thereby, the Commission shall make such order in
26 the premises as it may deem proper and as the circumstances may

1 require, attaching such conditions as it may deem proper, and
2 thereupon it shall be lawful to do the things provided for in
3 such order. The Commission shall impose such conditions as
4 will protect the interest of minority and preferred
5 stockholders.

6 (D) The Commission shall have power by general rules
7 applicable alike to all public utilities, other than electric
8 and gas public utilities, affected thereby to waive the filing
9 and necessity for approval of the following: (a) sales of
10 property involving a consideration of not more than \$300,000
11 for utilities with gross revenues in excess of \$50,000,000
12 annually and a consideration of not more than \$100,000 for all
13 other utilities; (b) leases, easements and licenses involving
14 a consideration or rental of not more than \$30,000 per year for
15 utilities with gross revenues in excess of \$50,000,000
16 annually and a consideration or rental of not more than
17 \$10,000 per year for all other utilities; (c) leases of office
18 building space not required by the public utility in rendering
19 service to the public; (d) the temporary leasing, lending or
20 interchanging of equipment in the ordinary course of business
21 or in case of an emergency; and (e) purchase-money mortgages
22 given by a public utility in connection with the purchase of
23 tangible personal property where the total obligation to be
24 secured shall be payable within a period not exceeding one
25 year. However, if the Commission, after a hearing, finds that
26 any public utility to which such rule is applicable is abusing

1 or has abused such general rule and thereby is evading
2 compliance with the standard established herein, the
3 Commission shall have power to require such public utility to
4 thereafter file and receive the Commission's approval upon all
5 such transactions as described in this Section, but such
6 general rule shall remain in full force and effect as to all
7 other public utilities to which such rule is applicable.

8 (E) The filing of, and the consent and approval of the
9 Commission for, any assignment, transfer, lease, mortgage,
10 purchase, sale, merger, consolidation, contract or other
11 transaction by an electric or gas public utility with gross
12 revenues in all jurisdictions of \$250,000,000 or more annually
13 involving a sale price or annual consideration in an amount of
14 \$5,000,000 or less shall not be required. The Commission shall
15 also have the authority, on petition by an electric or gas
16 public utility with gross revenues in all jurisdictions of
17 \$250,000,000 or more annually, to establish by order higher
18 thresholds than the foregoing for the requirement of approval
19 of transactions by the Commission pursuant to this Section for
20 the electric or gas public utility, but no greater than 1% of
21 the electric or gas public utility's average total gross
22 utility plant in service in the case of sale, assignment or
23 acquisition of property, or 2.5% of the electric or gas public
24 utility's total revenue in the case of other sales price or
25 annual consideration, in each case based on the preceding
26 calendar year, and subject to the power of the Commission,

1 after notice and hearing, to further revise those thresholds
2 at a later date. In addition to the foregoing, the Commission
3 shall have power by general rules applicable alike to all
4 electric and gas public utilities affected thereby to waive
5 the filing and necessity for approval of the following: (a)
6 sales of property involving a consideration of \$100,000 or
7 less for electric and gas utilities with gross revenues in all
8 jurisdictions of less than \$250,000,000 annually; (b) leases,
9 easements and licenses involving a consideration or rental of
10 not more than \$10,000 per year for electric and gas utilities
11 with gross revenues in all jurisdictions of less than
12 \$250,000,000 annually; (c) leases of office building space not
13 required by the electric or gas public utility in rendering
14 service to the public; (d) the temporary leasing, lending or
15 interchanging of equipment in the ordinary course of business
16 or in the case of an emergency; and (e) purchase-money
17 mortgages given by an electric or gas public utility in
18 connection with the purchase of tangible personal property
19 where the total obligation to be secured shall be payable
20 within a period of one year or less. However, if the
21 Commission, after a hearing, finds that any electric or gas
22 public utility is abusing or has abused such general rule and
23 thereby is evading compliance with the standard established
24 herein, the Commission shall have power to require such
25 electric or gas public utility to thereafter file and receive
26 the Commission's approval upon all such transactions as

1 described in this Section and not exempted pursuant to the
2 first sentence of this paragraph or to subsection (g) of
3 Section 16-111 of this Act, but such general rule shall remain
4 in full force and effect as to all other electric and gas
5 public utilities.

6 Every assignment, transfer, lease, mortgage, sale or other
7 disposition or encumbrance of the whole or any part of the
8 franchises, licenses, permits, plant, equipment, business or
9 other property of any public utility, or any merger or
10 consolidation thereof, and every contract, purchase of stock,
11 or other transaction referred to in this Section and not
12 exempted in accordance with the provisions of the immediately
13 preceding paragraph of this Section, made otherwise than in
14 accordance with an order of the Commission authorizing the
15 same, except as provided in this Section, shall be void. The
16 provisions of this Section shall not apply to any transactions
17 by or with a political subdivision or municipal corporation of
18 this State.

19 (F) The provisions of this Section do not apply to the
20 purchase or sale of emission allowances created under and
21 defined in Title IV of the federal Clean Air Act Amendments of
22 1990 (P.L. 101-549), as amended.

23 (Source: P.A. 90-561, eff. 12-16-97; 91-357, eff. 7-29-99.)

24 (220 ILCS 5/8-101.1 new)

25 Sec. 8-101.1. Duties of public utilities; labor force.

1 (a) As used in this Section:

2 "Labor force" means the employees hired directly by the
3 utility and all employees of any and all suppliers and
4 subcontractors of the utility tasked with the construction,
5 maintenance and repair of such utility's infrastructure.

6 "Public utility" means a public utility, as defined in
7 Section 3-105 of this Act, serving more than 100,000 customers
8 as of January 1, 2025.

9 "Substantial change in labor force" means either (1) a
10 greater than 5% reduction in the total labor force or (2) more
11 than a 5% decrease in the ratio of labor force spending
12 compared to capital spending.

13 (b) A public utility shall ensure that it has the
14 necessary labor force in order to furnish, provide, and
15 maintain such service instrumentalities, equipment, and
16 facilities to promote the safety, health, comfort, and
17 convenience of its patrons, employees, and the public and to
18 be in all respects adequate, efficient, just, and reasonable.

19 (c) Unless the Commission specifically orders and except
20 as otherwise provided in this Section, no substantial change
21 shall be made by any public utility in its labor force unless
22 the public utility provides notice to the Commission at least
23 45 days before the implementation of the change. A public
24 utility shall include a report with its notice that provides
25 the following:

26 (1) a detailed analysis and explanation of how and why

1 a change in a specific law, regulation, or market factor
2 requires the public utility to make the substantial change
3 in its labor force; and

4 (2) whether the substantial change in the public
5 utility's labor force, at a minimum:

6 (i) is in the public interest;

7 (ii) will not endanger the quality and
8 availability of public utility services;

9 (iii) will not have a negative impact on the
10 safety or reliability of public utility services; and

11 (iv) is designed to minimize the financial
12 hardship on the members of its labor force impacted by
13 the substantial change.

14 (220 ILCS 5/8-103B)

15 Sec. 8-103B. Energy efficiency and demand-response
16 measures.

17 (a) It is the policy of the State that electric utilities
18 are required to use cost-effective energy efficiency and
19 demand-response measures to reduce delivery load. Requiring
20 investment in cost-effective energy efficiency and
21 demand-response measures will reduce direct and indirect costs
22 to consumers by decreasing environmental impacts and by
23 avoiding or delaying the need for new generation,
24 transmission, and distribution infrastructure. It serves the
25 public interest to allow electric utilities to recover costs

1 for reasonably and prudently incurred expenditures for energy
2 efficiency and demand-response measures. As used in this
3 Section, "cost-effective" means that the measures satisfy the
4 total resource cost test. The low-income measures described in
5 subsection (c) of this Section shall not be required to meet
6 the total resource cost test. For purposes of this Section,
7 the terms "energy-efficiency", "demand-response", "electric
8 utility", and "total resource cost test" have the meanings set
9 forth in the Illinois Power Agency Act. "Black, indigenous,
10 and people of color" and "BIPOC" means people who are members
11 of the groups described in subparagraphs (a) through (e) of
12 paragraph (A) of subsection (1) of Section 2 of the Business
13 Enterprise for Minorities, Women, and Persons with
14 Disabilities Act.

15 (a-5) This Section applies to electric utilities serving
16 more than 500,000 retail customers in the State for those
17 multi-year plans commencing after December 31, 2017.

18 (b) For purposes of this Section, through calendar year
19 2026, electric utilities subject to this Section that serve
20 more than 3,000,000 retail customers in the State shall be
21 deemed to have achieved a cumulative persisting annual savings
22 of 6.6% from energy efficiency measures and programs
23 implemented during the period beginning January 1, 2012 and
24 ending December 31, 2017, which percent is based on the deemed
25 average weather normalized sales of electric power and energy
26 during calendar years 2014, 2015, and 2016 of 88,000,000 MWhs.

1 For the purposes of this subsection (b) and subsection (b-5),
2 the 88,000,000 MWhs of deemed electric power and energy sales
3 shall be reduced by the number of MWhs equal to the sum of the
4 annual consumption of customers that have opted out of
5 subsections (a) through (j) of this Section under paragraph
6 (1) of subsection (1) of this Section, as averaged across the
7 calendar years 2014, 2015, and 2016. After 2017, the deemed
8 value of cumulative persisting annual savings from energy
9 efficiency measures and programs implemented during the period
10 beginning January 1, 2012 and ending December 31, 2017, shall
11 be reduced each year, as follows, and the applicable value
12 shall be applied to and count toward the utility's achievement
13 of the cumulative persisting annual savings goals set forth in
14 subsection (b-5):

15 (1) 5.8% deemed cumulative persisting annual savings
16 for the year ending December 31, 2018;

17 (2) 5.2% deemed cumulative persisting annual savings
18 for the year ending December 31, 2019;

19 (3) 4.5% deemed cumulative persisting annual savings
20 for the year ending December 31, 2020;

21 (4) 4.0% deemed cumulative persisting annual savings
22 for the year ending December 31, 2021;

23 (5) 3.5% deemed cumulative persisting annual savings
24 for the year ending December 31, 2022;

25 (6) 3.1% deemed cumulative persisting annual savings
26 for the year ending December 31, 2023;

1 (7) 2.8% deemed cumulative persisting annual savings
2 for the year ending December 31, 2024;

3 (8) 2.5% deemed cumulative persisting annual savings
4 for the year ending December 31, 2025; and

5 (9) 2.3% deemed cumulative persisting annual savings
6 for the year ending December 31, 2026. +

7 ~~(10) 2.1% deemed cumulative persisting annual savings~~
8 ~~for the year ending December 31, 2027;~~

9 ~~(11) 1.8% deemed cumulative persisting annual savings~~
10 ~~for the year ending December 31, 2028;~~

11 ~~(12) 1.7% deemed cumulative persisting annual savings~~
12 ~~for the year ending December 31, 2029;~~

13 ~~(13) 1.5% deemed cumulative persisting annual savings~~
14 ~~for the year ending December 31, 2030;~~

15 ~~(14) 1.3% deemed cumulative persisting annual savings~~
16 ~~for the year ending December 31, 2031;~~

17 ~~(15) 1.1% deemed cumulative persisting annual savings~~
18 ~~for the year ending December 31, 2032;~~

19 ~~(16) 0.9% deemed cumulative persisting annual savings~~
20 ~~for the year ending December 31, 2033;~~

21 ~~(17) 0.7% deemed cumulative persisting annual savings~~
22 ~~for the year ending December 31, 2034;~~

23 ~~(18) 0.5% deemed cumulative persisting annual savings~~
24 ~~for the year ending December 31, 2035;~~

25 ~~(19) 0.4% deemed cumulative persisting annual savings~~
26 ~~for the year ending December 31, 2036;~~

~~(20) 0.3% deemed cumulative persisting annual savings
for the year ending December 31, 2037;~~

~~(21) 0.2% deemed cumulative persisting annual savings
for the year ending December 31, 2038;~~

~~(22) 0.1% deemed cumulative persisting annual savings
for the year ending December 31, 2039; and~~

~~(23) 0.0% deemed cumulative persisting annual savings
for the year ending December 31, 2040 and all subsequent
years.~~

For purposes of this Section, "cumulative persisting annual savings" means the total electric energy savings in a given year from measures installed in that year or in previous years, but no earlier than January 1, 2012, that are still operational and providing savings in that year because the measures have not yet reached the end of their useful lives.

(b-5) Beginning in 2018 and through calendar year 2026, electric utilities subject to this Section that serve more than 3,000,000 retail customers in the State shall achieve the following cumulative persisting annual savings goals, as modified by subsection (f) of this Section and as compared to the deemed baseline of 88,000,000 MWhs of electric power and energy sales set forth in subsection (b), as reduced by the number of MWhs equal to the sum of the annual consumption of customers that have opted out of subsections (a) through (j) of this Section under paragraph (1) of subsection (l) of this Section as averaged across the calendar years 2014, 2015, and

1 2016, through the implementation of energy efficiency measures
2 during the applicable year and in prior years, but no earlier
3 than January 1, 2012:

4 (1) 7.8% cumulative persisting annual savings for the
5 year ending December 31, 2018;

6 (2) 9.1% cumulative persisting annual savings for the
7 year ending December 31, 2019;

8 (3) 10.4% cumulative persisting annual savings for the
9 year ending December 31, 2020;

10 (4) 11.8% cumulative persisting annual savings for the
11 year ending December 31, 2021;

12 (5) 13.1% cumulative persisting annual savings for the
13 year ending December 31, 2022;

14 (6) 14.4% cumulative persisting annual savings for the
15 year ending December 31, 2023;

16 (7) 15.7% cumulative persisting annual savings for the
17 year ending December 31, 2024;

18 (8) 17% cumulative persisting annual savings for the
19 year ending December 31, 2025; and

20 (9) 17.9% cumulative persisting annual savings for the
21 year ending December 31, 2026. +

22 ~~(10) 18.8% cumulative persisting annual savings for~~
23 ~~the year ending December 31, 2027;~~

24 ~~(11) 19.7% cumulative persisting annual savings for~~
25 ~~the year ending December 31, 2028;~~

26 ~~(12) 20.6% cumulative persisting annual savings for~~

~~the year ending December 31, 2029; and~~

~~(13) 21.5% cumulative persisting annual savings for
the year ending December 31, 2030.~~

~~No later than December 31, 2021, the Illinois Commerce
Commission shall establish additional cumulative persisting
annual savings goals for the years 2031 through 2035. No later
than December 31, 2024, the Illinois Commerce Commission shall
establish additional cumulative persisting annual savings
goals for the years 2036 through 2040. The Commission shall
also establish additional cumulative persisting annual savings
goals every 5 years thereafter to ensure that utilities always
have goals that extend at least 11 years into the future. The
cumulative persisting annual savings goals beyond the year
2030 shall increase by 0.9 percentage points per year, absent
a Commission decision to initiate a proceeding to consider
establishing goals that increase by more or less than that
amount. Such a proceeding must be conducted in accordance with
the procedures described in subsection (f) of this Section. If
such a proceeding is initiated, the cumulative persisting
annual savings goals established by the Commission through
that proceeding shall reflect the Commission's best estimate
of the maximum amount of additional savings that are forecast
to be cost-effectively achievable unless such best estimates
would result in goals that represent less than 0.5 percentage
point annual increases in total cumulative persisting annual
savings. The Commission may only establish goals that~~

~~represent less than 0.5 percentage point annual increases in cumulative persisting annual savings if it can demonstrate, based on clear and convincing evidence and through independent analysis, that 0.5 percentage point increases are not cost effectively achievable. The Commission shall inform its decision based on an energy efficiency potential study that conforms to the requirements of this Section.~~

(b-10) For purposes of this Section, through calendar year 2026, electric utilities subject to this Section that serve less than 3,000,000 retail customers but more than 500,000 retail customers in the State shall be deemed to have achieved a cumulative persisting annual savings of 6.6% from energy efficiency measures and programs implemented during the period beginning January 1, 2012 and ending December 31, 2017, which is based on the deemed average weather normalized sales of electric power and energy during calendar years 2014, 2015, and 2016 of 36,900,000 MWhs. For the purposes of this subsection (b-10) and subsection (b-15), the 36,900,000 MWhs of deemed electric power and energy sales shall be reduced by the number of MWhs equal to the sum of the annual consumption of customers that have opted out of subsections (a) through (j) of this Section under paragraph (1) of subsection (1) of this Section, as averaged across the calendar years 2014, 2015, and 2016. After 2017, the deemed value of cumulative persisting annual savings from energy efficiency measures and programs implemented during the period beginning January 1,

1 2012 and ending December 31, 2017, shall be reduced each year,
2 as follows, and the applicable value shall be applied to and
3 count toward the utility's achievement of the cumulative
4 persisting annual savings goals set forth in subsection
5 (b-15):

6 (1) 5.8% deemed cumulative persisting annual savings
7 for the year ending December 31, 2018;

8 (2) 5.2% deemed cumulative persisting annual savings
9 for the year ending December 31, 2019;

10 (3) 4.5% deemed cumulative persisting annual savings
11 for the year ending December 31, 2020;

12 (4) 4.0% deemed cumulative persisting annual savings
13 for the year ending December 31, 2021;

14 (5) 3.5% deemed cumulative persisting annual savings
15 for the year ending December 31, 2022;

16 (6) 3.1% deemed cumulative persisting annual savings
17 for the year ending December 31, 2023;

18 (7) 2.8% deemed cumulative persisting annual savings
19 for the year ending December 31, 2024;

20 (8) 2.5% deemed cumulative persisting annual savings
21 for the year ending December 31, 2025; and

22 (9) 2.3% deemed cumulative persisting annual savings
23 for the year ending December 31, 2026. +

24 ~~(10) 2.1% deemed cumulative persisting annual savings~~
25 ~~for the year ending December 31, 2027;~~

26 ~~(11) 1.8% deemed cumulative persisting annual savings~~

~~for the year ending December 31, 2028;~~

~~(12) 1.7% deemed cumulative persisting annual savings
for the year ending December 31, 2029;~~

~~(13) 1.5% deemed cumulative persisting annual savings
for the year ending December 31, 2030;~~

~~(14) 1.3% deemed cumulative persisting annual savings
for the year ending December 31, 2031;~~

~~(15) 1.1% deemed cumulative persisting annual savings
for the year ending December 31, 2032;~~

~~(16) 0.9% deemed cumulative persisting annual savings
for the year ending December 31, 2033;~~

~~(17) 0.7% deemed cumulative persisting annual savings
for the year ending December 31, 2034;~~

~~(18) 0.5% deemed cumulative persisting annual savings
for the year ending December 31, 2035;~~

~~(19) 0.4% deemed cumulative persisting annual savings
for the year ending December 31, 2036;~~

~~(20) 0.3% deemed cumulative persisting annual savings
for the year ending December 31, 2037;~~

~~(21) 0.2% deemed cumulative persisting annual savings
for the year ending December 31, 2038;~~

~~(22) 0.1% deemed cumulative persisting annual savings
for the year ending December 31, 2039; and~~

~~(23) 0.0% deemed cumulative persisting annual savings
for the year ending December 31, 2040 and all subsequent
years.~~

1 (b-15) Beginning in 2018 and through calendar year 2026,
2 electric utilities subject to this Section that serve less
3 than 3,000,000 retail customers but more than 500,000 retail
4 customers in the State shall achieve the following cumulative
5 persisting annual savings goals, as modified by subsection
6 (b-20) and subsection (f) of this Section and as compared to
7 the deemed baseline as reduced by the number of MWhs equal to
8 the sum of the annual consumption of customers that have opted
9 out of subsections (a) through (j) of this Section under
10 paragraph (1) of subsection (1) of this Section as averaged
11 across the calendar years 2014, 2015, and 2016, through the
12 implementation of energy efficiency measures during the
13 applicable year and in prior years, but no earlier than
14 January 1, 2012:

15 (1) 7.4% cumulative persisting annual savings for the
16 year ending December 31, 2018;

17 (2) 8.2% cumulative persisting annual savings for the
18 year ending December 31, 2019;

19 (3) 9.0% cumulative persisting annual savings for the
20 year ending December 31, 2020;

21 (4) 9.8% cumulative persisting annual savings for the
22 year ending December 31, 2021;

23 (5) 10.6% cumulative persisting annual savings for the
24 year ending December 31, 2022;

25 (6) 11.4% cumulative persisting annual savings for the
26 year ending December 31, 2023;

1 (7) 12.2% cumulative persisting annual savings for the
2 year ending December 31, 2024;

3 (8) 13% cumulative persisting annual savings for the
4 year ending December 31, 2025; and

5 (9) 13.6% cumulative persisting annual savings for the
6 year ending December 31, 2026. +

7 ~~(10) 14.2% cumulative persisting annual savings for~~
8 ~~the year ending December 31, 2027;~~

9 ~~(11) 14.8% cumulative persisting annual savings for~~
10 ~~the year ending December 31, 2028;~~

11 ~~(12) 15.4% cumulative persisting annual savings for~~
12 ~~the year ending December 31, 2029; and~~

13 ~~(13) 16% cumulative persisting annual savings for the~~
14 ~~year ending December 31, 2030.~~

15 ~~No later than December 31, 2021, the Illinois Commerce~~
16 ~~Commission shall establish additional cumulative persisting~~
17 ~~annual savings goals for the years 2031 through 2035. No later~~
18 ~~than December 31, 2024, the Illinois Commerce Commission shall~~
19 ~~establish additional cumulative persisting annual savings~~
20 ~~goals for the years 2036 through 2040. The Commission shall~~
21 ~~also establish additional cumulative persisting annual savings~~
22 ~~goals every 5 years thereafter to ensure that utilities always~~
23 ~~have goals that extend at least 11 years into the future. The~~
24 ~~cumulative persisting annual savings goals beyond the year~~
25 ~~2030 shall increase by 0.6 percentage points per year, absent~~
26 ~~a Commission decision to initiate a proceeding to consider~~

~~establishing goals that increase by more or less than that amount. Such a proceeding must be conducted in accordance with the procedures described in subsection (f) of this Section. If such a proceeding is initiated, the cumulative persisting annual savings goals established by the Commission through that proceeding shall reflect the Commission's best estimate of the maximum amount of additional savings that are forecast to be cost effectively achievable unless such best estimates would result in goals that represent less than 0.4 percentage point annual increases in total cumulative persisting annual savings. The Commission may only establish goals that represent less than 0.4 percentage point annual increases in cumulative persisting annual savings if it can demonstrate, based on clear and convincing evidence and through independent analysis, that 0.4 percentage point increases are not cost effectively achievable. The Commission shall inform its decision based on an energy efficiency potential study that conforms to the requirements of this Section.~~

(b-16) In 2027 and each year thereafter, each electric utility subject to this Section shall achieve the following savings goals:

(1) A utility that serves more than 3,000,000 retail customers in the State must achieve incremental annual energy savings for customers in an amount that is equal to 2% of the utility's average annual electricity sales from 2021 through 2023 to customers. A utility that serves less

1 than 3,000,000 retail customers but more than 500,000
2 retail customers in the State must achieve incremental
3 annual energy savings for customers in an amount that is
4 equal to 1.4% in 2027, 1.7% in 2028, and 2% in 2029 and
5 every year thereafter of the utility's average annual
6 electricity sales from 2021 through 2023 to customers. The
7 incremental annual energy savings requirements set forth
8 in this paragraph (1) may be reduced by 0.025 percentage
9 points for every percentage point increase, above the 25%
10 minimum to be targeted at low-income households as
11 specified in paragraph (c) of this Section, in the portion
12 of total efficiency program spending that is on low-income
13 or moderate-income efficiency programs. The incremental
14 annual savings requirement shall not be reduced to a level
15 less than 0.25 percentage points less than the energy
16 savings requirement applicable to the calendar year, even
17 if the sum of low-income spending and moderate-income
18 spending is greater than 35% of total spending.

19 (2) A utility that serves less than 3,000,000 retail
20 customers but more than 500,000 retail customers in the
21 State must achieve an incremental annual coincident peak
22 demand savings goal from energy efficiency measures
23 installed as a result of the utility's programs by
24 customers in an amount that is equal to the energy savings
25 goal from paragraph (1) of this Section divided by the
26 actual average ratio of kilowatt-hour savings to

coincident peak demand reduction achieved by the utility through its energy efficiency programs in 2023. If the season in which coincident peak demands are experienced, the hours of the day that peak demands are experienced, and the methods by which peak demand impacts from efficiency measures are estimated are different in the future than when 2023 peak demand impacts were originally estimated, the 2023 peak demand impacts shall be recomputed using such updated peak definitions and estimation methods for the purpose of establishing future coincident peak demand savings goals. To the extent that a utility counts either improvements to the efficiency of the use of gas and other fuels or the electrification of gas and other fuels toward its energy savings goal, as permitted under paragraphs (b-25) and (b-27) of this Section, it must estimate the actual impacts on coincident peak demand from such measures and count them, whether positive or negative, toward its coincident peak demand savings goal. Only coincident peak demand savings from efficiency measures shall count toward this goal. To the extent that some efficiency measures enable demand response, only the peak demand savings from the energy efficiency upgrade shall count toward the goal. Nothing in this Section shall limit the ability of peak demand savings from such enabled demand-response initiatives to count for other, non-energy efficiency performance

1 standard performance metrics established for the utility.

2 (3) Each utility's incremental annual energy savings,
3 and coincident peak demand savings if a utility serves
4 less than 3,000,000 retail customers but more than 500,000
5 retail customers in the State, must be achieved with an
6 average savings life of at least 12 years. In no event can
7 more than one-fifth of the incremental annual savings or
8 the coincident peak demand savings counted toward a
9 utility's annual savings goal in any given year be derived
10 from efficiency measures with average savings lives of
11 less than 5 years. Average savings lives may be shorter
12 than the average operational lives of measures installed
13 if the measures do not produce savings in every year in
14 which the measures operate or if the savings that measures
15 produce decline during the measures' operational lives.

16 For the purposes of this Section, "incremental annual
17 energy savings" means the total electric energy savings
18 from all measures installed in a calendar year that will
19 be realized within 12 months of each measure's
20 installation; "moderate-income" means income between 80%
21 of area median income and 300% of the federal poverty
22 limit; "incremental annual coincident peak demand savings"
23 means the total coincident peak reduction from all energy
24 efficiency measures installed in a calendar year that will
25 be realized within 12 months of each measure's
26 installation; "average savings life" means the lifetime

1 savings that would be realized as a result of a utility's
2 efficiency programs divided by the incremental annual
3 savings such programs produce.

4 (b-20) Each electric utility subject to this Section may
5 include cost-effective voltage optimization measures in its
6 plans submitted under subsections (f) and (g) of this Section,
7 and the costs incurred by a utility to implement the measures
8 under a Commission-approved plan shall be recovered under the
9 provisions of Article IX or Section 16-108.5 of this Act. For
10 purposes of this Section, the measure life of voltage
11 optimization measures shall be 15 years. The measure life
12 period is independent of the depreciation rate of the voltage
13 optimization assets deployed. Utilities may claim savings from
14 voltage optimization on circuits for more than 15 years if
15 they can demonstrate that they have made additional
16 investments necessary to enable voltage optimization savings
17 to continue beyond 15 years. Such demonstrations must be
18 subject to the review of independent evaluation.

19 Within 270 days after June 1, 2017 (the effective date of
20 Public Act 99-906), an electric utility that serves less than
21 3,000,000 retail customers but more than 500,000 retail
22 customers in the State shall file a plan with the Commission
23 that identifies the cost-effective voltage optimization
24 investment the electric utility plans to undertake through
25 December 31, 2024. The Commission, after notice and hearing,
26 shall approve or approve with modification the plan within 120

1 days after the plan's filing and, in the order approving or
2 approving with modification the plan, the Commission shall
3 adjust the applicable cumulative persisting annual savings
4 goals set forth in subsection (b-15) to reflect any amount of
5 cost-effective energy savings approved by the Commission that
6 is greater than or less than the following cumulative
7 persisting annual savings values attributable to voltage
8 optimization for the applicable year:

9 (1) 0.0% of cumulative persisting annual savings for
10 the year ending December 31, 2018;

11 (2) 0.17% of cumulative persisting annual savings for
12 the year ending December 31, 2019;

13 (3) 0.17% of cumulative persisting annual savings for
14 the year ending December 31, 2020;

15 (4) 0.33% of cumulative persisting annual savings for
16 the year ending December 31, 2021;

17 (5) 0.5% of cumulative persisting annual savings for
18 the year ending December 31, 2022;

19 (6) 0.67% of cumulative persisting annual savings for
20 the year ending December 31, 2023;

21 (7) 0.83% of cumulative persisting annual savings for
22 the year ending December 31, 2024; and

23 (8) 1.0% of cumulative persisting annual savings for
24 the year ending December 31, 2025 and all subsequent
25 years.

26 (b-25) In the event an electric utility jointly offers an

1 energy efficiency measure or program with a gas utility under
2 plans approved under this Section and Section 8-104 of this
3 Act, the electric utility may continue offering the program,
4 including the gas energy efficiency measures, in the event the
5 gas utility discontinues funding the program. In that event,
6 the energy savings value associated with such other fuels
7 shall be converted to electric energy savings on an equivalent
8 Btu basis for the premises. However, the electric utility
9 shall prioritize programs for low-income residential customers
10 to the extent practicable. An electric utility may recover the
11 costs of offering the gas energy efficiency measures under
12 this subsection (b-25).

13 For those energy efficiency measures or programs that save
14 both electricity and other fuels but are not jointly offered
15 with a gas utility under plans approved under this Section and
16 Section 8-104 or not offered with an affiliated gas utility
17 under paragraph (6) of subsection (f) of Section 8-104 of this
18 Act, the electric utility may count savings of fuels other
19 than electricity toward the achievement of its annual savings
20 goal, and the energy savings value associated with such other
21 fuels shall be converted to electric energy savings on an
22 equivalent Btu basis at the premises.

23 For an electric utility that serves more than 3,000,000
24 retail customers in the State, on and after January 1, 2027,
25 the electric utility may only count savings of other fuels
26 under this subsection (b-25) toward the achievement of its

1 annual electric energy savings goal when such other fuel
2 savings are from weatherization measures that reduce heat loss
3 through the building envelope, insulating mechanical systems,
4 or the heating distribution system, including, but not limited
5 to, air sealing and building shell measures. This limitation
6 on counting other fuel savings from efficiency measures toward
7 a utility's energy savings goal shall not affect the utility's
8 ability to claim savings from electrification measures
9 installed pursuant to the requirements in subsection (b-27).

10 In no event shall more than 10% of each year's applicable
11 annual total savings requirement, as defined in paragraph
12 (7.5) of subsection (g) of this Section be met through savings
13 of fuels other than electricity. For an electric utility that
14 serves more than 3,000,000 retail customers in the State, in
15 no event shall more than 30% of each year's incremental annual
16 energy savings requirement, as defined in subsection (b-16) of
17 this Section, be met through savings of fuels other than
18 electricity. For an electric utility that serves less than
19 3,000,000 retail customers but more than 500,000 retail
20 customers in the State, in no event shall more than 20% of each
21 year's incremental annual energy savings requirement, as
22 defined in subsection (b-16) of this Section, be met through
23 savings of fuels other than electricity.

24 (b-27) Beginning in 2022, an electric utility may offer
25 and promote measures that electrify space heating, water
26 heating, cooling, drying, cooking, industrial processes, and

1 other building and industrial end uses that would otherwise be
2 served by combustion of fossil fuel at the premises, provided
3 that the electrification measures reduce total energy
4 consumption at the premises. The electric utility may count
5 the reduction in energy consumption at the premises toward
6 achievement of its annual savings goals. The reduction in
7 energy consumption at the premises shall be calculated as the
8 difference between: (A) the reduction in Btu consumption of
9 fossil fuels as a result of electrification, converted to
10 kilowatt-hour equivalents by dividing by 3,412 Btus per
11 kilowatt hour; and (B) the increase in kilowatt hours of
12 electricity consumption resulting from the displacement of
13 fossil fuel consumption as a result of electrification. An
14 electric utility may recover the costs of offering and
15 promoting electrification measures under this subsection
16 (b-27).

17 At least 33% of all costs of offering and promoting
18 electrification measures under this subsection (b-27) must be
19 for supporting installation of electrification measures
20 through programs exclusively targeted to low-income
21 households. The percentage requirement may be reduced if the
22 utility can demonstrate that it is not possible to achieve the
23 level of low-income electrification spending, while supporting
24 programs for non-low-income residential and business
25 electrification, because of limitations regarding the number
26 of low-income households in its service territory that would

1 be able to meet program eligibility requirements set forth in
2 the multi-year energy efficiency plan. If the 33% low-income
3 electrification spending requirement is reduced, the utility
4 must prioritize support of low-income electrification in
5 housing that meets program eligibility requirements over
6 electrification spending on non-low-income residential or
7 business customers.

8 The ratio of spending on electrification measures targeted
9 to low-income, multifamily buildings to spending on
10 electrification measures targeted to low-income, single-family
11 buildings shall be designed to achieve levels of
12 electrification savings from each building type that are
13 approximately proportional to the magnitude of cost-effective
14 electrification savings potential in each building type.

15 In no event shall electrification savings counted toward
16 each year's applicable annual total savings requirement, as
17 defined in paragraph (7.5) of subsection (g) of this Section,
18 or counted toward each year's incremental annual savings, as
19 defined in paragraph (b-16) of this Section, be greater than:

20 (1) 5% per year for each year from 2022 through 2025;

21 (2) 20% ~~10%~~ per year for ~~each year from~~ 2026 and all
22 subsequent years ~~through 2029~~; and

23 (3) (blank). ~~15% per year for 2030 and all subsequent~~
24 ~~years.~~

25 ~~In addition, a minimum of 25% of all electrification savings~~
26 ~~counted toward a utility's applicable annual total savings~~

1 ~~requirement must be from electrification of end uses in~~
2 ~~low-income housing.~~ The limitations on electrification savings
3 that may be counted toward a utility's annual savings goals
4 are separate from and in addition to the subsection (b-25)
5 limitations governing the counting of the other fuel savings
6 resulting from efficiency measures and programs.

7 As part of the annual informational filing to the
8 Commission that is required under paragraph (9) of subsection
9 (g) of this Section, each utility shall identify the specific
10 electrification measures offered under this subsection (b-27);
11 the quantity of each electrification measure that was
12 installed by its customers; the average total cost, average
13 utility cost, average reduction in fossil fuel consumption,
14 and average increase in electricity consumption associated
15 with each electrification measure; the portion of
16 installations of each electrification measure that were in
17 low-income single-family housing, low-income multifamily
18 housing, non-low-income single-family housing, non-low-income
19 multifamily housing, commercial buildings, and industrial
20 facilities; and the quantity of savings associated with each
21 measure category in each customer category that are being
22 counted toward the utility's applicable annual total savings
23 requirement or counted toward each year's incremental annual
24 savings, as defined in paragraph (b-16) of this Section. Prior
25 to installing or promoting ~~an~~ electrification measures
26 ~~measure,~~ the utility shall provide customers ~~a customer~~ with

1 estimates ~~an estimate~~ of the impact of the new measures
2 ~~measure~~ on the customer's average monthly electric bill and
3 total annual energy expenses.

4 (c) Electric utilities shall be responsible for overseeing
5 the design, development, and filing of energy efficiency plans
6 with the Commission and may, as part of that implementation,
7 outsource various aspects of program development and
8 implementation. A minimum of 10%, for electric utilities that
9 serve more than 3,000,000 retail customers in the State, and a
10 minimum of 7%, for electric utilities that serve less than
11 3,000,000 retail customers but more than 500,000 retail
12 customers in the State, of the utility's entire portfolio
13 funding level for a given year shall be used to procure
14 cost-effective energy efficiency measures from units of local
15 government, municipal corporations, school districts, public
16 housing, public institutions of higher education, and
17 community college districts, provided that a minimum
18 percentage of available funds shall be used to procure energy
19 efficiency from public housing, which percentage shall be
20 equal to public housing's share of public building energy
21 consumption.

22 The utilities shall also implement energy efficiency
23 measures targeted at low-income households, which, for
24 purposes of this Section, shall be defined as households at or
25 below 80% of area median income, and expenditures to implement
26 the measures shall be no less than 25% of total energy

1 efficiency program spending approved by the Commission
2 pursuant to review of plans filed under subsection (f) of this
3 Section ~~\$40,000,000 per year for electric utilities that serve~~
4 ~~more than 3,000,000 retail customers in the State and no less~~
5 ~~than \$13,000,000 per year for electric utilities that serve~~
6 ~~less than 3,000,000 retail customers but more than 500,000~~
7 ~~retail customers in the State.~~ The ratio of spending on
8 efficiency programs targeted at low-income multifamily
9 buildings to spending on efficiency programs targeted at
10 low-income single-family buildings shall be designed to
11 achieve levels of savings from each building type that are
12 approximately proportional to the magnitude of cost-effective
13 lifetime savings potential in each building type. Investment
14 in low-income whole-building weatherization programs shall
15 constitute a minimum of 80% of a utility's total budget
16 specifically dedicated to serving low-income customers.

17 The utilities shall work to bundle low-income energy
18 efficiency offerings with other programs that serve low-income
19 households to maximize the benefits going to these households.
20 The utilities shall market and implement low-income energy
21 efficiency programs in coordination with low-income assistance
22 programs, the Illinois Solar for All Program, and
23 weatherization whenever practicable. The program implementer
24 shall walk the customer through the enrollment process for any
25 programs for which the customer is eligible. The utilities
26 shall also pilot targeting customers with high arrearages,

1 high energy intensity (ratio of energy usage divided by home
2 or unit square footage), or energy assistance programs with
3 energy efficiency offerings, and then track reduction in
4 arrearages as a result of the targeting. This targeting and
5 bundling of low-income energy programs shall be offered to
6 both low-income single-family and multifamily customers
7 (owners and residents).

8 The utilities shall invest in health and safety measures
9 appropriate and necessary for comprehensively weatherizing a
10 home or multifamily building, and shall implement a health and
11 safety fund of at least 15% of the total income-qualified
12 weatherization budget that shall be used for the purpose of
13 making grants for technical assistance, construction,
14 reconstruction, improvement, or repair of buildings to
15 facilitate their participation in the energy efficiency
16 programs targeted at low-income single-family and multifamily
17 households. These funds may also be used for the purpose of
18 making grants for technical assistance, construction,
19 reconstruction, improvement, or repair of the following
20 buildings to facilitate their participation in the energy
21 efficiency programs created by this Section: (1) buildings
22 that are owned or operated by registered 501(c)(3) public
23 charities; and (2) day care centers, day care homes, or group
24 day care homes, as defined under 89 Ill. Adm. Code Part 406,
25 407, or 408, respectively.

26 Each electric utility shall assess opportunities to

1 implement cost-effective energy efficiency measures and
2 programs through a public housing authority or authorities
3 located in its service territory. If such opportunities are
4 identified, the utility shall propose such measures and
5 programs to address the opportunities. Expenditures to address
6 such opportunities shall be credited toward the minimum
7 procurement and expenditure requirements set forth in this
8 subsection (c).

9 Implementation of energy efficiency measures and programs
10 targeted at low-income households should be contracted, when
11 it is practicable, to independent third parties that have
12 demonstrated capabilities to serve such households, with a
13 preference for not-for-profit entities and government agencies
14 that have existing relationships with or experience serving
15 low-income communities in the State.

16 Each electric utility shall develop and implement
17 reporting procedures that address and assist in determining
18 the amount of energy savings that can be applied to the
19 low-income procurement and expenditure requirements set forth
20 in this subsection (c). Each electric utility shall also track
21 the types and quantities or volumes of insulation and air
22 sealing materials, and their associated energy saving
23 benefits, installed in energy efficiency programs targeted at
24 low-income single-family and multifamily households.

25 The electric utilities shall participate in a low-income
26 energy efficiency accountability committee ("the committee"),

1 which will directly inform the design, implementation, and
2 evaluation of the low-income and public-housing energy
3 efficiency programs. The committee shall be comprised of the
4 electric utilities subject to the requirements of this
5 Section, the gas utilities subject to the requirements of
6 Section 8-104 of this Act, the utilities' low-income energy
7 efficiency implementation contractors, nonprofit
8 organizations, community action agencies, advocacy groups,
9 State and local governmental agencies, public-housing
10 organizations, and representatives of community-based
11 organizations, especially those living in or working with
12 environmental justice communities and BIPOC communities. The
13 committee shall be composed of 2 geographically differentiated
14 subcommittees: one for stakeholders in northern Illinois and
15 one for stakeholders in central and southern Illinois. The
16 subcommittees shall meet together at least twice per year.

17 There shall be one statewide leadership committee led by
18 and composed of community-based organizations that are
19 representative of BIPOC and environmental justice communities
20 and that includes equitable representation from BIPOC
21 communities. The leadership committee shall be composed of an
22 equal number of representatives from the 2 subcommittees. The
23 subcommittees shall address specific programs and issues, with
24 the leadership committee convening targeted workgroups as
25 needed. The leadership committee may elect to work with an
26 independent facilitator to solicit and organize feedback,

1 recommendations and meeting participation from a wide variety
2 of community-based stakeholders. If a facilitator is used,
3 they shall be fair and responsive to the needs of all
4 stakeholders involved in the committee. For a utility that
5 serves more than 3,000,000 retail customers in the State, if a
6 facilitator is used, they shall be retained by Commission
7 staff.

8 All committee meetings must be accessible, with rotating
9 locations if meetings are held in-person, virtual
10 participation options, and materials and agendas circulated in
11 advance.

12 There shall also be opportunities for direct input by
13 committee members outside of committee meetings, such as via
14 individual meetings, surveys, emails and calls, to ensure
15 robust participation by stakeholders with limited capacity and
16 ability to attend committee meetings. Committee meetings shall
17 emphasize opportunities to bundle and coordinate delivery of
18 low-income energy efficiency with other programs that serve
19 low-income communities, such as the Illinois Solar for All
20 Program and bill payment assistance programs. Meetings shall
21 include educational opportunities for stakeholders to learn
22 more about these additional offerings, and the committee shall
23 assist in figuring out the best methods for coordinated
24 delivery and implementation of offerings when serving
25 low-income communities. The committee shall directly and
26 equitably influence and inform utility low-income and

1 public-housing energy efficiency programs and priorities.
2 Participating utilities shall implement recommendations from
3 the committee whenever possible.

4 Participating utilities shall track and report how input
5 from the committee has led to new approaches and changes in
6 their energy efficiency portfolios. This reporting shall occur
7 at committee meetings and in quarterly energy efficiency
8 reports to the Stakeholder Advisory Group and Illinois
9 Commerce Commission, and other relevant reporting mechanisms.
10 Participating utilities shall also report on relevant equity
11 data and metrics requested by the committee, such as energy
12 burden data, geographic, racial, and other relevant
13 demographic data on where programs are being delivered and
14 what populations programs are serving.

15 The Illinois Commerce Commission shall oversee and have
16 relevant staff participate in the committee. The committee
17 shall have a budget of 0.25% of each utility's entire
18 efficiency portfolio funding for a given year. The budget
19 shall be overseen by the Commission. The budget shall be used
20 to provide grants for community-based organizations serving on
21 the leadership committee, stipends for community-based
22 organizations participating in the committee, grants for
23 community-based organizations to do energy efficiency outreach
24 and education, and relevant meeting needs as determined by the
25 leadership committee. The education and outreach shall
26 include, but is not limited to, basic energy efficiency

1 education, information about low-income energy efficiency
2 programs, and information on the committee's purpose,
3 structure, and activities.

4 (d) Notwithstanding any other provision of law to the
5 contrary, a utility providing approved energy efficiency
6 measures and, if applicable, demand-response measures in the
7 State shall be permitted to recover all reasonable and
8 prudently incurred costs of those measures from all retail
9 customers, except as provided in subsection (1) of this
10 Section, as follows, provided that nothing in this subsection
11 (d) permits the double recovery of such costs from customers:

12 (1) The utility may recover its costs through an
13 automatic adjustment clause tariff filed with and approved
14 by the Commission. The tariff shall be established outside
15 the context of a general rate case. Each year the
16 Commission shall initiate a review to reconcile any
17 amounts collected with the actual costs and to determine
18 the required adjustment to the annual tariff factor to
19 match annual expenditures. To enable the financing of the
20 incremental capital expenditures, including regulatory
21 assets, for electric utilities that serve less than
22 3,000,000 retail customers but more than 500,000 retail
23 customers in the State, the utility's actual year-end
24 capital structure that includes a common equity ratio,
25 excluding goodwill, of up to and including 50% of the
26 total capital structure shall be deemed reasonable and

1 used to set rates.

2 (2) A utility may recover its costs through an energy
3 efficiency formula rate approved by the Commission under a
4 filing under subsections (f) and (g) of this Section,
5 which shall specify the cost components that form the
6 basis of the rate charged to customers with sufficient
7 specificity to operate in a standardized manner and be
8 updated annually with transparent information that
9 reflects the utility's actual costs to be recovered during
10 the applicable rate year, which is the period beginning
11 with the first billing day of January and extending
12 through the last billing day of the following December.
13 The energy efficiency formula rate shall be implemented
14 through a tariff filed with the Commission under
15 subsections (f) and (g) of this Section that is consistent
16 with the provisions of this paragraph (2) and that shall
17 be applicable to all delivery services customers. The
18 Commission shall conduct an investigation of the tariff in
19 a manner consistent with the provisions of this paragraph
20 (2), subsections (f) and (g) of this Section, and the
21 provisions of Article IX of this Act to the extent they do
22 not conflict with this paragraph (2). The energy
23 efficiency formula rate approved by the Commission shall
24 remain in effect at the discretion of the utility and
25 shall do the following:

26 (A) Provide for the recovery of the utility's

1 actual costs incurred under this Section that are
2 prudently incurred and reasonable in amount consistent
3 with Commission practice and law. The sole fact that a
4 cost differs from that incurred in a prior calendar
5 year or that an investment is different from that made
6 in a prior calendar year shall not imply the
7 imprudence or unreasonableness of that cost or
8 investment.

9 (B) Reflect the utility's actual year-end capital
10 structure for the applicable calendar year, excluding
11 goodwill, subject to a determination of prudence and
12 reasonableness consistent with Commission practice and
13 law. To enable the financing of the incremental
14 capital expenditures, including regulatory assets, for
15 electric utilities that serve less than 3,000,000
16 retail customers but more than 500,000 retail
17 customers in the State, a participating electric
18 utility's actual year-end capital structure that
19 includes a common equity ratio, excluding goodwill, of
20 up to and including 50% of the total capital structure
21 shall be deemed reasonable and used to set rates.

22 (C) Include a cost of equity that shall be equal to
23 the baseline cost of equity approved by the Commission
24 for the utility's electric distribution rates
25 effective during the applicable year, whether those
26 rates are set pursuant to Section 9-201, subparagraph

1 (B) of paragraph (3) of subsection (d) of Section
2 16-108.18, or any successor electric distribution
3 ratemaking paradigm., which shall be calculated as the
4 ~~sum of the following:~~

5 ~~(i) the average for the applicable calendar~~
6 ~~year of the monthly average yields of 30 year U.S.~~
7 ~~Treasury bonds published by the Board of Governors~~
8 ~~of the Federal Reserve System in its weekly H.15~~
9 ~~Statistical Release or successor publication; and~~

10 ~~(ii) 580 basis points.~~

11 ~~At such time as the Board of Governors of the~~
12 ~~Federal Reserve System ceases to include the monthly~~
13 ~~average yields of 30 year U.S. Treasury bonds in its~~
14 ~~weekly H.15 Statistical Release or successor~~
15 ~~publication, the monthly average yields of the U.S.~~
16 ~~Treasury bonds then having the longest duration~~
17 ~~published by the Board of Governors in its weekly H.15~~
18 ~~Statistical Release or successor publication shall~~
19 ~~instead be used for purposes of this paragraph (2).~~

20 (D) Permit and set forth protocols, subject to a
21 determination of prudence and reasonableness
22 consistent with Commission practice and law, for the
23 following:

24 (i) recovery of incentive compensation expense
25 that is based on the achievement of operational
26 metrics, including metrics related to budget

1 controls, outage duration and frequency, safety,
2 customer service, efficiency and productivity, and
3 environmental compliance; however, this protocol
4 shall not apply if such expense related to costs
5 incurred under this Section is recovered under
6 Article IX or Section 16-108.5 of this Act;
7 incentive compensation expense that is based on
8 net income or an affiliate's earnings per share
9 shall not be recoverable under the energy
10 efficiency formula rate;

11 (ii) recovery of pension and other
12 post-employment benefits expense, provided that
13 such costs are supported by an actuarial study;
14 however, this protocol shall not apply if such
15 expense related to costs incurred under this
16 Section is recovered under Article IX or Section
17 16-108.5 of this Act;

18 (iii) recovery of existing regulatory assets
19 over the periods previously authorized by the
20 Commission;

21 (iv) as described in subsection (e),
22 amortization of costs incurred under this Section;
23 and

24 (v) projected, weather normalized billing
25 determinants for the applicable rate year.

26 (E) Provide for an annual reconciliation, as

1 described in paragraph (3) of this subsection (d),
2 less any deferred taxes related to the reconciliation,
3 with interest at an annual rate of return equal to the
4 utility's weighted average cost of capital, including
5 a revenue conversion factor calculated to recover or
6 refund all additional income taxes that may be payable
7 or receivable as a result of that return, of the energy
8 efficiency revenue requirement reflected in rates for
9 each calendar year, beginning with the calendar year
10 in which the utility files its energy efficiency
11 formula rate tariff under this paragraph (2), with
12 what the revenue requirement would have been had the
13 actual cost information for the applicable calendar
14 year been available at the filing date.

15 The utility shall file, together with its tariff, the
16 projected costs to be incurred by the utility during the
17 rate year under the utility's multi-year plan approved
18 under subsections (f) and (g) of this Section, including,
19 but not limited to, the projected capital investment costs
20 and projected regulatory asset balances with
21 correspondingly updated depreciation and amortization
22 reserves and expense, that shall populate the energy
23 efficiency formula rate and set the initial rates under
24 the formula.

25 The Commission shall review the proposed tariff in
26 conjunction with its review of a proposed multi-year plan,

1 as specified in paragraph (5) of subsection (g) of this
2 Section. The review shall be based on the same evidentiary
3 standards, including, but not limited to, those concerning
4 the prudence and reasonableness of the costs incurred by
5 the utility, the Commission applies in a hearing to review
6 a filing for a general increase in rates under Article IX
7 of this Act. The initial rates shall take effect beginning
8 with the January monthly billing period following the
9 Commission's approval.

10 The tariff's rate design and cost allocation across
11 customer classes shall be consistent with the utility's
12 automatic adjustment clause tariff in effect on June 1,
13 2017 (the effective date of Public Act 99-906); however,
14 the Commission may revise the tariff's rate design and
15 cost allocation in subsequent proceedings under paragraph
16 (3) of this subsection (d).

17 If the energy efficiency formula rate is terminated,
18 the then current rates shall remain in effect until such
19 time as the energy efficiency costs are incorporated into
20 new rates that are set under this subsection (d) or
21 Article IX of this Act, subject to retroactive rate
22 adjustment, with interest, to reconcile rates charged with
23 actual costs.

24 (3) The provisions of this paragraph (3) shall only
25 apply to an electric utility that has elected to file an
26 energy efficiency formula rate under paragraph (2) of this

1 subsection (d). Subsequent to the Commission's issuance of
2 an order approving the utility's energy efficiency formula
3 rate structure and protocols, and initial rates under
4 paragraph (2) of this subsection (d), the utility shall
5 file, on or before June 1 of each year, with the Chief
6 Clerk of the Commission its updated cost inputs to the
7 energy efficiency formula rate for the applicable rate
8 year and the corresponding new charges, as well as the
9 information described in paragraph (9) of subsection (g)
10 of this Section. Each such filing shall conform to the
11 following requirements and include the following
12 information:

13 (A) The inputs to the energy efficiency formula
14 rate for the applicable rate year shall be based on the
15 projected costs to be incurred by the utility during
16 the rate year under the utility's multi-year plan
17 approved under subsections (f) and (g) of this
18 Section, including, but not limited to, projected
19 capital investment costs and projected regulatory
20 asset balances with correspondingly updated
21 depreciation and amortization reserves and expense.
22 The filing shall also include a reconciliation of the
23 energy efficiency revenue requirement that was in
24 effect for the prior rate year (as set by the cost
25 inputs for the prior rate year) with the actual
26 revenue requirement for the prior rate year

(determined using a year-end rate base) that uses amounts reflected in the applicable FERC Form 1 that reports the actual costs for the prior rate year. Any over-collection or under-collection indicated by such reconciliation shall be reflected as a credit against, or recovered as an additional charge to, respectively, with interest calculated at a rate equal to the utility's weighted average cost of capital approved by the Commission for the prior rate year, the charges for the applicable rate year. Such over-collection or under-collection shall be adjusted to remove any deferred taxes related to the reconciliation, for purposes of calculating interest at an annual rate of return equal to the utility's weighted average cost of capital approved by the Commission for the prior rate year, including a revenue conversion factor calculated to recover or refund all additional income taxes that may be payable or receivable as a result of that return. Each reconciliation shall be certified by the participating utility in the same manner that FERC Form 1 is certified. The filing shall also include the charge or credit, if any, resulting from the calculation required by subparagraph (E) of paragraph (2) of this subsection (d).

Notwithstanding any other provision of law to the contrary, the intent of the reconciliation is to

1 ultimately reconcile both the revenue requirement
2 reflected in rates for each calendar year, beginning
3 with the calendar year in which the utility files its
4 energy efficiency formula rate tariff under paragraph
5 (2) of this subsection (d), with what the revenue
6 requirement determined using a year-end rate base for
7 the applicable calendar year would have been had the
8 actual cost information for the applicable calendar
9 year been available at the filing date.

10 For purposes of this Section, "FERC Form 1" means
11 the Annual Report of Major Electric Utilities,
12 Licensees and Others that electric utilities are
13 required to file with the Federal Energy Regulatory
14 Commission under the Federal Power Act, Sections 3,
15 4(a), 304 and 209, modified as necessary to be
16 consistent with 83 Ill. Adm. Code Part 415 as of May 1,
17 2011. Nothing in this Section is intended to allow
18 costs that are not otherwise recoverable to be
19 recoverable by virtue of inclusion in FERC Form 1.

20 (B) The new charges shall take effect beginning on
21 the first billing day of the following January billing
22 period and remain in effect through the last billing
23 day of the next December billing period regardless of
24 whether the Commission enters upon a hearing under
25 this paragraph (3).

26 (C) The filing shall include relevant and

1 necessary data and documentation for the applicable
2 rate year. Normalization adjustments shall not be
3 required.

4 Within 45 days after the utility files its annual
5 update of cost inputs to the energy efficiency formula
6 rate, the Commission shall with reasonable notice,
7 initiate a proceeding concerning whether the projected
8 costs to be incurred by the utility and recovered during
9 the applicable rate year, and that are reflected in the
10 inputs to the energy efficiency formula rate, are
11 consistent with the utility's approved multi-year plan
12 under subsections (f) and (g) of this Section and whether
13 the costs incurred by the utility during the prior rate
14 year were prudent and reasonable. The Commission shall
15 also have the authority to investigate the information and
16 data described in paragraph (9) of subsection (g) of this
17 Section, including the proposed adjustment to the
18 utility's return on equity component of its weighted
19 average cost of capital. During the course of the
20 proceeding, each objection shall be stated with
21 particularity and evidence provided in support thereof,
22 after which the utility shall have the opportunity to
23 rebut the evidence. Discovery shall be allowed consistent
24 with the Commission's Rules of Practice, which Rules of
25 Practice shall be enforced by the Commission or the
26 assigned administrative law judge. The Commission shall

1 apply the same evidentiary standards, including, but not
2 limited to, those concerning the prudence and
3 reasonableness of the costs incurred by the utility,
4 during the proceeding as it would apply in a proceeding to
5 review a filing for a general increase in rates under
6 Article IX of this Act. The Commission shall not, however,
7 have the authority in a proceeding under this paragraph
8 (3) to consider or order any changes to the structure or
9 protocols of the energy efficiency formula rate approved
10 under paragraph (2) of this subsection (d). In a
11 proceeding under this paragraph (3), the Commission shall
12 enter its order no later than the earlier of 195 days after
13 the utility's filing of its annual update of cost inputs
14 to the energy efficiency formula rate or December 15. The
15 utility's proposed return on equity calculation, as
16 described in paragraphs (7) through (9) of subsection (g)
17 of this Section, shall be deemed the final, approved
18 calculation on December 15 of the year in which it is filed
19 unless the Commission enters an order on or before
20 December 15, after notice and hearing, that modifies such
21 calculation consistent with this Section. The Commission's
22 determinations of the prudence and reasonableness of the
23 costs incurred, and determination of such return on equity
24 calculation, for the applicable calendar year shall be
25 final upon entry of the Commission's order and shall not
26 be subject to reopening, reexamination, or collateral

1 attack in any other Commission proceeding, case, docket,
2 order, rule, or regulation; however, nothing in this
3 paragraph (3) shall prohibit a party from petitioning the
4 Commission to rehear or appeal to the courts the order
5 under the provisions of this Act.

6 (e) Beginning on June 1, 2017 (the effective date of
7 Public Act 99-906), a utility subject to the requirements of
8 this Section may elect to defer, as a regulatory asset, up to
9 the full amount of its expenditures incurred under this
10 Section for each annual period, including, but not limited to,
11 any expenditures incurred above the funding level set by
12 subsection (f) of this Section for a given year. The total
13 expenditures deferred as a regulatory asset in a given year
14 shall be amortized and recovered over a period that is equal to
15 the weighted average of the energy efficiency measure lives
16 implemented for that year that are reflected in the regulatory
17 asset. The unamortized balance shall be recognized as of
18 December 31 for a given year. The utility shall also earn a
19 return on the total of the unamortized balances of all of the
20 energy efficiency regulatory assets, less any deferred taxes
21 related to those unamortized balances, at an annual rate equal
22 to the utility's weighted average cost of capital that
23 includes, based on a year-end capital structure, the utility's
24 actual cost of debt for the applicable calendar year and a cost
25 of equity, which shall be determined as set forth in
26 subparagraph (C) of paragraph (2) of subsection of this

1 ~~Section~~ calculated as the sum of the (i) ~~the average for the~~
2 ~~applicable calendar year of the monthly average yields of~~
3 ~~30-year U.S. Treasury bonds published by the Board of~~
4 ~~Governors of the Federal Reserve System in its weekly H.15~~
5 ~~Statistical Release or successor publication; and (ii) 500~~
6 ~~basis points~~, including a revenue conversion factor calculated
7 to recover or refund all additional income taxes that may be
8 payable or receivable as a result of that return. Capital
9 investment costs shall be depreciated and recovered over their
10 useful lives consistent with generally accepted accounting
11 principles. The weighted average cost of capital shall be
12 applied to the capital investment cost balance, less any
13 accumulated depreciation and accumulated deferred income
14 taxes, as of December 31 for a given year.

15 When an electric utility creates a regulatory asset under
16 the provisions of this Section, the costs are recovered over a
17 period during which customers also receive a benefit which is
18 in the public interest. Accordingly, it is the intent of the
19 General Assembly that an electric utility that elects to
20 create a regulatory asset under the provisions of this Section
21 shall recover all of the associated costs as set forth in this
22 Section. After the Commission has approved the prudence and
23 reasonableness of the costs that comprise the regulatory
24 asset, the electric utility shall be permitted to recover all
25 such costs, and the value and recoverability through rates of
26 the associated regulatory asset shall not be limited, altered,

1 impaired, or reduced.

2 (f) Beginning in 2017, each electric utility shall file an
3 energy efficiency plan with the Commission to meet the energy
4 efficiency standards for the next applicable multi-year period
5 beginning January 1 of the year following the filing,
6 according to the schedule set forth in paragraphs (1) through
7 (3) of this subsection (f). If a utility does not file such a
8 plan on or before the applicable filing deadline for the plan,
9 it shall face a penalty of \$100,000 per day until the plan is
10 filed.

11 (1) No later than 30 days after June 1, 2017 (the
12 effective date of Public Act 99-906), each electric
13 utility shall file a 4-year energy efficiency plan
14 commencing on January 1, 2018 that is designed to achieve
15 the cumulative persisting annual savings goals specified
16 in paragraphs (1) through (4) of subsection (b-5) of this
17 Section or in paragraphs (1) through (4) of subsection
18 (b-15) of this Section, as applicable, through
19 implementation of energy efficiency measures; however, the
20 goals may be reduced if the utility's expenditures are
21 limited pursuant to subsection (m) of this Section or, for
22 a utility that serves less than 3,000,000 retail
23 customers, if each of the following conditions are met:
24 (A) the plan's analysis and forecasts of the utility's
25 ability to acquire energy savings demonstrate that
26 achievement of such goals is not cost effective; and (B)

1 the amount of energy savings achieved by the utility as
2 determined by the independent evaluator for the most
3 recent year for which savings have been evaluated
4 preceding the plan filing was less than the average annual
5 amount of savings required to achieve the goals for the
6 applicable 4-year plan period. Except as provided in
7 subsection (m) of this Section, annual increases in
8 cumulative persisting annual savings goals during the
9 applicable 4-year plan period shall not be reduced to
10 amounts that are less than the maximum amount of
11 cumulative persisting annual savings that is forecast to
12 be cost-effectively achievable during the 4-year plan
13 period. The Commission shall review any proposed goal
14 reduction as part of its review and approval of the
15 utility's proposed plan.

16 (2) No later than March 1, 2021, each electric utility
17 shall file a 4-year energy efficiency plan commencing on
18 January 1, 2022 that is designed to achieve the cumulative
19 persisting annual savings goals specified in paragraphs
20 (5) through (8) of subsection (b-5) of this Section or in
21 paragraphs (5) through (8) of subsection (b-15) of this
22 Section, as applicable, through implementation of energy
23 efficiency measures; however, the goals may be reduced if
24 either (1) clear and convincing evidence demonstrates,
25 through independent analysis, that the expenditure limits
26 in subsection (m) of this Section preclude full

1 achievement of the goals or (2) each of the following
2 conditions are met: (A) the plan's analysis and forecasts
3 of the utility's ability to acquire energy savings
4 demonstrate by clear and convincing evidence and through
5 independent analysis that achievement of such goals is not
6 cost effective; and (B) the amount of energy savings
7 achieved by the utility as determined by the independent
8 evaluator for the most recent year for which savings have
9 been evaluated preceding the plan filing was less than the
10 average annual amount of savings required to achieve the
11 goals for the applicable 4-year plan period. If there is
12 not clear and convincing evidence that achieving the
13 savings goals specified in paragraph (b-5) or (b-15) of
14 this Section is possible both cost-effectively and within
15 the expenditure limits in subsection (m), such savings
16 goals shall not be reduced. Except as provided in
17 subsection (m) of this Section, annual increases in
18 cumulative persisting annual savings goals during the
19 applicable 4-year plan period shall not be reduced to
20 amounts that are less than the maximum amount of
21 cumulative persisting annual savings that is forecast to
22 be cost-effectively achievable during the 4-year plan
23 period. The Commission shall review any proposed goal
24 reduction as part of its review and approval of the
25 utility's proposed plan.

26 (2.5) Provisions of the multi-year plans for calendar

1 years 2026 through 2029 that relate to calendar year 2026
2 and that were filed by the electric utilities on February
3 28, 2025 shall remain in effect through calendar year
4 2026. Provisions of the plans for calendar years 2027
5 through 2029 shall be modified and resubmitted to the
6 Commission by the electric utilities pursuant to paragraph
7 (3) of this subsection (f).

8 (3) No later than the effective date of this
9 amendatory Act of the 104th General Assembly ~~March 1,~~
10 ~~2025,~~ each electric utility shall file a 3-year ~~4-year~~
11 energy efficiency plan commencing on January 1, 2027 ~~2026~~
12 that is designed to achieve, through implementation of
13 energy efficiency measures, lifetime energy equal to the
14 product of the incremental annual savings goals defined by
15 paragraph (1) of subsection (b-16) and the minimum average
16 savings life defined by paragraph (3) of subsection
17 (b-16). The 3-year energy efficiency plan of a utility
18 that serves less than 3,000,000 retail customers but more
19 than 500,000 retail customers in the State must also be
20 designed to achieve lifetime peak demand savings equal to
21 the product of the incremental annual savings goals
22 defined by paragraph (2) of subsection (b-16) and the
23 minimum average savings life defined by paragraph (3) of
24 subsection (b-16) through implementation of energy
25 efficiency measures. The savings goals may be reduced if:
26 (i) clear and convincing evidence and independent analysis

1 demonstrates that the expenditure limits in subsection (m)
2 of this Section preclude full achievement of the goals,
3 (ii) each of the following conditions are met: (A) the
4 plan's analysis and forecasts of the utility's ability to
5 acquire energy savings demonstrate by clear and convincing
6 evidence and through independent analysis that achievement
7 of such goals is not cost-effective; and (B) the amount of
8 energy savings achieved by the utility, as determined by
9 the independent evaluator, for the most recent year for
10 which savings have been evaluated preceding the plan
11 filing was less than the average annual amount of savings
12 required to achieve the goals for the applicable
13 multi-year plan period, or (iii) changes in federal law,
14 programs, or tariffs have a significant and demonstrable
15 impact on the cost of delivering measures and programs. If
16 there is not clear and convincing evidence that achieving
17 the savings goals specified in subsection (b-16) is not
18 possible both cost-effectively and within the expenditure
19 limits in subsection (m), such savings goals shall not be
20 reduced. Except as provided in subsection (m), annual
21 savings goals during the applicable multi-year plan period
22 shall not be reduced to amounts that are less than the
23 maximum amount of annual savings that is forecasted to be
24 cost-effectively achievable during the applicable
25 multi-year plan period. The Commission shall review any
26 proposed goal reduction as part of its review and approval

of the utility's proposed plan. ~~the cumulative persisting annual savings goals specified in paragraphs (9) through (12) of subsection (b-5) of this Section or in paragraphs (9) through (12) of subsection (b-15) of this Section, as applicable, through implementation of energy efficiency measures; however, the goals may be reduced if either (1) clear and convincing evidence demonstrates, through independent analysis, that the expenditure limits in subsection (m) of this Section preclude full achievement of the goals or (2) each of the following conditions are met: (A) the plan's analysis and forecasts of the utility's ability to acquire energy savings demonstrate by clear and convincing evidence and through independent analysis that achievement of such goals is not cost effective; and (B) the amount of energy savings achieved by the utility as determined by the independent evaluator for the most recent year for which savings have been evaluated preceding the plan filing was less than the average annual amount of savings required to achieve the goals for the applicable 4-year plan period. If there is not clear and convincing evidence that achieving the savings goals specified in paragraphs (b-5) or (b-15) of this Section is possible both cost-effectively and within the expenditure limits in subsection (m), such savings goals shall not be reduced. Except as provided in subsection (m) of this Section, annual increases in~~

~~cumulative persisting annual savings goals during the applicable 4 year plan period shall not be reduced to amounts that are less than the maximum amount of cumulative persisting annual savings that is forecast to be cost effectively achievable during the 4 year plan period. The Commission shall review any proposed goal reduction as part of its review and approval of the utility's proposed plan.~~

(4) No later than March 1, 2029, and every 4 years thereafter, each electric utility shall file a 4-year energy efficiency plan commencing on January 1, 2030, and every 4 years thereafter, respectively, that is designed to achieve ~~the cumulative persisting annual savings goals established by the Illinois Commerce Commission pursuant to direction of subsections (b-5) and (b-15) of this Section, as applicable,~~ through implementation of energy efficiency measures, lifetime energy equal to the product of the incremental annual savings goals defined by paragraph (1) of subsection (b-16) and the minimum average savings life described in paragraph (C) of subsection (b-16) of this Section. The multi-year energy efficiency plan of a utility that serves less than 3,000,000 retail customers but more than 500,000 retail customers in the State must also be designed to achieve lifetime peak demand savings equal to the product of the incremental annual savings goals defined by paragraph (2) of

1 subsection (b-16) and the minimum average savings life
2 defined by paragraph (3) of subsection (b-16) through
3 implementation of energy efficiency measures. However,
4 ~~however,~~ the goals may be reduced if: ~~either~~ (1) clear and
5 convincing evidence and independent analysis demonstrates
6 that the expenditure limits in subsection (m) of this
7 Section preclude full achievement of the goals; ~~or~~ (2)
8 each of the following conditions are met: (A) the plan's
9 analysis and forecasts of the utility's ability to acquire
10 energy savings demonstrate by clear and convincing
11 evidence and through independent analysis that achievement
12 of such goals is not cost-effective; and (B) the amount of
13 energy savings achieved by the utility as determined by
14 the independent evaluator for the most recent year for
15 which savings have been evaluated preceding the plan
16 filing was less than the average annual amount of savings
17 required to achieve the goals for the applicable
18 multi-year 4-year plan period; or (3) changes in federal
19 law, programs, or tariffs have a significant and
20 demonstrable impact on the cost of delivering measures and
21 programs. If there is not clear and convincing evidence
22 that achieving the savings goals specified in paragraph
23 (b-16) paragraphs (b-5) or (b-15) of this Section is
24 possible both cost-effectively and within the expenditure
25 limits in subsection (m), such savings goals shall not be
26 reduced. Except as provided in subsection (m) of this

1 Section, ~~annual increases in cumulative persisting~~ annual
2 savings goals during the applicable multi-year ~~4-year~~ plan
3 period shall not be reduced to amounts that are less than
4 the maximum amount of ~~cumulative persisting~~ annual savings
5 that is forecast to be cost-effectively achievable during
6 the applicable multi-year ~~4-year~~ plan period. The
7 Commission shall review any proposed goal reduction as
8 part of its review and approval of the utility's proposed
9 plan.

10 Each utility's plan shall set forth the utility's
11 proposals to meet the energy efficiency standards identified
12 in subsection (b-5), ~~or~~ (b-15), or (b-16), as applicable and
13 as such standards may have been modified under this subsection
14 (f), taking into account the unique circumstances of the
15 utility's service territory. For those plans commencing on
16 January 1, 2018, the Commission shall seek public comment on
17 the utility's plan and shall issue an order approving or
18 disapproving each plan no later than 105 days after June 1,
19 2017 (the effective date of Public Act 99-906). For those
20 plans commencing after December 31, 2021, the Commission shall
21 seek public comment on the utility's plan and shall issue an
22 order approving or disapproving each plan within 6 months
23 after its submission. If the Commission disapproves a plan,
24 the Commission shall, within 30 days, describe in detail the
25 reasons for the disapproval and describe a path by which the
26 utility may file a revised draft of the plan to address the

1 Commission's concerns satisfactorily. If the utility does not
2 refile with the Commission within 60 days, the utility shall
3 be subject to penalties at a rate of \$100,000 per day until the
4 plan is filed. This process shall continue, and penalties
5 shall accrue, until the utility has successfully filed a
6 portfolio of energy efficiency and demand-response measures.
7 Penalties shall be deposited into the Energy Efficiency Trust
8 Fund.

9 (g) In submitting proposed plans and funding levels under
10 subsection (f) of this Section to meet the savings goals
11 identified in subsection (b-5), ~~or (b-15)~~, or (b-16) of this
12 Section, as applicable, the utility shall:

13 (1) Demonstrate that its proposed energy efficiency
14 measures will achieve the applicable requirements that are
15 identified in subsection (b-5), ~~or (b-15)~~, or (b-16) of
16 this Section, as modified by subsection (f) of this
17 Section.

18 (2) (Blank).

19 (2.5) Demonstrate consideration of program options for
20 (A) advancing new building codes, appliance standards, and
21 municipal regulations governing existing and new building
22 efficiency improvements and (B) supporting efforts to
23 improve compliance with new building codes, appliance
24 standards and municipal regulations, as potentially
25 cost-effective means of acquiring energy savings to count
26 toward savings goals.

1 (3) Demonstrate that its overall portfolio of
2 measures, not including low-income programs described in
3 subsection (c) of this Section, is cost-effective using
4 the total resource cost test or complies with paragraphs
5 (1) through (3) of subsection (f) of this Section and
6 represents a diverse cross-section of opportunities for
7 customers of all rate classes, other than those customers
8 described in subsection (1) of this Section, to
9 participate in the programs. Individual measures need not
10 be cost effective.

11 (3.5) Demonstrate that the utility's plan integrates
12 the delivery of energy efficiency programs with natural
13 gas efficiency programs, programs promoting distributed
14 solar, programs promoting demand response and other
15 efforts to address bill payment issues, including, but not
16 limited to, LIHEAP and the Percentage of Income Payment
17 Plan, to the extent such integration is practical and has
18 the potential to enhance customer engagement, minimize
19 market confusion, or reduce administrative costs.

20 (4) If the utility chooses, present ~~Present~~ a
21 third-party energy efficiency implementation program
22 subject to the following requirements:

23 (A) (blank); ~~beginning with the year commencing~~
24 ~~January 1, 2019, electric utilities that serve more~~
25 ~~than 3,000,000 retail customers in the State shall~~
26 ~~fund third party energy efficiency programs in an~~

~~amount that is no less than \$25,000,000 per year, and electric utilities that serve less than 3,000,000 retail customers but more than 500,000 retail customers in the State shall fund third-party energy efficiency programs in an amount that is no less than \$8,350,000 per year;~~

(B) during 2018, the utility shall conduct a solicitation process for purposes of requesting proposals from third-party vendors for those third-party energy efficiency programs to be offered during one or more of the years commencing January 1, 2019, January 1, 2020, and January 1, 2021; for those multi-year plans commencing on January 1, 2022 and January 1, 2026, the utility shall conduct a solicitation process during 2021 and 2025, respectively, for purposes of requesting proposals from third-party vendors for those third-party energy efficiency programs to be offered during one or more years of the respective multi-year plan period; for each solicitation process, the utility shall identify the sector, technology, or geographical area for which it is seeking requests for proposals; the solicitation process must be either for programs that fill gaps in the utility's program portfolio and for programs that target low-income customers, business sectors, building types, geographies, or other specific parts

1 of its customer base with initiatives that would be
2 more effective at reaching these customer segments
3 than the utilities' programs filed in its energy
4 efficiency plans;

5 (C) the utility shall propose the bidder
6 qualifications, performance measurement process, and
7 contract structure, which must include a performance
8 payment mechanism and general terms and conditions;
9 the proposed qualifications, process, and structure
10 shall be subject to Commission approval; and

11 (D) the utility shall retain an independent third
12 party to score the proposals received through the
13 solicitation process described in this paragraph (4),
14 rank them according to their cost per lifetime
15 kilowatt-hours saved, and assemble the portfolio of
16 third-party programs.

17 The electric utility shall recover all costs
18 associated with Commission-approved, third-party
19 administered programs regardless of the success of those
20 programs.

21 (4.5) Implement cost-effective demand-response
22 measures to reduce peak demand by 0.1% over the prior year
23 for eligible retail customers, as defined in Section
24 16-111.5 of this Act, and for customers that elect hourly
25 service from the utility pursuant to Section 16-107 of
26 this Act, provided those customers have not been declared

1 competitive. This requirement continues until December 31,
2 2026.

3 (5) Include a proposed or revised cost-recovery tariff
4 mechanism, as provided for under subsection (d) of this
5 Section, to fund the proposed energy efficiency and
6 demand-response measures and to ensure the recovery of the
7 prudently and reasonably incurred costs of
8 Commission-approved programs.

9 (6) Provide for an annual independent evaluation of
10 the performance of the cost-effectiveness of the utility's
11 portfolio of measures, as well as a full review of the
12 multi-year plan results of the broader net program impacts
13 and, to the extent practical, for adjustment of the
14 measures on a going-forward basis as a result of the
15 evaluations. The resources dedicated to evaluation shall
16 not exceed 3% of portfolio resources in any given year.

17 (7) For electric utilities that serve more than
18 3,000,000 retail customers in the State:

19 (A) Through December 31, 2026 ~~2025~~, provide for an
20 adjustment to the return on equity component of the
21 utility's weighted average cost of capital calculated
22 under subsection (d) of this Section:

23 (i) If the independent evaluator determines
24 that the utility achieved a cumulative persisting
25 annual savings that is less than the applicable
26 annual incremental goal, then the return on equity

1 component shall be reduced by a maximum of 200
2 basis points in the event that the utility
3 achieved no more than 75% of such goal. If the
4 utility achieved more than 75% of the applicable
5 annual incremental goal but less than 100% of such
6 goal, then the return on equity component shall be
7 reduced by 8 basis points for each percent by
8 which the utility failed to achieve the goal.

9 (ii) If the independent evaluator determines
10 that the utility achieved a cumulative persisting
11 annual savings that is more than the applicable
12 annual incremental goal, then the return on equity
13 component shall be increased by a maximum of 200
14 basis points in the event that the utility
15 achieved at least 125% of such goal. If the
16 utility achieved more than 100% of the applicable
17 annual incremental goal but less than 125% of such
18 goal, then the return on equity component shall be
19 increased by 8 basis points for each percent by
20 which the utility achieved above the goal. If the
21 applicable annual incremental goal was reduced
22 under paragraph (1) or (2) of subsection (f) of
23 this Section, then the following adjustments shall
24 be made to the calculations described in this item
25 (ii):

26 (aa) the calculation for determining

1 achievement that is at least 125% of the
2 applicable annual incremental goal shall use
3 the unreduced applicable annual incremental
4 goal to set the value; and

5 (bb) the calculation for determining
6 achievement that is less than 125% but more
7 than 100% of the applicable annual incremental
8 goal shall use the reduced applicable annual
9 incremental goal to set the value for 100%
10 achievement of the goal and shall use the
11 unreduced goal to set the value for 125%
12 achievement. The 8 basis point value shall
13 also be modified, as necessary, so that the
14 200 basis points are evenly apportioned among
15 each percentage point value between 100% and
16 125% achievement.

17 (B) (Blank). ~~For the period January 1, 2026~~
18 ~~through December 31, 2029 and in all subsequent 4 year~~
19 ~~periods, provide for an adjustment to the return on~~
20 ~~equity component of the utility's weighted average~~
21 ~~cost of capital calculated under subsection (d) of~~
22 ~~this Section.~~

23 ~~(i) If the independent evaluator determines~~
24 ~~that the utility achieved a cumulative persisting~~
25 ~~annual savings that is less than the applicable~~
26 ~~annual incremental goal, then the return on equity~~

~~component shall be reduced by a maximum of 200 basis points in the event that the utility achieved no more than 66% of such goal. If the utility achieved more than 66% of the applicable annual incremental goal but less than 100% of such goal, then the return on equity component shall be reduced by 6 basis points for each percent by which the utility failed to achieve the goal.~~

~~(ii) If the independent evaluator determines that the utility achieved a cumulative persisting annual savings that is more than the applicable annual incremental goal, then the return on equity component shall be increased by a maximum of 200 basis points in the event that the utility achieved at least 134% of such goal. If the utility achieved more than 100% of the applicable annual incremental goal but less than 134% of such goal, then the return on equity component shall be increased by 6 basis points for each percent by which the utility achieved above the goal. If the applicable annual incremental goal was reduced under paragraph (3) of subsection (f) of this Section, then the following adjustments shall be made to the calculations described in this item (ii):~~

~~(aa) the calculation for determining~~

1 ~~achievement that is at least 134% of the~~
2 ~~applicable annual incremental goal shall use~~
3 ~~the unreduced applicable annual incremental~~
4 ~~goal to set the value; and~~

5 ~~(bb) the calculation for determining~~
6 ~~achievement that is less than 134% but more~~
7 ~~than 100% of the applicable annual incremental~~
8 ~~goal shall use the reduced applicable annual~~
9 ~~incremental goal to set the value for 100%~~
10 ~~achievement of the goal and shall use the~~
11 ~~unreduced goal to set the value for 134%~~
12 ~~achievement. The 6 basis point value shall~~
13 ~~also be modified, as necessary, so that the~~
14 ~~200 basis points are evenly apportioned among~~
15 ~~each percentage point value between 100% and~~
16 ~~134% achievement.~~

17 (C) (Blank). ~~Notwithstanding the provisions of~~
18 ~~subparagraphs (A) and (B) of this paragraph (7), if~~
19 ~~the applicable annual incremental goal for an electric~~
20 ~~utility is ever less than 0.6% of deemed average~~
21 ~~weather normalized sales of electric power and energy~~
22 ~~during calendar years 2014, 2015, and 2016, an~~
23 ~~adjustment to the return on equity component of the~~
24 ~~utility's weighted average cost of capital calculated~~
25 ~~under subsection (d) of this Section shall be made as~~
26 ~~follows:~~

~~(i) If the independent evaluator determines that the utility achieved a cumulative persisting annual savings that is less than would have been achieved had the applicable annual incremental goal been achieved, then the return on equity component shall be reduced by a maximum of 200 basis points if the utility achieved no more than 75% of its applicable annual total savings requirement as defined in paragraph (7.5) of this subsection. If the utility achieved more than 75% of the applicable annual total savings requirement but less than 100% of such goal, then the return on equity component shall be reduced by 8 basis points for each percent by which the utility failed to achieve the goal.~~

~~(ii) If the independent evaluator determines that the utility achieved a cumulative persisting annual savings that is more than would have been achieved had the applicable annual incremental goal been achieved, then the return on equity component shall be increased by a maximum of 200 basis points if the utility achieved at least 125% of its applicable annual total savings requirement. If the utility achieved more than 100% of the applicable annual total savings requirement but less than 125% of such goal, then~~

~~the return on equity component shall be increased by 8 basis points for each percent by which the utility achieved above the applicable annual total savings requirement. If the applicable annual incremental goal was reduced under paragraph (1) or (2) of subsection (f) of this Section, then the following adjustments shall be made to the calculations described in this item (ii):~~

~~(aa) the calculation for determining achievement that is at least 125% of the applicable annual total savings requirement shall use the unreduced applicable annual incremental goal to set the value; and~~

~~(bb) the calculation for determining achievement that is less than 125% but more than 100% of the applicable annual total savings requirement shall use the reduced applicable annual incremental goal to set the value for 100% achievement of the goal and shall use the unreduced goal to set the value for 125% achievement. The 8 basis point value shall also be modified, as necessary, so that the 200 basis points are evenly apportioned among each percentage point value between 100% and 125% achievement.~~

(7.5) For purposes of this Section, the term

1 "applicable annual incremental goal" means the difference
2 between the cumulative persisting annual savings goal for
3 the calendar year that is the subject of the independent
4 evaluator's determination and the cumulative persisting
5 annual savings goal for the immediately preceding calendar
6 year, as such goals are defined in subsections (b-5) and
7 (b-15) of this Section and as these goals may have been
8 modified as provided for under subsection (b-20) and
9 paragraphs (1) and (2) ~~through (3)~~ of subsection (f) of
10 this Section. Under subsections (b), (b-5), (b-10), and
11 (b-15) of this Section, a utility must first replace
12 energy savings from measures that have expired before any
13 progress towards achievement of its applicable annual
14 incremental goal may be counted. Savings may expire
15 because measures installed in previous years have reached
16 the end of their lives, because measures installed in
17 previous years are producing lower savings in the current
18 year than in the previous year, or for other reasons
19 identified by independent evaluators. Notwithstanding
20 anything else set forth in this Section, the difference
21 between the actual annual incremental savings achieved in
22 any given year, including the replacement of energy
23 savings that have expired, and the applicable annual
24 incremental goal shall not affect adjustments to the
25 return on equity for subsequent calendar years under this
26 subsection (g).

1 In this Section, "applicable annual total savings
2 requirement" means the total amount of new annual savings
3 that the utility must achieve in any given year to achieve
4 the applicable annual incremental goal. This is equal to
5 the applicable annual incremental goal plus the total new
6 annual savings that are required to replace savings that
7 expired in or at the end of the previous year.

8 (8) For electric utilities that serve less than
9 3,000,000 retail customers but more than 500,000 retail
10 customers in the State:

11 (A) Through December 31, 2026 ~~2025~~, the applicable
12 annual incremental goal shall be compared to the
13 annual incremental savings as determined by the
14 independent evaluator.

15 (i) The return on equity component shall be
16 reduced by 8 basis points for each percent by
17 which the utility did not achieve 84.4% of the
18 applicable annual incremental goal.

19 (ii) The return on equity component shall be
20 increased by 8 basis points for each percent by
21 which the utility exceeded 100% of the applicable
22 annual incremental goal.

23 (iii) The return on equity component shall not
24 be increased or decreased if the annual
25 incremental savings as determined by the
26 independent evaluator is greater than 84.4% of the

1 applicable annual incremental goal and less than
2 100% of the applicable annual incremental goal.

3 (iv) The return on equity component shall not
4 be increased or decreased by an amount greater
5 than 200 basis points pursuant to this
6 subparagraph (A).

7 (B) (Blank). ~~For the period of January 1, 2026~~
8 ~~through December 31, 2029 and in all subsequent 4 year~~
9 ~~periods, the applicable annual incremental goal shall~~
10 ~~be compared to the annual incremental savings as~~
11 ~~determined by the independent evaluator.~~

12 ~~(i) The return on equity component shall be~~
13 ~~reduced by 6 basis points for each percent by~~
14 ~~which the utility did not achieve 100% of the~~
15 ~~applicable annual incremental goal.~~

16 ~~(ii) The return on equity component shall be~~
17 ~~increased by 6 basis points for each percent by~~
18 ~~which the utility exceeded 100% of the applicable~~
19 ~~annual incremental goal.~~

20 ~~(iii) The return on equity component shall not~~
21 ~~be increased or decreased by an amount greater~~
22 ~~than 200 basis points pursuant to this~~
23 ~~subparagraph (B).~~

24 (C) (Blank). ~~Notwithstanding provisions in~~
25 ~~subparagraphs (A) and (B) of paragraph (7) of this~~
26 ~~subsection, if the applicable annual incremental goal~~

~~for an electric utility is ever less than 0.6% of deemed average weather normalized sales of electric power and energy during calendar years 2014, 2015 and 2016, an adjustment to the return on equity component of the utility's weighted average cost of capital calculated under subsection (d) of this Section shall be made as follows:~~

~~(i) The return on equity component shall be reduced by 8 basis points for each percent by which the utility did not achieve 100% of the applicable annual total savings requirement.~~

~~(ii) The return on equity component shall be increased by 8 basis points for each percent by which the utility exceeded 100% of the applicable annual total savings requirement.~~

~~(iii) The return on equity component shall not be increased or decreased by an amount greater than 200 basis points pursuant to this subparagraph (C).~~

~~(D) (Blank). If the applicable annual incremental goal was reduced under paragraph (1), (2), (3), or (4) of subsection (f) of this Section, then the following adjustments shall be made to the calculations described in subparagraphs (A), (B), and (C) of this paragraph (8):~~

~~(i) The calculation for determining~~

1 ~~achievement that is at least 125% or 134%, as~~
2 ~~applicable, of the applicable annual incremental~~
3 ~~goal or the applicable annual total savings~~
4 ~~requirement, as applicable, shall use the~~
5 ~~unreduced applicable annual incremental goal to~~
6 ~~set the value.~~

7 ~~(ii) For the period through December 31, 2025,~~
8 ~~the calculation for determining achievement that~~
9 ~~is less than 125% but more than 100% of the~~
10 ~~applicable annual incremental goal or the~~
11 ~~applicable annual total savings requirement, as~~
12 ~~applicable, shall use the reduced applicable~~
13 ~~annual incremental goal to set the value for 100%~~
14 ~~achievement of the goal and shall use the~~
15 ~~unreduced goal to set the value for 125%~~
16 ~~achievement. The 8 basis point value shall also be~~
17 ~~modified, as necessary, so that the 200 basis~~
18 ~~points are evenly apportioned among each~~
19 ~~percentage point value between 100% and 125%~~
20 ~~achievement.~~

21 ~~(iii) For the period of January 1, 2026~~
22 ~~through December 31, 2029 and all subsequent~~
23 ~~4-year periods, the calculation for determining~~
24 ~~achievement that is less than 125% or 134%, as~~
25 ~~applicable, but more than 100% of the applicable~~
26 ~~annual incremental goal or the applicable annual~~

~~total savings requirement, as applicable, shall use the reduced applicable annual incremental goal to set the value for 100% achievement of the goal and shall use the unreduced goal to set the value for 125% achievement. The 6 basis point value or 8 basis point value, as applicable, shall also be modified, as necessary, so that the 200 basis points are evenly apportioned among each percentage point value between 100% and 125% or between 100% and 134% achievement, as applicable.~~

(8.5) Beginning January 1, 2027, a utility that serves greater than 500,000 retail customers in the State shall have the utility's return on equity modified for performance on the utility's energy savings and peak demand savings goals as follows:

(A) The return on equity for a utility that serves more than 3,000,000 retail customers in the State may be adjusted up or down by a maximum of 200 basis points for its performance relative to its incremental annual energy savings goal. The return on equity for a utility that serves less than 3,000,000 retail customers but more than 500,000 retail customers in the State may be adjusted up or down by a maximum of 100 basis points for its performance relative to its incremental annual energy savings goal and a maximum of 100 basis points for its performance relative to

1 its incremental annual coincident peak demand savings
2 goal.

3 (B) A utility's performance on its savings goals
4 shall be established by comparing the actual lifetime
5 energy, and coincident peak demand savings if a
6 utility serves less than 3,000,000 retail customers
7 but more than 500,000 retail customers in the State,
8 achieved from efficiency measures installed in a given
9 year to the product of the incremental annual goals
10 established in paragraphs (1) and (2) of subsection
11 (b-16) and the minimum average savings lives
12 established in paragraph (3) of subsection (b-16), as
13 modified, if applicable, by the Commission under
14 paragraph (4) of subsection (f) of this Section. For
15 the purposes of this paragraph (8.5), "lifetime
16 savings" means the total incremental savings that
17 installed efficiency measures are projected to
18 produce, relative to what would have occurred absent
19 to the utility's efficiency programs, over the useful
20 lives of the measures. Performance on the energy
21 savings goal, and coincident peak demand savings if a
22 utility serves less than 3,000,000 retail customers
23 but more than 500,000 retail customers in the State,
24 shall be assessed separately, such that it is possible
25 to earn penalties on both, earn bonuses on both, or
26 earn a bonus for performance on one goal and a penalty

1 on the other.

2 (C) No bonus shall be earned if a utility does not
3 achieve greater than 100% of an approved goal. The
4 maximum bonus for a goal shall be earned if the utility
5 achieves 125% of the unmodified goal. For a utility
6 that serves less than 3,000,000 retail customers but
7 more than 500,000 retail customers in the State, the
8 bonus earned for achieving more than 100% of an
9 approved goal but less than 125% of the unmodified
10 goal shall be linearly interpolated. For a utility
11 with more than 3,000,000 retail customers, the maximum
12 bonus for a goal shall be earned if the utility
13 achieves 125% of the unmodified goal. For a utility
14 with more than 3,000,000 retail customers, the bonus
15 earned for achieving more than 100% of an approved
16 goal but less than 125% of the unmodified goal shall be
17 linearly interpolated.

18 (D) For utilities with greater than 3,000,000
19 retail customers, the return on equity shall be
20 unmodified due to performance on an individual goal
21 only if the utility achieves exactly 100% of the goal.
22 For utilities with more than 500,000 but fewer than
23 3,000,000 retail customers, the return on equity shall
24 be unmodified for achieving between 85% and 100% of
25 the goal.

26 (E) Penalties may be earned for falling short of

1 goals, with the magnitude of any penalty being a
2 function of both the size of the utility and whether
3 goals established in subsection (b-16) are modified by
4 the Commission under paragraph (4) of subsection (f)
5 of this Section, as follows:

6 (i) If the savings goals specified in
7 subsection (b-16) of this Section are unmodified,
8 a utility with more than 3,000,000 retail
9 customers shall earn the maximum penalty allocated
10 to a goal for achieving 75% or less of the goal.
11 The penalty for achieving greater than 75% but
12 less than 100% of the goal shall be linearly
13 interpolated.

14 (ii) If the savings goals specified in
15 subsection (b-16) of this Section are unmodified,
16 a utility with more than 500,000 but fewer than
17 3,000,000 retail customers shall earn the maximum
18 penalty allocated to a goal for achieving at least
19 33.3 percentage points less than the bottom end of
20 the deadband specified in subparagraph (D) of this
21 paragraph (8.5). The penalty for achieving less
22 than the bottom end of the deadband and greater
23 than 33.3 percentage points less than the bottom
24 end of the deadband shall be linearly
25 interpolated.

26 (iii) If either the energy or peak demand

1 savings goals specified in subsection (b-16) are
2 reduced under paragraph (3) or (4) of subsection
3 (f) of this Section, the maximum penalty allocated
4 to a goal shall be earned if the utility achieves
5 80% or less of the modified goal. The penalty for
6 achieving more than 80% but less than 100% of a
7 modified goal shall be linearly interpolated.

8 (9) The utility shall submit the energy savings data
9 to the independent evaluator no later than 30 days after
10 the close of the plan year. The independent evaluator
11 shall determine the cumulative persisting annual savings
12 and annual incremental savings for a given plan year, as
13 well as an estimate of job impacts and other macroeconomic
14 impacts of the efficiency programs for that year, no later
15 than 120 days after the close of the plan year. The utility
16 shall submit an informational filing to the Commission no
17 later than 160 days after the close of the plan year that
18 attaches the independent evaluator's final report
19 identifying the cumulative persisting annual savings for
20 the year and calculates, under paragraph (7) or (8) of
21 this subsection (g), as applicable, any resulting change
22 to the utility's return on equity component of the
23 weighted average cost of capital applicable to the next
24 plan year beginning with the January monthly billing
25 period and extending through the December monthly billing
26 period. However, if the utility recovers the costs

1 incurred under this Section under paragraphs (2) and (3)
2 of subsection (d) of this Section, then the utility shall
3 not be required to submit such informational filing, and
4 shall instead submit the information that would otherwise
5 be included in the informational filing as part of its
6 filing under paragraph (3) of such subsection (d) that is
7 due on or before June 1 of each year.

8 For those utilities that must submit the informational
9 filing, the Commission may, on its own motion or by
10 petition, initiate an investigation of such filing,
11 provided, however, that the utility's proposed return on
12 equity calculation shall be deemed the final, approved
13 calculation on December 15 of the year in which it is filed
14 unless the Commission enters an order on or before
15 December 15, after notice and hearing, that modifies such
16 calculation consistent with this Section.

17 The adjustments to the return on equity component
18 described in paragraphs (7) and (8) of this subsection (g)
19 shall be applied as described in such paragraphs through a
20 separate tariff mechanism, which shall be filed by the
21 utility under subsections (f) and (g) of this Section.

22 (9.5) The utility must demonstrate how it will ensure
23 that program implementation contractors and energy
24 efficiency installation vendors will promote workforce
25 equity and quality jobs. For all construction,
26 installation, or other related services procured under

1 this Section, an electric utility must:

2 (A) award a bid preference of 2% to a contractor if
3 the contractor certifies under oath that the
4 contractor's primary place of business is located
5 within the utility's service area; and

6 (B) award a bid preference of 2% to a contractor if
7 the contractor certifies under oath that at least 85%
8 of the workforce to be utilized for such construction,
9 installation, or other related services reside in the
10 utility's service area.

11 (9.6) Utilities shall collect data necessary to ensure
12 compliance with paragraph (9.5) no less than quarterly and
13 shall communicate progress toward compliance with
14 paragraph (9.5) to program implementation contractors and
15 energy efficiency installation vendors no less than
16 quarterly. Utilities shall work with relevant vendors,
17 providing education, training, and other resources needed
18 to ensure compliance and, where necessary, adjusting or
19 terminating work with vendors that cannot assist with
20 compliance.

21 (10) Utilities required to implement efficiency
22 programs under subsections (b-5), ~~and~~ (b-10), and (b-16)
23 shall report annually to the Illinois Commerce Commission
24 and the General Assembly on how hiring, contracting, job
25 training, and other practices related to its energy
26 efficiency programs enhance the diversity of vendors

1 working on such programs. These reports must include data
2 on vendor and employee diversity, including data on the
3 implementation of paragraphs (9.5) and (9.6) and the
4 proportion of total program dollars awarded to firms that
5 meet the criteria of subparagraphs (A) and (B) of
6 paragraph (9.5). If the utility is not meeting the
7 requirements of paragraphs (9.5) and (9.6), the utility
8 shall submit a plan to adjust their activities so that
9 they meet the requirements of paragraphs (9.5) and (9.6)
10 within the following year.

11 (h) No more than 4% of energy efficiency and
12 demand-response program revenue may be allocated for research,
13 development, or pilot deployment of new equipment or measures.
14 Electric utilities shall work with interested stakeholders to
15 formulate a plan for how these funds should be spent,
16 incorporate statewide approaches for these allocations, and
17 file a 4-year plan that demonstrates that collaboration. If a
18 utility files a request for modified annual energy savings
19 goals with the Commission, then a utility shall forgo spending
20 portfolio dollars on research and development proposals.

21 (i) When practicable, electric utilities shall incorporate
22 advanced metering infrastructure data into the planning,
23 implementation, and evaluation of energy efficiency measures
24 and programs, subject to the data privacy and confidentiality
25 protections of applicable law.

26 (j) The independent evaluator shall follow the guidelines

1 and use the savings set forth in Commission-approved energy
2 efficiency policy manuals and technical reference manuals, as
3 each may be updated from time to time. Until such time as
4 measure life values for energy efficiency measures implemented
5 for low-income households under subsection (c) of this Section
6 are incorporated into such Commission-approved manuals, the
7 low-income measures shall have the same measure life values
8 that are established for same measures implemented in
9 households that are not low-income households.

10 (k) Notwithstanding any provision of law to the contrary,
11 an electric utility subject to the requirements of this
12 Section may file a tariff cancelling an automatic adjustment
13 clause tariff in effect under this Section or Section 8-103,
14 which shall take effect no later than one business day after
15 the date such tariff is filed. Thereafter, the utility shall
16 be authorized to defer and recover its expenditures incurred
17 under this Section through a new tariff authorized under
18 subsection (d) of this Section or in the utility's next rate
19 case under Article IX or Section 16-108.5 of this Act, with
20 interest at an annual rate equal to the utility's weighted
21 average cost of capital as approved by the Commission in such
22 case. If the utility elects to file a new tariff under
23 subsection (d) of this Section, the utility may file the
24 tariff within 10 days after June 1, 2017 (the effective date of
25 Public Act 99-906), and the cost inputs to such tariff shall be
26 based on the projected costs to be incurred by the utility

1 during the calendar year in which the new tariff is filed and
2 that were not recovered under the tariff that was cancelled as
3 provided for in this subsection. Such costs shall include
4 those incurred or to be incurred by the utility under its
5 multi-year plan approved under subsections (f) and (g) of this
6 Section, including, but not limited to, projected capital
7 investment costs and projected regulatory asset balances with
8 correspondingly updated depreciation and amortization reserves
9 and expense. The Commission shall, after notice and hearing,
10 approve, or approve with modification, such tariff and cost
11 inputs no later than 75 days after the utility filed the
12 tariff, provided that such approval, or approval with
13 modification, shall be consistent with the provisions of this
14 Section to the extent they do not conflict with this
15 subsection (k). The tariff approved by the Commission shall
16 take effect no later than 5 days after the Commission enters
17 its order approving the tariff.

18 No later than 60 days after the effective date of the
19 tariff cancelling the utility's automatic adjustment clause
20 tariff, the utility shall file a reconciliation that
21 reconciles the moneys collected under its automatic adjustment
22 clause tariff with the costs incurred during the period
23 beginning June 1, 2016 and ending on the date that the electric
24 utility's automatic adjustment clause tariff was cancelled. In
25 the event the reconciliation reflects an under-collection, the
26 utility shall recover the costs as specified in this

1 subsection (k). If the reconciliation reflects an
2 over-collection, the utility shall apply the amount of such
3 over-collection as a one-time credit to retail customers'
4 bills.

5 (1) For the calendar years covered by a multi-year plan
6 commencing after December 31, 2017, subsections (a) through
7 (j) of this Section do not apply to eligible large private
8 energy customers that have chosen to opt out of multi-year
9 plans consistent with this subsection (1).

10 (1) For purposes of this subsection (1), "eligible
11 large private energy customer" means any retail customers,
12 except for federal, State, municipal, and other public
13 customers, of an electric utility that serves more than
14 3,000,000 retail customers, except for federal, State,
15 municipal and other public customers, in the State and
16 whose total highest 30 minute demand was more than 10,000
17 kilowatts, or any retail customers of an electric utility
18 that serves less than 3,000,000 retail customers but more
19 than 500,000 retail customers in the State and whose total
20 highest 15 minute demand was more than 10,000 kilowatts.
21 For purposes of this subsection (1), "retail customer" has
22 the meaning set forth in Section 16-102 of this Act.
23 However, for a business entity with multiple sites located
24 in the State, where at least one of those sites qualifies
25 as an eligible large private energy customer, then any of
26 that business entity's sites, properly identified on a

1 form for notice, shall be considered eligible large
2 private energy customers for the purposes of this
3 subsection (1). A determination of whether this subsection
4 is applicable to a customer shall be made for each
5 multi-year plan beginning after December 31, 2017. The
6 criteria for determining whether this subsection (1) is
7 applicable to a retail customer shall be based on the 12
8 consecutive billing periods prior to the start of the
9 first year of each such multi-year plan.

10 (2) Within 45 days after September 15, 2021 (the
11 effective date of Public Act 102-662), the Commission
12 shall prescribe the form for notice required for opting
13 out of energy efficiency programs. The notice must be
14 submitted to the retail electric utility 12 months before
15 the next energy efficiency planning cycle. However, within
16 120 days after the Commission's initial issuance of the
17 form for notice, eligible large private energy customers
18 may submit a form for notice to an electric utility. The
19 form for notice for opting out of energy efficiency
20 programs shall include all of the following:

21 (A) a statement indicating that the customer has
22 elected to opt out;

23 (B) the account numbers for the customer accounts
24 to which the opt out shall apply;

25 (C) the mailing address associated with the
26 customer accounts identified under subparagraph (B);

1 (D) an American Society of Heating, Refrigerating,
2 and Air-Conditioning Engineers (ASHRAE) level 2 or
3 higher audit report conducted by an independent
4 third-party expert identifying cost-effective energy
5 efficiency project opportunities that could be
6 invested in over the next 10 years. A retail customer
7 with specialized processes may utilize a self-audit
8 process in lieu of the ASHRAE audit;

9 (E) a description of the customer's plans to
10 reallocate the funds toward internal energy efficiency
11 efforts identified in the subparagraph (D) report,
12 including, but not limited to: (i) strategic energy
13 management or other programs, including descriptions
14 of targeted buildings, equipment and operations; (ii)
15 eligible energy efficiency measures; and (iii)
16 expected energy savings, itemized by technology. If
17 the subparagraph (D) audit report identifies that the
18 customer currently utilizes the best available energy
19 efficient technology, equipment, programs, and
20 operations, the customer may provide a statement that
21 more efficient technology, equipment, programs, and
22 operations are not reasonably available as a means of
23 satisfying this subparagraph (E); and

24 (F) the effective date of the opt out, which will
25 be the next January 1 following notice of the opt out.

26 (3) Upon receipt of a properly and timely noticed

1 request for opt out submitted by an eligible large private
2 energy customer, the retail electric utility shall grant
3 the request, file the request with the Commission and,
4 beginning January 1 of the following year, the opted out
5 customer shall no longer be assessed the costs of the plan
6 and shall be prohibited from participating in that 4-year
7 plan cycle to give the retail utility the certainty to
8 design program plan proposals.

9 (4) Upon a customer's election to opt out under
10 paragraphs (1) and (2) of this subsection (1) and
11 commencing on the effective date of said opt out, the
12 account properly identified in the customer's notice under
13 paragraph (2) shall not be subject to any cost recovery
14 and shall not be eligible to participate in, or directly
15 benefit from, compliance with energy efficiency cumulative
16 persisting savings requirements under subsections (a)
17 through (j).

18 (5) A utility's cumulative persisting annual savings
19 targets will exclude any opted out load.

20 (6) The request to opt out is only valid for the
21 requested plan cycle. An eligible large private energy
22 customer must also request to opt out for future energy
23 plan cycles, otherwise the customer will be included in
24 the future energy plan cycle.

25 (m) Notwithstanding the requirements of this Section, as
26 part of a proceeding to approve a multi-year plan under

1 subsections (f) and (g) of this Section if the multi-year plan
2 has been designed to maximize savings, but does not meet the
3 cost cap limitations of this Section, the Commission shall
4 reduce the amount of energy efficiency measures implemented
5 for any single year, and whose costs are recovered under
6 subsection (d) of this Section, by an amount necessary to
7 limit the estimated average net increase due to the cost of the
8 measures to no more than

9 (1) 3.5% for each of the 4 years beginning January 1,
10 2018,

11 (2) (blank),

12 (3) 4% for each of the 4 years beginning January 1,
13 2022,

14 (3.5) 4.25% for 2026,

15 (4) 4.25% for electric utilities that serve more than
16 3,000,000 retail customers in the State, and 4.21% for
17 2027, 5.25% for 2028, and 6.06% for 2029 for electric
18 utilities with less than 3,000,000 retail customers but
19 more than 500,000 retail customers in the State, for the 3
20 4 years beginning January 1, 2027 2026, and

21 (5) the percentage specified in paragraph (4)
22 applicable to 2029 4.25% plus an increase sufficient to
23 account for the rate of inflation between January 1, 2027
24 2026 and January 1 of the first year of each subsequent
25 4-year plan cycle,

26 of the average amount paid per kilowatthour by residential

1 eligible retail customers during calendar year 2015 for plans
2 in effect through 2026 and during calendar year 2023 for plans
3 commencing in 2027 and thereafter. An electric utility may
4 plan to spend up to 10% more in any year during an applicable
5 multi-year plan period, including any transition period
6 authorized under paragraph (2.5) of subsection (f), to
7 cost-effectively achieve additional savings so long as the
8 average over the applicable multi-year plan period, which
9 shall include any transition period, does not exceed the
10 percentages defined in items (1) through (5). To determine the
11 total amount that may be spent by an electric utility in any
12 single year, the applicable percentage of the average amount
13 paid per kilowatthour shall be multiplied by the total amount
14 of energy delivered by such electric utility in the calendar
15 year 2015 for plans in effect through 2026 and during calendar
16 year 2023 for plans commencing in 2027 and thereafter,
17 adjusted to reflect the proportion of the utility's load
18 attributable to customers that have opted out of subsections
19 (a) through (j) of this Section under subsection (l) of this
20 Section. For purposes of this subsection (m), the amount paid
21 per kilowatthour includes, without limitation, estimated
22 amounts paid for supply, transmission, distribution,
23 surcharges, and add-on taxes. For purposes of this Section,
24 "eligible retail customers" shall have the meaning set forth
25 in Section 16-111.5 of this Act. Once the Commission has
26 approved a plan under subsections (f) and (g) of this Section,

1 no subsequent rate impact determinations shall be made.

2 (n) A utility shall take advantage of the efficiencies
3 available through existing Illinois Home Weatherization
4 Assistance Program infrastructure and services, such as
5 enrollment, marketing, quality assurance and implementation,
6 which can reduce the need for similar services at a lower cost
7 than utility-only programs, subject to capacity constraints at
8 community action agencies, for both single-family and
9 multifamily weatherization services, to the extent Illinois
10 Home Weatherization Assistance Program community action
11 agencies provide multifamily services. A utility's plan shall
12 demonstrate that in formulating annual weatherization budgets,
13 it has sought input and coordination with community action
14 agencies regarding agencies' capacity to expand and maximize
15 Illinois Home Weatherization Assistance Program delivery using
16 the ratepayer dollars collected under this Section.

17 (Source: P.A. 102-662, eff. 9-15-21; 103-154, eff. 6-30-23;
18 103-613, eff. 7-1-24.)

19 (220 ILCS 5/8-104)

20 Sec. 8-104. Natural gas energy efficiency programs.

21 (a) It is the policy of the State that natural gas
22 utilities and the Department of Commerce and Economic
23 Opportunity are required to use cost-effective energy
24 efficiency to reduce direct and indirect costs to consumers.
25 It serves the public interest to allow natural gas utilities

1 to recover costs for reasonably and prudently incurred
2 expenses for cost-effective energy efficiency measures.

3 (b) For purposes of this Section, "energy efficiency"
4 means measures that reduce the amount of energy required to
5 achieve a given end use. "Energy efficiency" also includes
6 measures that reduce the total Btus of electricity and natural
7 gas needed to meet the end use or uses. "Cost-effective" means
8 that the measures satisfy the total resource cost test which,
9 for purposes of this Section, means a standard that is met if,
10 for an investment in energy efficiency, the benefit-cost ratio
11 is greater than one. The benefit-cost ratio is the ratio of the
12 net present value of the total benefits of the measures to the
13 net present value of the total costs as calculated over the
14 lifetime of the measures. The total resource cost test
15 compares the sum of avoided natural gas utility costs,
16 representing the benefits that accrue to the system and the
17 participant in the delivery of those efficiency measures, as
18 well as other quantifiable societal benefits, including
19 avoided electric utility costs, to the sum of all incremental
20 costs of end use measures (including both utility and
21 participant contributions), plus costs to administer, deliver,
22 and evaluate each demand-side measure, to quantify the net
23 savings obtained by substituting demand-side measures for
24 supply resources. In calculating avoided costs, reasonable
25 estimates shall be included for financial costs likely to be
26 imposed by future regulation of emissions of greenhouse gases.

1 The low-income programs described in item (4) of subsection
2 (f) of this Section shall not be required to meet the total
3 resource cost test.

4 (c) Natural gas utilities shall implement cost-effective
5 energy efficiency measures to meet at least the following
6 natural gas savings requirements, which shall be based upon
7 the total amount of gas delivered to retail customers, other
8 than the customers described in subsection (m) of this
9 Section, during calendar year 2009 multiplied by the
10 applicable percentage. Natural gas utilities may comply with
11 this Section by meeting the annual incremental savings goal in
12 the applicable year or by showing that total cumulative annual
13 savings within a multi-year planning period associated with
14 measures implemented after May 31, 2011 were equal to the sum
15 of each annual incremental savings requirement from the first
16 day of the multi-year planning period through the last day of
17 the multi-year planning period:

18 (1) 0.2% by May 31, 2012;

19 (2) an additional 0.4% by May 31, 2013, increasing
20 total savings to .6%;

21 (3) an additional 0.6% by May 31, 2014, increasing
22 total savings to 1.2%;

23 (4) an additional 0.8% by May 31, 2015, increasing
24 total savings to 2.0%;

25 (5) an additional 1% by May 31, 2016, increasing total
26 savings to 3.0%;

1 (6) an additional 1.2% by May 31, 2017, increasing
2 total savings to 4.2%;

3 (7) an additional 1.4% in the year commencing January
4 1, 2018;

5 (8) an additional 1.5% in the year commencing January
6 1, 2019; and

7 (9) an additional 1.5% in each 12-month period
8 thereafter.

9 (d) Notwithstanding the requirements of subsection (c) of
10 this Section, a natural gas utility shall limit the amount of
11 energy efficiency implemented in any multi-year reporting
12 period established by subsection (f) of Section 8-104 of this
13 Act, by an amount necessary to limit the estimated average
14 increase in the amounts paid by retail customers in connection
15 with natural gas service to no more than 2% in the applicable
16 multi-year reporting period. The energy savings requirements
17 in subsection (c) of this Section may be reduced by the
18 Commission for the subject plan, if the utility demonstrates
19 by substantial evidence that it is highly unlikely that the
20 requirements could be achieved without exceeding the
21 applicable spending limits in any multi-year reporting period.
22 No later than September 1, 2013, the Commission shall review
23 the limitation on the amount of energy efficiency measures
24 implemented pursuant to this Section and report to the General
25 Assembly, in the report required by subsection (k) of this
26 Section, its findings as to whether that limitation unduly

1 constrains the procurement of energy efficiency measures.

2 (e) The provisions of this subsection (e) apply to those
3 multi-year plans that commence prior to January 1, 2018. The
4 utility shall utilize 75% of the available funding associated
5 with energy efficiency programs approved by the Commission,
6 and may outsource various aspects of program development and
7 implementation. The remaining 25% of available funding shall
8 be used by the Department of Commerce and Economic Opportunity
9 to implement energy efficiency measures that achieve no less
10 than 20% of the requirements of subsection (c) of this
11 Section. Such measures shall be designed in conjunction with
12 the utility and approved by the Commission. The Department may
13 outsource development and implementation of energy efficiency
14 measures. A minimum of 10% of the entire portfolio of
15 cost-effective energy efficiency measures shall be procured
16 from local government, municipal corporations, school
17 districts, public institutions of higher education, and
18 community college districts. Five percent of the entire
19 portfolio of cost-effective energy efficiency measures may be
20 granted to local government and municipal corporations for
21 market transformation initiatives. The Department shall
22 coordinate the implementation of these measures and shall
23 integrate delivery of natural gas efficiency programs with
24 electric efficiency programs delivered pursuant to Section
25 8-103 of this Act, unless the Department can show that
26 integration is not feasible.

1 The apportionment of the dollars to cover the costs to
2 implement the Department's share of the portfolio of energy
3 efficiency measures shall be made to the Department once the
4 Department has executed rebate agreements, grants, or
5 contracts for energy efficiency measures and provided
6 supporting documentation for those rebate agreements, grants,
7 and contracts to the utility. The Department is authorized to
8 adopt any rules necessary and prescribe procedures in order to
9 ensure compliance by applicants in carrying out the purposes
10 of rebate agreements for energy efficiency measures
11 implemented by the Department made under this Section.

12 The details of the measures implemented by the Department
13 shall be submitted by the Department to the Commission in
14 connection with the utility's filing regarding the energy
15 efficiency measures that the utility implements.

16 The portfolio of measures, administered by both the
17 utilities and the Department, shall, in combination, be
18 designed to achieve the annual energy savings requirements set
19 forth in subsection (c) of this Section, as modified by
20 subsection (d) of this Section.

21 The utility and the Department shall agree upon a
22 reasonable portfolio of measures and determine the measurable
23 corresponding percentage of the savings goals associated with
24 measures implemented by the Department.

25 No utility shall be assessed a penalty under subsection
26 (f) of this Section for failure to make a timely filing if that

1 failure is the result of a lack of agreement with the
2 Department with respect to the allocation of responsibilities
3 or related costs or target assignments. In that case, the
4 Department and the utility shall file their respective plans
5 with the Commission and the Commission shall determine an
6 appropriate division of measures and programs that meets the
7 requirements of this Section.

8 (e-5) The provisions of this subsection (e-5) shall be
9 applicable to those multi-year plans that commence after
10 December 31, 2017. Natural gas utilities shall be responsible
11 for overseeing the design, development, and filing of their
12 efficiency plans with the Commission and may outsource
13 development and implementation of energy efficiency measures.
14 A minimum of 10% of the entire portfolio of cost-effective
15 energy efficiency measures shall be procured from local
16 government, municipal corporations, school districts, public
17 institutions of higher education, and community college
18 districts; unless a utility files a plan or amended plan under
19 the provisions of subsection (e-20), in which case the minimum
20 spend for measures from such public customers shall be equal
21 to at least 30% of non-residential spending. Five percent of
22 the entire portfolio of cost-effective energy efficiency
23 measures may be granted to local government and municipal
24 corporations for market transformation initiatives.

25 Through calendar year 2026, the ~~The~~ utilities shall also
26 present a portfolio of energy efficiency measures

1 proportionate to the share of total annual utility revenues in
2 Illinois from households at or below 150% of the poverty
3 level. Such programs shall be targeted to households with
4 incomes at or below 80% of area median income.

5 (e-7) Beginning January 1, 2027, the following
6 requirements shall be in effect for efficiency programs
7 targeted to low-income households. For the purposes of this
8 Section, "low-income households" means households with incomes
9 at or below 80% of the area median income. Utilities shall
10 leverage existing State and federal low-income weatherization
11 programs and delivery capacity to the extent practicable.
12 Utilities shall also prioritize contracting with
13 organizations, government agencies, and businesses with a
14 track record of delivering weatherization services in
15 low-income communities in this State to deliver any low-income
16 programs that are not integrated with State and federal
17 low-income weatherization programs.

18 (e-8) Beginning January 1, 2027, the following
19 requirements shall be in effect for efficiency programs
20 targeted to low-income households, except for single-fuel gas
21 utilities with less than 1,000,000 customers:

22 (1) The portion of the entire budget for efficiency
23 programs that is spent on efficiency programs for
24 low-income households shall be no less than the greater
25 of: (A) 25% or (B) five percentage points more than the
26 proportion of total annual gas sales to non-opt-out retail

1 customers that are consumed by low-income households.

2 (2) The portion of spending on efficiency measures
3 that are targeted to low-income households that is
4 delivered through whole building weatherization programs
5 that comprehensively address building envelope efficiency
6 upgrade opportunities as well as other efficiency measures
7 shall be at least 80%.

8 (3) Utilities shall invest in health and safety
9 measures that are appropriate and necessary for
10 comprehensively weatherizing the single-family and
11 multi-family buildings of low-income households, with up
12 to 15% of income-qualified program spending made available
13 for such purposes.

14 (e-10) A utility providing approved energy efficiency
15 measures in this State shall be permitted to recover costs of
16 those measures through an automatic adjustment clause tariff
17 filed with and approved by the Commission. The tariff shall be
18 established outside the context of a general rate case and
19 shall be applicable to the utility's customers other than the
20 customers described in subsection (m) of this Section. Each
21 year the Commission shall initiate a review to reconcile any
22 amounts collected with the actual costs and to determine the
23 required adjustment to the annual tariff factor to match
24 annual expenditures.

25 (e-15) For those multi-year plans that commence prior to
26 January 1, 2018, each utility shall include, in its recovery

1 of costs, the costs estimated for both the utility's and the
2 Department's implementation of energy efficiency measures.
3 Costs collected by the utility for measures implemented by the
4 Department shall be submitted to the Department pursuant to
5 Section 605-323 of the Civil Administrative Code of Illinois,
6 shall be deposited into the Energy Efficiency Portfolio
7 Standards Fund, and shall be used by the Department solely for
8 the purpose of implementing these measures. A utility shall
9 not be required to advance any moneys to the Department but
10 only to forward such funds as it has collected. The Department
11 shall report to the Commission on an annual basis regarding
12 the costs actually incurred by the Department in the
13 implementation of the measures. Any changes to the costs of
14 energy efficiency measures as a result of plan modifications
15 shall be appropriately reflected in amounts recovered by the
16 utility and turned over to the Department.

17 (e-20) The provisions of this Section shall be applicable
18 to multi-year plans that commence after the effective date of
19 this amendatory Act of the 104th General Assembly and are
20 submitted by single fuel service utilities on or before the
21 effective date of this amendatory Act of the 104th General
22 Assembly. A natural gas utility may propose, as part of its
23 submission of a multi-year plan, to increase the amount of
24 energy efficiency implemented in any multi-year planning
25 period above the level that can be achieved under the spending
26 cap set forth in subsection (d) of this Section. The first plan

1 to increase energy efficiency may be submitted as an amendment
2 to the utility's plan for calendar years 2027 through 2029,
3 but any amended plans must be filed with the Commission by
4 March 1, 2026 or the effective date of this amendatory Act of
5 the 104th General Assembly, whichever is later. In addition to
6 the policy goals established in subsection (f), the Commission
7 shall consider, in determining the appropriateness of a
8 proposal, whether the multi-year plan at a minimum:

9 (1) identifies a cost-effective portfolio of measures
10 and specifies the natural gas savings that are reasonably
11 likely to be achieved by the utility;

12 (2) demonstrates that the plan or modified plan, at a
13 minimum, will result in a portfolio of energy efficiency
14 measures that will provide more natural gas savings than
15 would have been achieved in a plan subject to subsection
16 (c);

17 (3) demonstrates that the plan reflects efforts to
18 coordinate delivery of electric utility efficiency
19 programs where such coordination can reduce costs,
20 increase effectiveness of outreach to customers, and
21 increase savings. A gas utility may count electricity
22 savings toward its gas efficiency savings goals subject to
23 the following limitations:

24 (A) only electricity savings produced as a result
25 of the installation of a gas efficiency measure, such
26 as reductions in electricity consumption by gas

1 furnace fans and electric air conditioners that
2 results from the installation of insulation measures
3 that reduce gas used for space heating, may be
4 counted;

5 (B) such electricity savings may only be counted
6 when they are generated in service territories not
7 served by electric utilities subject to Section
8 8-103B;

9 (C) no more than 5% of the total savings claimed
10 toward a gas utility's savings goal may be from such
11 electricity savings. For the purposes of this Section,
12 a kilowatt-hour of savings is equal to 0.03412 gas
13 therms;

14 (4) demonstrates whether an increase in funding is
15 necessary to meet the proposed increase in the amount of
16 energy efficiency;

17 (5) prioritizes income-qualified measures and
18 weatherization measures; and

19 (6) demonstrates that the multi-year plan strikes a
20 reasonable balance between the goals of the following:

21 (A) increasing cost-effective efficiency savings
22 and related greenhouse gas emission reductions;

23 (B) reducing overall gas system costs, recognizing
24 that efficiency investments reduce usage and, in turn,
25 the potential need for system investments over the
26 long-term;

1 (C) increasing energy affordability, especially
2 for low-income customers;

3 (D) within the residential sector, prioritizing
4 investment in weatherization and other measures that
5 reduce heating loads over gas equipment measures; and

6 (E) providing a diverse cross-section of
7 opportunities for customers of all rate classes to
8 participate in efficiency programs.

9 For single-fuel gas utilities with less than 1,000,000
10 customers, the following requirements shall be in effect for
11 efficiency programs targeted to low-income households:

12 (1) For gas utilities with greater than 300,000
13 customers, the portion of the entire budget for efficiency
14 programs that is spent on efficiency programs for
15 low-income households shall be no less than the greater of
16 (A) 25% or (B) five percentage points more than the
17 proportion of total annual gas sales to non-opt-out retail
18 customers that are consumed by low-income households. For
19 gas utilities with 300,000 or fewer customers, the portion
20 of the entire budget for efficiency programs that is spent
21 on efficiency programs for low-income households shall be
22 no less than the greater of (A) 15% or (B) five percentage
23 points more than the proportion of total annual gas sales
24 to non-opt-out retail customers that are consumed by
25 low-income households.

26 (2) The portion of spending on efficiency measures

1 targeted to low-income households that shall be delivered
2 through whole building weatherization programs that
3 comprehensively address building envelope efficiency
4 upgrade opportunities as well as other efficiency measures
5 shall be at least 80%.

6 (3) Utilities shall invest in health and safety
7 measures appropriate and necessary for comprehensively
8 weatherizing the single-family and multi-family buildings
9 of low-income households, with up to 15% of
10 income-qualified program spending made available for such
11 purposes.

12 As part of its order approving the plan or modified plan,
13 the Commission is authorized to:

14 (1) adjust the limitation on the amount of energy
15 efficiency measures implemented pursuant to subsection (d)
16 to the extent necessary to meet the increase in the amount
17 of energy efficiency approved by the Commission pursuant
18 to this subsection (e-20);

19 (2) adjust the public sector spending requirements
20 pursuant to subsection (e-5);

21 (3) adopt an incentive mechanism for the utility to
22 meet or exceed the goals associated with its proposed
23 multi-year plan if the utility meets or exceeds the
24 following minimum requirements:

25 (A) the utility proposes a plan budget over the
26 applicable multi-year period that is equal to or

1 greater than 5% of the amounts paid by non-opt-out
2 retail customers in connection with natural gas
3 service in the applicable multi-year period;

4 (B) for efficiency program years 2027 through
5 2029, the utility achieves average incremental annual
6 savings of at least 0.7% of total average annual gas
7 sales to non-opt-out retail customers over the years
8 2023 through 2025. For multi-year efficiency program
9 plans beginning after 2029, achieving average
10 incremental annual savings of at least 0.8% of total
11 average annual gas sales to non-opt-out retail
12 customers during the 3-year period ending 2 years
13 prior to the first year of the plan. In all multi-year
14 periods, the minimum incremental annual savings
15 requirement shall be reduced by 0.01 percentage points
16 for every 1 percentage point increase in low-income or
17 moderate-income spending above the minimum levels
18 required by subsection (e-5). In no event shall the
19 minimum incremental annual savings requirement be
20 reduced by more than 0.10 percentage points even if
21 low-income or moderate-income spending is increased by
22 more than 10 percentage points above the minimum
23 levels required by subsection (e-5). The Commission
24 may reduce the magnitude of the minimum savings
25 requirements under this subparagraph (B) if the
26 utility can demonstrate that it is not possible to

1 achieve them with a budget equal to 5% of revenues from
2 eligible customers while meeting other minimum
3 requirements. If a utility attempts to demonstrate
4 that it cannot meet the minimum savings requirements
5 in this paragraph with a budget equal to 5% of revenues
6 from eligible customers, and the Commission finds that
7 the utility has not made a sufficiently compelling
8 demonstration, the utility may withdraw its plan and
9 file a revised plan;

10 (C) the utility achieves an average savings life
11 of at least 12 years. Average savings lives may be
12 shorter than the average operational lives of measures
13 if the measures do not produce savings in every year in
14 which they operate or if the savings that measures
15 produce decline during their operational lives; and

16 (D) the utility spends at least 67% of all
17 financial incentive dollars on efficiency measures
18 that (1) reduce the space heating loads of buildings
19 through improvements such as to building envelopes,
20 ventilation systems, space heating distribution
21 systems, and space heating system controls; (2) reduce
22 the water heating loads of buildings such as through
23 insulation of hot water pipes, recovery and reuse of
24 heat from waste water and reductions in the amount of
25 hot water required to meet customer needs; or (3)
26 reduce the process heat loads of industrial

1 facilities. Any spending on health and safety measures
2 shall count toward this requirement. No financial
3 incentive spending on furnaces, boilers, water
4 heaters, and other gas-consuming equipment may be
5 counted toward this requirement; and

6 (4) for modified plans, require a compliance filing
7 from the utility to adjust budgets and natural gas savings
8 targets, if necessary, to reflect the final level of
9 customers opting out under subsection (m-1).

10 For the purposes of this subsection (e-20):

11 "Average savings life" means (i) the savings that will be
12 realized as a result of a utility's efficiency programs over
13 the lives of all efficiency measures divided by (ii) the
14 savings that will be produced in the first year after such
15 measures are installed.

16 "Moderate-income" means income between 80% of area median
17 income and 300% of the federal poverty limit.

18 (f) No later than October 1, 2010, each gas utility shall
19 file an energy efficiency plan with the Commission to meet the
20 energy efficiency standards through May 31, 2014. No later
21 than October 1, 2013, each gas utility shall file an energy
22 efficiency plan with the Commission to meet the energy
23 efficiency standards through May 31, 2017. Beginning in 2017
24 and every 4 years thereafter, each utility shall file an
25 energy efficiency plan with the Commission to meet the energy
26 efficiency standards for the next applicable 4-year period

1 beginning January 1 of the year following the filing. For
2 those multi-year plans commencing on January 1, 2018, each
3 utility shall file its proposed energy efficiency plan no
4 later than 30 days after the effective date of this amendatory
5 Act of the 99th General Assembly or May 1, 2017, whichever is
6 later. Beginning in 2021 and every 4 years thereafter, each
7 utility shall file its energy efficiency plan no later than
8 March 1. If a utility does not file such a plan on or before
9 the applicable filing deadline for the plan, then it shall
10 face a penalty of \$100,000 per day until the plan is filed.

11 Each utility's plan shall set forth the utility's
12 proposals to meet the utility's portion of the energy
13 efficiency standards identified in subsection (c) of this
14 Section, as modified by subsection (d) of this Section, taking
15 into account the unique circumstances of the utility's service
16 territory. For those plans commencing after December 31, 2021,
17 the Commission shall seek public comment on the utility's plan
18 and shall issue an order approving or disapproving each plan
19 within 6 months after its submission. For those plans
20 commencing on January 1, 2018, the Commission shall seek
21 public comment on the utility's plan and shall issue an order
22 approving or disapproving each plan no later than August 31,
23 2017, or 105 days after the effective date of this amendatory
24 Act of the 99th General Assembly, whichever is later. If the
25 Commission disapproves a plan, the Commission shall, within 30
26 days, describe in detail the reasons for the disapproval and

1 describe a path by which the utility may file a revised draft
2 of the plan to address the Commission's concerns
3 satisfactorily. If the utility does not refile with the
4 Commission within 60 days after the disapproval, the utility
5 shall be subject to penalties at a rate of \$100,000 per day
6 until the plan is filed. This process shall continue, and
7 penalties shall accrue, until the utility has successfully
8 filed a portfolio of energy efficiency measures. Penalties
9 shall be deposited into the Energy Efficiency Trust Fund and
10 the cost of any such penalties may not be recovered from
11 ratepayers. In submitting proposed energy efficiency plans and
12 funding levels to meet the savings goals adopted by this Act
13 the utility shall:

14 (1) Demonstrate that its proposed energy efficiency
15 measures will achieve the requirements that are identified
16 in subsection (c) of this Section, as modified by
17 subsection (d) of this Section.

18 (2) Present specific proposals to implement new
19 building and appliance standards that have been placed
20 into effect.

21 (3) Present estimates of the total amount paid for gas
22 service expressed on a per therm basis associated with the
23 proposed portfolio of measures designed to meet the
24 requirements that are identified in subsection (c) of this
25 Section, as modified by subsection (d) of this Section.

26 (4) For those multi-year plans that commence prior to

1 January 1, 2018, coordinate with the Department to present
2 a portfolio of energy efficiency measures proportionate to
3 the share of total annual utility revenues in Illinois
4 from households at or below 150% of the poverty level.
5 Such programs shall be targeted to households with incomes
6 at or below 80% of area median income.

7 (5) Demonstrate that its overall portfolio of energy
8 efficiency measures, not including low-income programs
9 described in item (4) of this subsection (f) and
10 subsection (e-5) of this Section, are cost-effective using
11 the total resource cost test and represent a diverse cross
12 section of opportunities for customers of all rate classes
13 to participate in the programs.

14 (6) Demonstrate that a gas utility affiliated with an
15 electric utility that is required to comply with Section
16 8-103 or 8-103B of this Act has integrated gas and
17 electric efficiency measures into a single program that
18 reduces program or participant costs and appropriately
19 allocates costs to gas and electric ratepayers. For those
20 multi-year plans that commence prior to January 1, 2018,
21 the Department shall integrate all gas and electric
22 programs it delivers in any such utilities' service
23 territories, unless the Department can show that
24 integration is not feasible or appropriate.

25 (7) Include a proposed cost recovery tariff mechanism
26 to fund the proposed energy efficiency measures and to

1 ensure the recovery of the prudently and reasonably
2 incurred costs of Commission-approved programs.

3 (8) Provide for quarterly status reports tracking
4 implementation of and expenditures for the utility's
5 portfolio of measures and, if applicable, the Department's
6 portfolio of measures, an annual independent review, and a
7 full independent evaluation of the multi-year results of
8 the performance and the cost-effectiveness of the
9 utility's and, if applicable, Department's portfolios of
10 measures and broader net program impacts and, to the
11 extent practical, for adjustment of the measures on a
12 going forward basis as a result of the evaluations. The
13 resources dedicated to evaluation shall not exceed 3% of
14 portfolio resources in any given multi-year period.

15 (g) No more than 3% of expenditures on energy efficiency
16 measures may be allocated for demonstration of breakthrough
17 equipment and devices.

18 (h) Illinois natural gas utilities that are affiliated by
19 virtue of a common parent company may, at the utilities'
20 request, be considered a single natural gas utility for
21 purposes of complying with this Section.

22 (i) If, after 3 years, a gas utility fails to meet the
23 efficiency standard specified in subsection (c) of this
24 Section as modified by subsection (d), then it shall make a
25 contribution to the Low-Income Home Energy Assistance Program.
26 The total liability for failure to meet the goal shall be

1 assessed as follows:

2 (1) a large gas utility shall pay \$600,000;

3 (2) a medium gas utility shall pay \$400,000; and

4 (3) a small gas utility shall pay \$200,000.

5 For purposes of this Section, (i) a "large gas utility" is
6 a gas utility that on December 31, 2008, served more than
7 1,500,000 gas customers in Illinois; (ii) a "medium gas
8 utility" is a gas utility that on December 31, 2008, served
9 fewer than 1,500,000, but more than 500,000 gas customers in
10 Illinois; and (iii) a "small gas utility" is a gas utility that
11 on December 31, 2008, served fewer than 500,000 and more than
12 100,000 gas customers in Illinois. The costs of this
13 contribution may not be recovered from ratepayers.

14 If a gas utility fails to meet the efficiency standard
15 specified in subsection (c) of this Section, as modified by
16 subsection (d) of this Section, in any 2 consecutive
17 multi-year planning periods, then the responsibility for
18 implementing the utility's energy efficiency measures shall be
19 transferred to an independent program administrator selected
20 by the Commission. Reasonable and prudent costs incurred by
21 the independent program administrator to meet the efficiency
22 standard specified in subsection (c) of this Section, as
23 modified by subsection (d) of this Section, may be recovered
24 from the customers of the affected gas utilities, other than
25 customers described in subsection (m) of this Section. The
26 utility shall provide the independent program administrator

1 with all information and assistance necessary to perform the
2 program administrator's duties including but not limited to
3 customer, account, and energy usage data, and shall allow the
4 program administrator to include inserts in customer bills.
5 The utility may recover reasonable costs associated with any
6 such assistance.

7 (j) No utility shall be deemed to have failed to meet the
8 energy efficiency standards to the extent any such failure is
9 due to a failure of the Department.

10 (k) Not later than January 1, 2012, the Commission shall
11 develop and solicit public comment on a plan to foster
12 statewide coordination and consistency between statutorily
13 mandated natural gas and electric energy efficiency programs
14 to reduce program or participant costs or to improve program
15 performance. Not later than September 1, 2013, the Commission
16 shall issue a report to the General Assembly containing its
17 findings and recommendations.

18 (l) This Section does not apply to a gas utility that on
19 January 1, 2009, provided gas service to fewer than 100,000
20 customers in Illinois.

21 (m) Subsections (a) through (k) of this Section do not
22 apply to customers of a natural gas utility that have a North
23 American Industry Classification System code number that is
24 22111 or any such code number beginning with the digits 31, 32,
25 or 33 and (i) annual usage in the aggregate of 4 million therms
26 or more within the service territory of the affected gas

1 utility or with aggregate usage of 8 million therms or more in
2 this State and complying with the provisions of item (l) of
3 this subsection (m); or (ii) using natural gas as feedstock
4 and meeting the usage requirements described in item (i) of
5 this subsection (m), to the extent such annual feedstock usage
6 is greater than 60% of the customer's total annual usage of
7 natural gas.

8 (1) Customers described in this subsection (m) of this
9 Section shall apply, on a form approved on or before
10 October 1, 2009 by the Department, to the Department to be
11 designated as a self-directing customer ("SDC") or as an
12 exempt customer using natural gas as a feedstock from
13 which other products are made, including, but not limited
14 to, feedstock for a hydrogen plant, on or before the 1st
15 day of February, 2010. Thereafter, application may be made
16 not less than 6 months before the filing date of the gas
17 utility energy efficiency plan described in subsection (f)
18 of this Section; however, a new customer that commences
19 taking service from a natural gas utility after February
20 1, 2010 may apply to become a SDC or exempt customer up to
21 30 days after beginning service. Customers described in
22 this subsection (m) that have not already been approved by
23 the Department may apply to be designated a self-directing
24 customer or exempt customer, on a form approved by the
25 Department, between September 1, 2013 and September 30,
26 2013. Customer applications that are approved by the

1 Department under this amendatory Act of the 98th General
2 Assembly shall be considered to be a self-directing
3 customer or exempt customer, as applicable, for the
4 current 3-year planning period effective December 1, 2013.
5 Such application shall contain the following:

6 (A) the customer's certification that, at the time
7 of its application, it qualifies to be a SDC or exempt
8 customer described in this subsection (m) of this
9 Section;

10 (B) in the case of a SDC, the customer's
11 certification that it has established or will
12 establish by the beginning of the utility's multi-year
13 planning period commencing subsequent to the
14 application, and will maintain for accounting
15 purposes, an energy efficiency reserve account and
16 that the customer will accrue funds in said account to
17 be held for the purpose of funding, in whole or in
18 part, energy efficiency measures of the customer's
19 choosing, which may include, but are not limited to,
20 projects involving combined heat and power systems
21 that use the same energy source both for the
22 generation of electrical or mechanical power and the
23 production of steam or another form of useful thermal
24 energy or the use of combustible gas produced from
25 biomass, or both;

26 (C) in the case of a SDC, the customer's

1 certification that annual funding levels for the
2 energy efficiency reserve account will be equal to 2%
3 of the customer's cost of natural gas, composed of the
4 customer's commodity cost and the delivery service
5 charges paid to the gas utility, or \$150,000,
6 whichever is less;

7 (D) in the case of a SDC, the customer's
8 certification that the required reserve account
9 balance will be capped at 3 years' worth of accruals
10 and that the customer may, at its option, make further
11 deposits to the account to the extent such deposit
12 would increase the reserve account balance above the
13 designated cap level;

14 (E) in the case of a SDC, the customer's
15 certification that by October 1 of each year,
16 beginning no sooner than October 1, 2012, the customer
17 will report to the Department information, for the
18 12-month period ending May 31 of the same year, on all
19 deposits and reductions, if any, to the reserve
20 account during the reporting year, and to the extent
21 deposits to the reserve account in any year are in an
22 amount less than \$150,000, the basis for such reduced
23 deposits; reserve account balances by month; a
24 description of energy efficiency measures undertaken
25 by the customer and paid for in whole or in part with
26 funds from the reserve account; an estimate of the

1 energy saved, or to be saved, by the measure; and that
2 the report shall include a verification by an officer
3 or plant manager of the customer or by a registered
4 professional engineer or certified energy efficiency
5 trade professional that the funds withdrawn from the
6 reserve account were used for the energy efficiency
7 measures;

8 (F) in the case of an exempt customer, the
9 customer's certification of the level of gas usage as
10 feedstock in the customer's operation in a typical
11 year and that it will provide information establishing
12 this level, upon request of the Department;

13 (G) in the case of either an exempt customer or a
14 SDC, the customer's certification that it has provided
15 the gas utility or utilities serving the customer with
16 a copy of the application as filed with the
17 Department;

18 (H) in the case of either an exempt customer or a
19 SDC, certification of the natural gas utility or
20 utilities serving the customer in Illinois including
21 the natural gas utility accounts that are the subject
22 of the application; and

23 (I) in the case of either an exempt customer or a
24 SDC, a verification signed by a plant manager or an
25 authorized corporate officer attesting to the
26 truthfulness and accuracy of the information contained

1 in the application.

2 (2) The Department shall review the application to
3 determine that it contains the information described in
4 provisions (A) through (I) of item (1) of this subsection
5 (m), as applicable. The review shall be completed within
6 30 days after the date the application is filed with the
7 Department. Absent a determination by the Department
8 within the 30-day period, the applicant shall be
9 considered to be a SDC or exempt customer, as applicable,
10 for all subsequent multi-year planning periods, as of the
11 date of filing the application described in this
12 subsection (m). If the Department determines that the
13 application does not contain the applicable information
14 described in provisions (A) through (I) of item (1) of
15 this subsection (m), it shall notify the customer, in
16 writing, of its determination that the application does
17 not contain the required information and identify the
18 information that is missing, and the customer shall
19 provide the missing information within 15 working days
20 after the date of receipt of the Department's
21 notification.

22 (3) The Department shall have the right to audit the
23 information provided in the customer's application and
24 annual reports to ensure continued compliance with the
25 requirements of this subsection. Based on the audit, if
26 the Department determines the customer is no longer in

1 compliance with the requirements of items (A) through (I)
2 of item (1) of this subsection (m), as applicable, the
3 Department shall notify the customer in writing of the
4 noncompliance. The customer shall have 30 days to
5 establish its compliance, and failing to do so, may have
6 its status as a SDC or exempt customer revoked by the
7 Department. The Department shall treat all information
8 provided by any customer seeking SDC status or exemption
9 from the provisions of this Section as strictly
10 confidential.

11 (4) Upon request, or on its own motion, the Commission
12 may open an investigation, no more than once every 3 years
13 and not before October 1, 2014, to evaluate the
14 effectiveness of the self-directing program described in
15 this subsection (m).

16 Customers described in this subsection (m) that applied to
17 the Department on January 3, 2013, were approved by the
18 Department on February 13, 2013 to be a self-directing
19 customer or exempt customer, and receive natural gas from a
20 utility that provides gas service to at least 500,000 retail
21 customers in Illinois and electric service to at least
22 1,000,000 retail customers in Illinois shall be considered to
23 be a self-directing customer or exempt customer, as
24 applicable, for the current 3-year planning period effective
25 December 1, 2013.

26 (m-1) For utilities that file an amended plan for the

1 period covering calendar years 2027 through 2029, and for all
2 utilities for all calendar years covered by a multi-year plan
3 commencing on or after January 1, 2030, subsections (a)
4 through (k) of this Section do not apply to eligible customers
5 of a natural gas utility that have chosen to opt out of
6 multi-year plans.

7 (1) For purposes of this subsection (m-1), "eligible
8 customer" means any retail customer of a natural gas
9 utility, except for federal, State, municipal and other
10 public customers, with a North American Industry
11 Classification System code number that is 22111 or any
12 such code number beginning with the digits 31, 32, or 33
13 and (i) annual usage in the aggregate of 4,000,000 therms
14 or more within the service territory of the affected gas
15 utility or with aggregate usage of 8,000,000 therms or
16 more in this State; or (ii) using natural gas as feedstock
17 and meeting the usage requirements described in item (i)
18 of this paragraph (1), to the extent such annual feedstock
19 usage is greater than 60% of the customer's total annual
20 usage of natural gas. A determination of whether this
21 subsection is applicable to a customer shall be made for
22 each multi-year plan beginning after January 1, 2026. The
23 criteria for determining whether this subsection is
24 applicable shall be the 12 consecutive billing periods
25 prior to the start of the first year of each such
26 multi-year plan.

1 (2) Within 45 days after the effective date of this
2 amendatory Act of the 104th General Assembly, the
3 Commission shall prescribe the form for notice required
4 for opting out of energy efficiency programs. Within 120
5 days after the Commission's initial issuance of the form
6 for notice, customers described in paragraph (1) of this
7 subsection (m-1) may submit completed forms to the natural
8 gas utility. Thereafter, forms must be submitted to the
9 natural gas utility not less than 6 months before the
10 filing date of the gas utility energy efficiency plan
11 described in subsection (f) of this Section; however, a
12 new customer that commences taking service from a natural
13 gas utility after January 1, 2026 may submit a form up to
14 30 days after beginning service. The form for notice for
15 opting out of natural gas energy efficiency programs shall
16 contain the following:

17 (A) a statement indicating that the customer has
18 elected to opt-out;

19 (B) the account numbers for the customer accounts
20 to which the opt out shall apply;

21 (C) the mailing address associated with each
22 customer account identified under subparagraph (B);

23 (D) the customer's certification that, at the time
24 its form was submitted, it qualifies as an eligible
25 customer, as described in paragraph (1) of this
26 subsection (m-1);

1 (E) an American Society of Heating, Refrigerating,
2 and Air Conditioning Engineers (ASHRAE) level 2 or
3 higher audit report conducted by an independent
4 third-party expert identifying cost-effective energy
5 efficiency project opportunities that could be
6 invested in over the next 10 years. A customer with a
7 specialized process may use a self-audit process in
8 lieu of an ASHRAE audit;

9 (F) a description of the customer's plans to
10 reallocate funds toward internal energy efficiency
11 efforts identified in the subparagraph (E) report,
12 including, but not limited to: (i) strategic energy
13 management or other programs, including descriptions
14 of targeted buildings, equipment and operations; (ii)
15 eligible energy efficiency measures; and (iii)
16 expected energy savings, itemized by technology. If
17 the subparagraph (E) audit report identifies that the
18 customer currently utilizes the best available energy
19 efficient technology, equipment, programs, and
20 operations, the customer may provide a statement that
21 more efficient technology, equipment, programs, and
22 operations are not reasonably available as a means of
23 satisfying this subparagraph (F); and

24 (G) a verification signed by a plant manager or an
25 authorized corporate officer attesting to the
26 truthfulness and accuracy of the information contained

1 in the application.

2 (3) Upon receipt of a properly and timely noticed
3 request for opt out submitted by an eligible large private
4 energy customer, the natural gas utility shall grant the
5 request and file the request with the Commission, and,
6 beginning January 1 of the first year of the next
7 multi-year energy efficiency plan cycle, the opted out
8 customer shall no longer be assessed the costs of the plan
9 and shall be prohibited from participating in that
10 multi-year plan cycle to give the natural gas utility the
11 certainty to design program plan proposals.

12 (4) The request to opt out is only valid for the
13 requested plan cycle. An eligible large private energy
14 customer must also request to opt out for future energy
15 efficiency plan cycles, otherwise the customer will be
16 included in the future energy efficiency plan cycle.

17 (n) The applicability of this Section to customers
18 described in subsection (m) of this Section is conditioned on
19 the existence of the SDC program. In no event will any
20 provision of this Section apply to such customers after
21 January 1, 2020.

22 (o) Utilities' 3-year energy efficiency plans approved by
23 the Commission on or before the effective date of this
24 amendatory Act of the 99th General Assembly for the period
25 June 1, 2014 through May 31, 2017 shall continue to be in force
26 and effect through December 31, 2017 so that the energy

1 efficiency programs set forth in those plans continue to be
2 offered during the period June 1, 2017 through December 31,
3 2017. Each utility is authorized to increase, on a pro rata
4 basis, the energy savings goals and budgets approved in its
5 plan to reflect the additional 7 months of the plan's
6 operation.

7 (Source: P.A. 103-613, eff. 7-1-24.)

8 (220 ILCS 5/8-512)

9 Sec. 8-512. Renewable energy access plan.

10 (a) It is the policy of this State to promote
11 cost-effective transmission system development that ensures
12 reliability of the electric transmission system, lowers carbon
13 emissions, minimizes long-term costs for consumers, and
14 supports the electric policy goals of this State. The General
15 Assembly finds that:

16 (1) Transmission planning, primarily for reliability
17 purposes, but also for economic and public policy reasons
18 is conducted by regional transmission organizations in
19 which transmission-owning Illinois utilities and other
20 stakeholders are members.

21 (2) Order No. 1000 of the Federal Energy Regulatory
22 Commission requires regional transmission organizations to
23 plan for transmission system needs in light of State
24 public policies and to accept input from states during the
25 transmission system planning processes.

1 (3) The State of Illinois does not currently have a
2 comprehensive power and environmental policy planning
3 process to identify transmission infrastructure needs that
4 can serve as a vital input into the regional and
5 interregional transmission organization planning
6 processes conducted under Order No. 1000 and other laws
7 and regulations.

8 (4) This State is an electricity generation and power
9 transmission hub, and can leverage that position to invest
10 in infrastructure that enables new and existing Illinois
11 generators to meet the public policy goals of the State of
12 Illinois and of interconnected states while
13 cost-effectively supporting tens of thousands of jobs in
14 the renewable energy sector in this State.

15 (5) The nation has a need to readily access this
16 State's low-cost, clean electric power, and this State
17 also desires access to clean energy resources in other
18 states to develop and support its low-carbon economy and
19 keep electricity prices low in Illinois and interconnected
20 States.

21 (6) Existing transmission infrastructure may constrain
22 the State's achievement of 100% renewable energy by 2050,
23 the accelerated adoption of electric vehicles in a just
24 and equitable way, and electrification of additional
25 sectors of the Illinois economy.

26 (7) Transmission system congestion within this State

1 and the regional transmission organizations serving this
2 State limits the ability of this State's existing and new
3 electric generation facilities that do not emit carbon
4 dioxide, including renewable energy resources and zero
5 emission facilities, to serve the public policy goals of
6 this State and other states, which constrains investment
7 in this State.

8 (8) Investment in infrastructure to support existing
9 and new electric generation facilities that do not emit
10 carbon dioxide, including renewable energy resources and
11 zero emission facilities, stimulates significant economic
12 development and job growth in this State, as well as
13 creates environmental and public health benefits in this
14 State.

15 (9) Creating a forward-looking plan for this State's
16 electric transmission infrastructure, as opposed to
17 relying on case-by-case development and repeated marginal
18 upgrades, will achieve a lower-cost system for Illinois'
19 electricity customers. A forward-looking plan can also
20 help integrate and achieve a comprehensive set of
21 objectives and multiple state, regional, and national
22 policy goals.

23 (10) Alternatives to overhead electric transmission
24 lines can achieve cost-effective resolution of system
25 impacts and warrant investigation of the circumstances
26 under which those alternatives should be considered and

1 approved. The alternatives are likely to be beneficial as
2 investment in electric transmission infrastructure moves
3 forward.

4 (11) Because transmission planning is conducted
5 primarily by the regional transmission organizations, the
6 Commission should be advocating for the State's interests
7 at the regional transmission organizations to ensure that
8 such planning facilitates the State's policies and goals,
9 including overall consumer savings, power system
10 reliability, economic development, environmental
11 improvement, and carbon reduction.

12 (12) Advanced transmission technologies have an
13 important role to play in meeting the State's clean energy
14 goals. For the purposes of this Section, "advanced
15 transmission technology" is hardware or software that
16 provides cost-effective increases to the capacity,
17 efficiency, or reliability of existing transmission
18 infrastructure, and includes, but is not limited to: (i)
19 technology that dynamically adjusts the rated capacity of
20 transmission lines based on real-time conditions; (ii)
21 advanced power flow controls used to actively control the
22 flow of electricity across transmission lines to optimize
23 usage or relieve congestion; (iii) software or hardware
24 used to identify optimal transmission grid configurations
25 or enable routing power flows around congestion points;
26 and (iv) advanced transmission line conductors that have a

1 direct current electrical resistance at least 10% lower
2 than existing conductors of a similar diameter on the
3 transmission system.

4 (b) Consistent with the findings identified in subsection
5 (a), the Commission shall open an investigation to develop and
6 adopt an initial ~~a~~ renewable energy access plan no later than
7 December 31, 2022. To assist and support the Commission in the
8 development of the plan, the Commission shall retain the
9 services of technical and policy experts with relevant fields
10 of expertise, solicit technical and policy analysis from the
11 public, and provide for a 120-day open public comment period
12 after publication of a draft report, which shall be published
13 no later than 90 days after the comment period ends. The plan
14 shall, at a minimum, do the following:

15 (1) designate renewable energy access plan zones
16 throughout this State in areas in which renewable energy
17 resources and suitable land areas are sufficient for
18 developing generating capacity from renewable energy
19 technologies;

20 (2) develop a plan to achieve transmission capacity
21 necessary to deliver the electric output from renewable
22 energy technologies in the renewable energy access plan
23 zones to customers in Illinois and other states in a
24 manner that is most beneficial and cost-effective to
25 customers;

26 (3) use this State's position as an electricity

1 generation and power transmission hub to create new
2 investment in this State's renewable energy resources;

3 (4) consider programs, policies, and electric
4 transmission projects that can be adopted within this
5 State that promote the cost-effective delivery of power
6 from renewable energy resources interconnected to the bulk
7 electric system to meet the renewable portfolio standard
8 targets under subsection (c) of Section 1-75 of the
9 Illinois Power Agency Act;

10 (5) consider proposals to improve regional
11 transmission organizations' regional and interregional
12 system planning processes, especially proposals that
13 reduce costs and emissions, create jobs, and increase
14 State and regional power system reliability to prevent
15 high-cost outages that can endanger lives, and analyze of
16 how those proposals would improve reliability and
17 cost-effective delivery of electricity in Illinois and the
18 region;

19 (6) make findings and policy recommendations based on
20 technical and policy analysis regarding locations of
21 renewable energy access plan zones and the transmission
22 system developments needed to cost-effectively achieve the
23 public policy goals identified herein;

24 (6.5) make findings and policy recommendations based
25 on analysis regarding the impact of converting non-powered
26 dams to hydropower dams relative to the alternative

1 renewable energy resources; and

2 (7) present the Commission's conclusions and proposed
3 recommendations based on its analysis and use the findings
4 and policy recommendations to determine actions that the
5 Commission should take.

6 (c) No later than December 31, 2025, and updated no later
7 than 180 days after the effective date of this amendatory Act
8 of the 104th General Assembly to incorporate changes pursuant
9 to this amendatory Act of the 104th General Assembly, and
10 every other year thereafter starting in 2028, the Commission
11 shall open an investigation to develop and adopt a ~~an updated~~
12 renewable energy access plan update that considers electric
13 transmission projects, transmission policies, transmission
14 alternatives, advanced transmission technologies, other ways
15 to expand capacity on existing or future transmission, and
16 transmission headroom and, at a minimum, ~~7: evaluates the~~
17 ~~implementation and effectiveness of the renewable energy~~
18 ~~access plan, recommends improvements to the renewable energy~~
19 ~~access plan, and provides changes to transmission capacity~~
20 ~~necessary to deliver electric output from the renewable energy~~
21 ~~access plan zones.~~

22 (1) evaluates the implementation and effectiveness of
23 the renewable energy access plan;

24 (2) recommends improvements to the renewable energy
25 access plan;

26 (3) includes updated inputs and assumptions developed

1 under the integrated resource plan developed and approved
2 pursuant to Section 16-201 and Section 16-202;

3 (4) may request utilities and other parties to
4 specifically identify all elements of the existing
5 transmission system where advanced transmission
6 technologies are likely to achieve enhanced system
7 resilience or reliability, reduce potential siting
8 conflicts or land impacts from the development of new
9 transmission lines, promote the cost-effective delivery of
10 power from renewable energy resources interconnected to
11 the bulk electric system, enable the interconnection of
12 renewable energy resources, or reduce curtailment of
13 renewable energy resources. The plan must identify all
14 elements of the existing transmission system which have
15 experienced capacity constraints or congestion within the
16 prior 2 years and explain whether any advanced
17 transmission technology could reduce or resolve the
18 capacity constraint or congestion;

19 (5) includes an evaluation of identified and proposed
20 transmission projects, including proposed advanced
21 transmission technology projects, based on independent
22 analysis of costs and benefits, including customer bill
23 impacts over the life of the project and achievement of
24 State clean energy goals. Projects shall be evaluated in
25 coordination with other proposals, and may include a
26 combined evaluation of portfolios of projects;

1 (6) develops a recommended list of transmission
2 projects and advanced transmission technology projects
3 that achieve the clean energy public policy objectives of
4 the State. Nothing in this Section shall limit the
5 recommended list of transmission projects to those
6 initially proposed. However, no transmission or advanced
7 transmission technology project can be included in the
8 recommended list unless evaluated; and

9 (7) considers additional mechanisms designed to
10 capture the potential value of geographically diverse
11 resources that proposed interregional transmission
12 projects may provide.

13 The Commission may evaluate options for implementation of
14 the recommended list of transmission projects and advanced
15 transmission technology projects that achieve the clean energy
16 public policy objectives of the State, including through the
17 use of a state agreement approach or a similar structure made
18 available through the relevant regional transmission
19 organizations, and approves final recommendations on
20 implementation.

21 The Commission may invite any interested party to identify
22 transmission projects, including any associated network
23 upgrades, necessary to facilitate achievement of the goals of
24 the plan and the most recently approved integrated resource
25 plan. Proposals for projects shall include a description of
26 each project; a proposed target date for completion; an

1 estimated timeline for development; the energy, capacity, and
2 generation profile of renewable generation and energy storage
3 enabled by the project; anticipated new loads served by the
4 project; the proposed technology used, including the use of
5 any advanced transmission technologies; and the status of any
6 permits or approvals necessary. For projects with a target
7 completion date of within 5 years from the date of proposal,
8 the proposal must also include an estimated cost of the
9 project and the proposed routing corridor. The Commission
10 shall aim to complete the updated plan investigation within 12
11 months of opening.

12 (d) Each transmission-owning State utility serving more
13 than 200,000 customers in this State may prepare a plan for
14 integrating advanced transmission technologies into the
15 utility's existing transmission system. The plan must identify
16 all elements of the existing transmission system where
17 advanced transmission technologies are likely to achieve any
18 of the following purposes:

- 19 (1) enhance system resilience or reliability;
20 (2) reduce potential siting conflicts or land impacts
21 from the development of new transmission lines;
22 (3) promote the cost-effective delivery of power from
23 renewable energy resources interconnected to the bulk
24 electric system to meet the renewable portfolio standard
25 targets under subsection (c) of Section 1-75 of the
26 Illinois Power Agency Act;

1 (4) enable the interconnection of renewable energy
2 resources to meet the renewable portfolio standard targets
3 under subsection (c) of Section 1-75 of the Illinois Power
4 Agency Act; or

5 (5) reduce curtailment of renewable or zero-carbon
6 resources.

7 The plan must identify all elements of the existing
8 transmission system which have experienced capacity
9 constraints or congestion within the prior 2 years and explain
10 whether any advanced transmission technology could reduce or
11 resolve the capacity constraint or congestion. Each
12 transmission-owning State utility may submit an advanced
13 transmission technology integration plan to the Commission for
14 consideration as part of the Commission's updated renewable
15 energy access plan investigation under subsection (c). In the
16 Commission's updated renewable energy access plan, the
17 Commission may evaluate, request modifications for, change the
18 timelines of implementation for, and determine the next steps
19 for each advanced transmission integration plan.

20 (e) Each transmission-owning State utility serving more
21 than 200,000 customers in this State may conduct a
22 comprehensive Transmission Headroom Study that shall identify,
23 at a minimum, the points of interconnection with unused,
24 existing transmission headroom on the State system, including
25 available capacity behind existing, underutilized points of
26 interconnection, and the amount of available headroom in

1 megawatts at each identified point of interconnection. Each
2 transmission-owning State utility may submit a Transmission
3 Headroom Study to the Commission for consideration as part of
4 the Commission's updated renewable energy access plan
5 investigation under subsection (c).

6 (f) The Commission shall approve an updated renewable
7 energy access plan if it finds that, at a minimum, the evidence
8 in the investigation meets the criteria outlined in subsection
9 (c) and demonstrates that the updated plan will support the
10 clean energy public policy objectives of the State.

11 (g) The Commission shall notify the applicable regional
12 transmission organizations and utilities of any final
13 recommendations to support the clean energy public policy
14 objectives of the State.

15 (h) Nothing in this Section alters the rights of
16 transmission utilities (i) under rates on file with the
17 Federal Energy Regulatory Commission or the Illinois Commerce
18 Commission, (ii) under orders and determinations of the
19 Federal Energy Regulatory Commission or a regional
20 transmission organization, or (iii) under applicable State
21 laws and policies.

22 (Source: P.A. 102-662, eff. 9-15-21; 103-380, eff. 1-1-24.)

23 (220 ILCS 5/8-513 new)

24 Sec. 8-513. Thermal Energy Network Pilot Program.

25 (a) The Commission shall coordinate with the Illinois

1 Finance Authority, in its role as Climate Bank for the State,
2 to leverage any available federal funding to support thermal
3 energy network pilot projects through the provision of grants
4 or to provide or leverage financing. If that federal funding
5 is not available or not sufficient to meet program objectives,
6 the Commission shall authorize the allocation of up to
7 \$20,000,000 to support the thermal energy network pilot
8 projects, to be provided to the Illinois Finance Authority to
9 distribute to projects as a grant or to provide or leverage
10 financing. The Illinois Finance Authority shall submit
11 projects that have already been approved by the Illinois
12 Finance Authority to the Commission for review and approval in
13 a form and manner determined by the Commission. The Commission
14 shall approve projects that it deems to be just, reasonable,
15 and in the public interest. Any allocation of funding shall
16 provide for the Illinois Finance Authority to use a portion of
17 such allocated funds to support its reasonable administrative
18 costs in administering the program under this Section.

19 (b) An electric utility shall be entitled to recover,
20 through tariffed charges approved by the Commission, all of
21 the costs associated with projects authorized for funding by
22 the Commission pursuant to this Section and shall be recovered
23 as part of the utility's costs incurred under Section 45 of the
24 Electric Vehicle Act. If any authorized funds have not been
25 recovered by the utility as of January 1, 2029, the
26 Environmental Protection Agency shall allocate the remaining

1 funds to the Illinois Finance Authority as part of its
2 beneficial electrification programs described in Section 45 of
3 the Electric Vehicle Act.

4 (c) As part of any pilot project proposed pursuant to this
5 Section, the Commission is authorized to approve any specific
6 customer rebates and incentives and any project-specific
7 tariffs and rules. The Commission may create a standard
8 proposed rate structure or minimum requirements for a rate
9 structure to be required of all thermal energy network pilot
10 projects. The Commission may approve the proposed rate
11 structure of a thermal energy network pilot project if the
12 projected heating and cooling costs for end users is not
13 greater than the projected heating and cooling costs the end
14 users would have incurred if the end users had not
15 participated in the program. In its approval process, the
16 Commission shall take into account scenarios where pilot
17 projects enhance comfort and safety for customers through
18 expanded access to affordable heating and cooling.

19 (d) Approved thermal energy network pilot projects shall
20 report to the Commission, on a quarterly basis and until
21 completion of the thermal energy network pilot project, the
22 status of each thermal energy network pilot project. The
23 Commission shall post and make publicly available the reports
24 on its website. The reports shall include, but not be limited
25 to:

26 (1) the stage of development of each pilot project;

1 (2) the barriers to development;

2 (3) the number of customers served;

3 (4) the costs of the pilot project;

4 (5) the number of jobs retained or created by the
5 pilot project;

6 (6) energy savings and fuel savings from the project
7 and energy consumption by the project; and

8 (7) other information the Commission deems to be in
9 the public interest or considers likely to prove useful or
10 relevant to the rulemaking described in subsection (i).

11 (e) Any entity operating a Commission-approved thermal
12 energy network pilot project shall demonstrate that it has
13 entered into a labor peace agreement with a bona fide labor
14 organization that is actively engaged in representing its
15 employees. The labor peace agreement shall apply to the
16 employees necessary for the ongoing maintenance and operation
17 of the thermal energy network. The existence of a labor peace
18 agreement shall be an ongoing material condition of an
19 entity's authorization to maintain and operate the thermal
20 energy networks.

21 (f) Any contractor or subcontractor that performs work on
22 a thermal energy network pilot project under this Section
23 shall be a responsible bidder, as described in Section 30-22
24 of the Illinois Procurement Code, and shall certify that not
25 less than prevailing wage, as determined under the Prevailing
26 Wage Act, was or will be paid to the employees who are engaged

1 in construction activities associated with the pilot thermal
2 energy network system. The contractor or subcontractor shall
3 submit evidence to the Commission that it complied with the
4 requirements of this subsection (f). For any approved thermal
5 energy network pilot project, the contractor or subcontractor
6 shall submit evidence that the contractor or subcontractor has
7 entered into a fully executed project labor agreement for the
8 thermal energy network system prior to the initiation of
9 construction activities.

10 (220 ILCS 5/9-229)

11 Sec. 9-229. Consideration of attorney and expert
12 compensation as an expense and intervenor compensation fund.

13 (a) The Commission shall specifically assess the justness
14 and reasonableness of any amount expended by a public utility
15 to compensate attorneys or technical experts to prepare and
16 litigate a general rate case filing. This issue shall be
17 expressly addressed in the Commission's final order.

18 (b) The State of Illinois shall create a Consumer
19 Intervenor Compensation Fund subject to the following:

20 (1) Provision of compensation for consumer interest
21 representatives ~~Consumer Interest Representatives~~ that
22 intervene in Illinois Commerce Commission proceedings will
23 increase public engagement, encourage additional
24 transparency, expand the information available to the
25 Commission, and improve decision-making.

1 (2) As used in this Section, "consumer ~~Consumer~~
2 interest representative" means:

3 (A) a residential utility customer or group of
4 residential utility customers represented by a
5 not-for-profit group or organization registered with
6 the Illinois Attorney General under the Solicitation
7 for Charity Act;

8 (B) representatives of not-for-profit groups or
9 organizations whose membership is limited to
10 residential utility customers; or

11 (C) representatives of not-for-profit groups or
12 organizations whose membership includes Illinois
13 residents and that address the community, economic,
14 environmental, or social welfare of Illinois
15 residents, except government agencies ~~or intervenors~~
16 specifically authorized by Illinois law to participate
17 in Commission proceedings on behalf of Illinois
18 consumers.

19 (3) A consumer interest representative is eligible to
20 receive compensation from the Consumer Intervenor
21 Compensation Fund ~~consumer intervenor compensation fund~~ if
22 its participation included lay or expert testimony or
23 legal briefing and argument concerning the expenses,
24 investments, rate design, rate impact, development of an
25 integrated resource plan pursuant to Section 16-201 and
26 any related proceedings, or other matters affecting the

1 pricing, rates, costs or other charges associated with
2 utility service and, the Commission does not find the
3 participation to be immaterial ~~adopts a material~~
4 ~~recommendation related to a significant issue in the~~
5 ~~docket, and participation caused a significant financial~~
6 ~~hardship to the participant;~~ however, no consumer interest
7 representative shall be eligible to receive an award
8 pursuant to this Section if the consumer interest
9 representative receives any compensation, funding, or
10 donations, directly or indirectly, from parties that have
11 a financial interest in the outcome of the proceeding.
12 Funding from residential ratepayers shall not be
13 considered funding from a party with a financial interest
14 unless determined to be by the Commission. The Commission
15 shall determine participation by the consumer interest
16 representative to be material if recommendations made by
17 the consumer interest representative are:

18 (A) relevant to issues in the proceeding on which
19 the Commission makes a finding;

20 (B) supported by facts, such as studies, methods,
21 or calculations, or by legal or policy analysis; and

22 (C) offered by the consumer interest
23 representative into evidence in the record of that
24 proceeding, or for legal or policy analysis, are filed
25 in the docket of that proceeding, through briefing,
26 motion, or other method.

1 (4) Within 30 days after September 15, 2021 (the
2 effective date of Public Act 102-662), each utility that
3 files a request for an increase in rates under Article IX
4 or Article XVI shall deposit an amount equal to one half of
5 the rate case attorney and expert expense allowed by the
6 Commission, but not to exceed \$500,000, into the fund
7 within 35 days of the date of the Commission's final Order
8 in the rate case or 20 days after the denial of rehearing
9 under Section 10-113 of this Act, whichever is later. The
10 Consumer Intervenor Compensation Fund shall be used to
11 provide payment to consumer interest representatives as
12 described in this Section.

13 (5) An electric public utility with 3,000,000 or more
14 retail customers shall contribute \$450,000 to the Consumer
15 Intervenor Compensation Fund within 60 days after
16 September 15, 2021 (the effective date of Public Act
17 102-662). A combined electric and gas public utility
18 serving fewer than 3,000,000 but more than 500,000 retail
19 customers shall contribute \$225,000 to the Consumer
20 Intervenor Compensation Fund within 60 days after
21 September 15, 2021 (the effective date of Public Act
22 102-662). A gas public utility with 1,500,000 or more
23 retail customers that is not a combined electric and gas
24 public utility shall contribute \$225,000 to the Consumer
25 Intervenor Compensation Fund within 60 days after
26 September 15, 2021 (the effective date of Public Act

1 102-662). A gas public utility with fewer than 1,500,000
2 retail customers but more than 300,000 retail customers
3 that is not a combined electric and gas public utility
4 shall contribute \$80,000 to the Consumer Intervenor
5 Compensation Fund within 60 days after September 15, 2021
6 (the effective date of Public Act 102-662). A gas public
7 utility with fewer than 300,000 retail customers that is
8 not a combined electric and gas public utility shall
9 contribute \$20,000 to the Consumer Intervenor Compensation
10 Fund within 60 days after September 15, 2021 (the
11 effective date of Public Act 102-662). A combined electric
12 and gas public utility serving fewer than 500,000 retail
13 customers shall contribute \$20,000 to the Consumer
14 Intervenor Compensation Fund within 60 days after
15 September 15, 2021 (the effective date of Public Act
16 102-662). A water or sewer public utility serving more
17 than 100,000 retail customers shall contribute \$80,000,
18 and a water or sewer public utility serving fewer than
19 100,000 but more than 10,000 retail customers shall
20 contribute \$20,000.

21 (6) (A) Prior to the entry of a final order ~~Final Order~~
22 in a docketed case, the Commission Administrator shall
23 provide a payment to a consumer interest representative
24 that demonstrates through a verified application for
25 funding that the consumer interest representative's
26 participation or intervention without an award of fees or

1 costs imposes a significant financial cost for the
2 consumer interest representative ~~hardship based on a~~
3 ~~schedule to be developed by the Commission.~~ The
4 Administrator may require verification of costs expected
5 to be incurred, including statements of expected hours
6 spent, as a condition to paying the consumer interest
7 representative prior to the entry of a final order ~~Final~~
8 ~~Order~~ in a docketed case. The upfront payment prior to the
9 entry of a final order in the relevant docketed case shall
10 be subject to the reconciliation process described in
11 subparagraph (C) of this paragraph. For purposes of
12 upfront payments provided for under this subparagraph, and
13 provided the testimony or legal argument was offered into
14 evidence or filed in the docket, a decision by the
15 Commission prior to entry of a final order that a consumer
16 interest representative's evidence or legal argument is
17 relevant to issues in the proceeding under subparagraph
18 (A) of paragraph (3) shall not be subject to
19 reconsideration. Any compensation awarded shall be subject
20 to review and reconciliation under subparagraph (C) of
21 this paragraph. Payments made after the issuance of a
22 final order in the relevant docketed case do not require
23 the reconciliation.

24 (B) If the Commission does not find the participation
25 to be immaterial ~~adopts a material recommendation related~~
26 ~~to a significant issue in the docket and participation~~

1 ~~caused a financial hardship to the participant,~~ then the
2 consumer interest representative shall be allowed payment
3 for some or all of the consumer interest representative's
4 reasonable attorney's or advocate's fees, reasonable
5 expert witness fees, and other reasonable costs of
6 preparation for and participation in a hearing or
7 proceeding. Expenses related to travel or meals shall not
8 be compensable. Expenses incurred by participation in
9 workshops or other informal processes outside a docketed
10 proceeding shall not be compensable. Attorneys and expert
11 witnesses who represent or testify for more than one party
12 in the same docketed proceeding and perform essentially
13 the same work on behalf of the parties shall not be
14 compensated more than once for those same services
15 rendered in that proceeding.

16 (C) The consumer interest representative shall submit
17 an itemized request for compensation to the Consumer
18 Intervenor Compensation Fund, including the advocate's or
19 attorney's reasonable fee rate, the number of hours
20 expended, reasonable expert and expert witness fees, and
21 other reasonable costs for the preparation for and
22 participation in the hearing and briefing within 30 days
23 after ~~of~~ the Commission's final order or the Commission's
24 ~~after~~ denial or decision on rehearing, if any, whichever
25 is later. If compensation is provided prior to the entry
26 of a final order in a docketed case, such compensation

1 shall be adjusted following the final order to reconcile
2 the difference between actual eligible expenses incurred
3 and the amount of compensation provided prior to the entry
4 of the final order. The reconciliation adjustment shall
5 ensure that the total compensation awarded to the
6 applicant is no more and no less than the actual eligible
7 expenses incurred. Payments made after the issuance of a
8 final order in the relevant docketed case do not require
9 the reconciliation.

10 (7) Administration of the Fund.

11 (A) The Consumer Intervenor Compensation Fund is
12 created as a special fund in the State treasury. All
13 disbursements from the Consumer Intervenor Compensation
14 Fund shall be made only upon warrants of the Comptroller
15 drawn upon the Treasurer as custodian of the Fund upon
16 vouchers signed by the Executive Director of the
17 Commission or by the person or persons designated by the
18 Director for that purpose. The Comptroller is authorized
19 to draw the warrant upon vouchers so signed. The Treasurer
20 shall accept all warrants so signed and shall be released
21 from liability for all payments made on those warrants.
22 The Consumer Intervenor Compensation Fund shall be
23 administered by an Administrator that is a person or
24 entity that is independent of the Commission. The
25 administrator will be responsible for the prudent
26 management of the Consumer Intervenor Compensation Fund

1 and for recommendations for the award of consumer
2 intervenor compensation from the Consumer Intervenor
3 Compensation Fund. The Commission shall issue a request
4 for qualifications for a third-party program administrator
5 to administer the Consumer Intervenor Compensation Fund.
6 The third-party administrator shall be chosen through a
7 competitive bid process based on selection criteria and
8 requirements developed by the Commission. The Illinois
9 Procurement Code does not apply to the hiring or payment
10 of the Administrator. All Administrator costs may be paid
11 for using monies from the Consumer Intervenor Compensation
12 Fund, but the Program Administrator shall strive to
13 minimize costs in the implementation of the program.

14 (B) The computation of compensation awarded from the
15 fund shall take into consideration the market rates paid
16 to persons of comparable training and experience who offer
17 similar services, but may not exceed the comparable market
18 rate for services paid by the public utility as part of its
19 rate case expense.

20 (C) (1) Recommendations on the award of compensation by
21 the administrator shall include consideration of whether
22 the participation was material ~~Commission adopted a~~
23 ~~material recommendation related to a significant issue in~~
24 ~~the docket and whether participation caused a financial~~
25 ~~hardship to the participant and the payment of~~
26 ~~compensation is fair, just and reasonable.~~

1 (2) Recommendations on the award of compensation by
2 the administrator shall be submitted to the Commission for
3 approval within 30 days after when the application for
4 funding is submitted to the administrator. Unless the
5 Commission initiates an investigation within 60 ~~45~~ days
6 after an application for funding is submitted to the
7 administrator, the Commission shall within 90 days after
8 the application is submitted to the administrator, or as
9 soon as practicable thereafter, award funding to the
10 applicant. Notice of the administrator's award
11 recommendation ~~the notice to the Commission, the award of~~
12 ~~compensation shall be allowed 45 days after notice to the~~
13 ~~Commission. Such notice~~ shall be given by filing with the
14 Commission on the Commission's e-docket system, and
15 keeping open for public inspection the award for
16 compensation proposed by the Administrator. The Commission
17 shall have power, and it is hereby given authority, either
18 upon complaint or upon its own initiative without
19 complaint, at once, and if it so orders, without answer or
20 other formal pleadings, but upon reasonable notice, to
21 enter upon a hearing concerning the propriety of the
22 award.

23 (c) The Commission may adopt rules to implement this
24 Section.

25 (Source: P.A. 102-662, eff. 9-15-21; 103-605, eff. 7-1-24.)

1 (220 ILCS 5/16-105.17)

2 Sec. 16-105.17. Multi-Year Integrated Grid Plan.

3 (a) The General Assembly finds that ensuring alignment of
4 regulated utility operations, expenditures, and investments
5 with public benefit goals, including safety, reliability,
6 resiliency, affordability, equity, emissions reductions, and
7 expansion of clean distributed energy resources, is critical
8 to maximizing the benefits of the interconnected utility grid
9 and cost-effective utility expenditures on the grid. It is the
10 policy of the State to promote inclusive, comprehensive,
11 transparent, cost-effective distribution system planning and
12 disclosures processes that minimize long-term costs for
13 Illinois customers and support the achievement of State
14 renewable energy development and other clean energy, public
15 health, and environmental policy goals. Utility distribution
16 system expenditures, programs, investments, and policies must
17 be evaluated in coordination with these goals. In particular,
18 the General Assembly finds that:

19 (1) Investment in infrastructure to support and enable
20 existing and new distributed energy resources creates
21 significant economic development, environmental, and
22 public health benefits in the State.

23 (2) Illinois' electricity distribution system must
24 cost-effectively integrate renewable energy resources,
25 including utility-scale renewable energy resources,
26 community renewable generation, and distributed renewable

1 energy resources, support beneficial electrification,
2 including electric vehicle use and adoption, promote
3 opportunities for third-party investment in
4 nontraditional, grid-related technologies and resources
5 such as batteries, solar photovoltaic panels, and smart
6 thermostats, reduce energy usage generally and especially
7 during times of greatest reliance on fossil fuels, and
8 enhance customer engagement opportunities.

9 (3) Inclusive distribution system planning is an
10 essential tool for the Commission, public utilities, and
11 stakeholders to effectively coordinate environmental,
12 consumer, reliability, and equity goals at fair and
13 reasonable costs, and for ensuring transparent utility
14 accountability for meeting those goals.

15 (4) Any planning process should advance Illinois
16 energy policy goals while ensuring utility investments are
17 cost-effective. Such a process should maximize the sharing
18 of information, minimize overlap with existing filing
19 requirements to ensure robust stakeholder participation,
20 and recognize the responsibility of the utility to manage
21 the grid in a safe, reliable manner.

22 (5) The General Assembly is concerned that, in the
23 absence of a transparent, meaningful distribution system
24 planning process, utility investments may not always serve
25 customers' best interests, appropriately promote the
26 expansion of clean distributed energy resources, and

1 advance equity and environmental justice.

2 (6) The General Assembly is also encouraged by the
3 opportunities presented by nontraditional solutions to
4 utility, customer, and grid needs that may be more
5 efficient and cost-effective, and less environmentally
6 harmful than traditional solutions. Nontraditional
7 solutions include distributed energy resources owned or
8 implemented by customers and independent third parties,
9 controllable load, beneficial electrification, or rate
10 design that encourages efficient energy use.

11 (7) The General Assembly finds that Illinois
12 utilities' current processes for planning their
13 distribution system should be made more accessible and
14 transparent to individuals and communities, and that more
15 inclusive and accessible distribution system planning
16 processes would be in the interests of all Illinois
17 residents.

18 (8) The General Assembly finds it would be beneficial
19 to require utilities to demonstrate how their spending
20 promotes identified State clean energy goals, such as
21 integrating renewable energy, empowering customers to make
22 informed choices, supporting electric vehicles, beneficial
23 electrification, and energy storage, achieving equity
24 goals, enhancing resilience, and maintaining reliability.

25 The General Assembly therefore directs the utilities to
26 implement distribution system planning as described in this

1 Section in order to accelerate progress on Illinois clean
2 energy and environmental goals and hold electric utilities
3 publicly accountable for their performance.

4 (b) Unless otherwise specified, the terms used in this
5 Section shall have the same meanings as defined in Sections
6 16-102 and 16-107.6. As used in this Section:

7 "Demand response" means measures that decrease peak
8 electricity demand or shift demand from peak to off-peak
9 periods.

10 "Distributed energy resources" or "DER" means a wide range
11 of technologies that are connected to the grid, including
12 those that are located on the customer side of the customer's
13 electric meter and can provide value to the distribution
14 system, including, but not limited to, distributed generation,
15 energy storage, electric vehicles, and demand response
16 technologies.

17 "Environmental justice communities" means the definition
18 of that term based on existing methodologies and findings,
19 used and as may be updated by the Illinois Power Agency and its
20 Program Administrator in the Illinois Solar for All Program.

21 (c) This Section applies to electric utilities serving
22 more than 500,000 retail customers in the State.

23 (d) The Multi-Year Integrated Grid Plan ("the Plan") shall
24 be designed to:

25 (1) ensure coordination of the State's renewable
26 energy goals, climate and environmental goals with the

1 utility's distribution system investments, and programs
2 and policies over a 5-year planning horizon to maximize
3 the benefits of each while ensuring utility expenditures
4 are cost-effective;

5 (2) optimize utilization of electricity grid assets
6 and resources to minimize total system costs;

7 (3) support efforts to bring the benefits of grid
8 modernization and clean energy, including, but not limited
9 to, deployment of distributed energy resources, to all
10 retail customers, and support efforts to bring at least
11 40% of the benefits of those benefits to Equity Investment
12 Eligible Communities. Nothing in this paragraph is meant
13 to require a specific amount of spending in a particular
14 geographic area;

15 (4) enable greater customer engagement, empowerment,
16 and options for energy services;

17 (5) reduce grid congestion, minimize the time and
18 expense associated with interconnection, and increase the
19 capacity of the distribution grid to host increasing
20 levels of distributed energy resources, to facilitate
21 availability and development of distributed energy
22 resources, particularly in locations that enhance consumer
23 and environmental benefits;

24 (6) ensure opportunities for robust public
25 participation through open, transparent planning
26 processes.

1 (7) provide for the analysis of the cost-effectiveness
2 of proposed system investments, which takes into account
3 environmental costs and benefits;

4 (8) to the maximum extent practicable, achieve or
5 support the achievement of Illinois environmental goals,
6 including those described in Section 9.10 of the
7 Environmental Protection Act and Section 1-75 of the
8 Illinois Power Agency Act, and emissions reductions
9 required to improve the health, safety, and prosperity of
10 all Illinois residents;

11 (9) support existing Illinois policy goals promoting
12 the long-term growth of energy efficiency, demand
13 response, and investments in renewable energy resources;

14 (10) provide sufficient public information to the
15 Commission, stakeholders, and market participants in order
16 to enable nonemitting customer-owned or third-party
17 distributed energy resources, acting individually or in
18 aggregate, to seamlessly and easily connect to the grid,
19 provide grid benefits, support grid services, and achieve
20 environmental outcomes, without necessarily requiring
21 utility ownership or controlling interest over those
22 resources, and enable those resources to act as
23 alternatives to utility capital investments; and

24 (11) provide delivery services at rates that are
25 affordable to all customers, including low-income
26 customers.

1 (e) Plan Development Stakeholder Process.

2 (1) To promote the transparency of utility
3 distributions system planned investments and the planning
4 process for those investments, the Commission shall
5 convene a workshop process, over a period of no less than 5
6 months, for each such utility for the purpose of
7 establishing an open, inclusive, and cooperative forum
8 regarding such investments. The workshops shall be
9 facilitated by an independent, third-party facilitator
10 selected by the Commission. Data and projections provided
11 through the workshop process shall be designed to provide
12 participants with information about the electric utility's
13 (i) historic distribution system investments for at least
14 the 5 years prior to the year in which the workshop is held
15 and (ii) planned investments for the 5-year period
16 following the year in which the workshop is held. The
17 workshop process shall recognize that estimates for later
18 years will be less reliable and indicative of future
19 conduct than estimates for earlier years and that the
20 electric utility is subject to financial and system
21 planning processes. No later than January 1, 2022, the
22 facilitator shall initiate a series of workshops for each
23 electric utility subject to this Section. The series of
24 workshops shall include no fewer than 6 workshops and
25 shall conclude no later than June 1, 2022.

26 (2) The workshops shall be designed to achieve the

1 following objectives:

2 (A) review utilities' planned capital investments
3 and supporting data;

4 (B) review how utilities plan to invest in their
5 distribution system in order to meet the system's
6 projected needs;

7 (C) review system and locational data on
8 reliability, resiliency, DER, and service quality
9 provided by the utilities;

10 (D) solicit and consider input from diverse
11 stakeholders, including representatives from
12 environmental justice communities, geographically
13 diverse communities, low-income representatives,
14 consumer representatives, environmental
15 representatives, organized labor representatives,
16 third-party technology providers, and utilities;

17 (E) consider proposals from utilities and
18 stakeholders on programs and policies necessary to
19 achieve the objectives in subsection (d) of this
20 Section;

21 (F) consider proposals applicable to each
22 component of the utilities' Multi-Year Integrated Grid
23 Plan filings under paragraph (2) of subsection (f) of
24 this Section;

25 (G) educate and equip interested stakeholders so
26 that they can effectively and efficiently provide

1 feedback and input to the electric utility; and

2 (H) review planned capital investment to ensure
3 that delivery services are provided at rates that are
4 affordable to all customers, including low-income
5 customers.

6 (3) To the extent any of the information in
7 subparagraphs (A) through (H) of paragraph (2) of this
8 subsection is designated as confidential and proprietary
9 under the Commission's rules, the proponent of the
10 designation shall have the burden of making the requisite
11 showing under the Commission's rules. For data that is
12 determined to be confidential or that includes personally
13 identifiable information, the Commission may develop
14 procedures and processes to enable data sharing with
15 parties and stakeholders while ensuring the
16 confidentiality of the information.

17 (4) Workshops should be organized and facilitated in a
18 manner that encourages representation from diverse
19 stakeholders, ensuring equitable opportunities for
20 participation, without requiring formal intervention or
21 representation by an attorney. Workshops should be held
22 during both day and evening hours, in a variety of
23 locations within each electric utility's service
24 territory, and should allow remote participation.

25 (5) It is a goal of the State that this workshop
26 process will provide a forum for interested stakeholders

1 to effectively and efficiently provide feedback and input
2 to the electric utility. It is also a goal of the State
3 that stakeholder participation in this process will
4 prepare stakeholders to more capably participate in
5 Multi-Year Rate Plan proceedings conducted pursuant to
6 Section 16-108.18 of this Act, if they so elect. As part of
7 the workshop process, the electric utility shall submit to
8 the Commission the electric utility's capital investments
9 proposal, and supporting data described in subparagraphs
10 (A) through (C) of paragraph (2) of this subsection (e)
11 before the start of workshops to allow interested
12 stakeholders to reasonably review data before attending
13 workshops. The Commission shall make public the utility
14 capital investments proposal by posting it on the
15 Commission's website and set the location and time of any
16 workshop to be held as part of the workshop process, and
17 establish a data request process, consistent with the
18 Commission's rules, that affords workshop participants
19 opportunities to submit data requests to the utility, and
20 receive responses in accordance with the utility's
21 obligations under the law, prior to the workshop,
22 regarding the information described in this paragraph (5).
23 Upon the written request of a workshop participant, the
24 utility shall also present at a given workshop at least
25 one appropriate company representative who can address the
26 specific written questions or written categories of

1 questions identified in advance by the workshop
2 participant regarding issues related to the utility's
3 Multi-Year Integrated Grid Plan. To facilitate public
4 feedback, the administrator facilitating the workshops
5 shall, throughout the workshop process, develop questions
6 for stakeholder input on topics being considered. This may
7 include, but is not limited to: design of the workshop
8 process, locational data and information provided by
9 utilities, alignment of plans, programs, investments and
10 objectives, and other topics as deemed appropriate by the
11 Commission facilitation staff. Stakeholder feedback shall
12 not be limited to these questions. The information
13 provided as part of the workshop process pursuant to this
14 subsection (e) is intended to be informational and to
15 provide a preliminary view of costs and investments, which
16 may change. Accordingly, the information provided pursuant
17 to this subsection (e) shall not be binding on the utility
18 and shall not be the sole basis for a finding in any
19 Commission proceeding of imprudence, unreasonableness, or
20 lack of use or usefulness of any individual or aggregate
21 level of utility plant or other investment or expenditure
22 addressed; however, information contained in the plan may
23 be used in a proceeding before the Commission, with weight
24 of such evidence to be determined by the Commission.

25 (6) Workshops shall not be considered settlement
26 negotiations, compromise negotiations, or offers to

1 compromise for the purposes of Illinois Rule of Evidence
2 408. All materials shared as a part of the workshop
3 process, and that are not determined to be confidential as
4 described in paragraph (3) of this subsection (e), shall
5 be made publicly available on a website made available by
6 the Commission.

7 (7) On conclusion of the workshops, the Commission
8 shall open a comment period that allows interested and
9 diverse stakeholders to submit comments and
10 recommendations regarding the utility's Multi-Year
11 Integrated Grid Plan filing. Based on the workshop process
12 and stakeholder comments and recommendations offered
13 verbally or in writing during the workshops and in writing
14 during the comment period following the workshops, the
15 independent third-party facilitator shall prepare a
16 report, to be submitted to the Commission no later than
17 July 1, 2022, describing the stakeholders, discussions,
18 proposals, and areas of consensus and disagreement from
19 the workshop process, and making recommendations to the
20 Commission regarding the utility's Multi-Year Integrated
21 Grid Plan. Interested stakeholders shall have an
22 opportunity to provide comment on the independent
23 third-party facilitator report.

24 (8) Based on discussions in the workshops, the
25 independent third-party facilitator report, and
26 stakeholder comments and recommendations made during and

1 following the workshop process, the Commission shall issue
2 initiating orders no later than August 1, 2022, requiring
3 the electric utilities subject to this Section to file the
4 first Multi-Year Integrated Grid Plan no later than
5 January 20, 2023. The initiating orders shall specify the
6 requirements applicable to the utilities' Multi-Year
7 Integrated Grid Plans, which shall supplement and not
8 replace those requirements described in subsection (f) of
9 this Section.

10 (f) Multi-Year Integrated Grid Plan.

11 (1) Pursuant to this subsection (f) and the initiating
12 orders of the Commission, each electric utility subject to
13 this Section shall, no later than January 20, 2023, submit
14 its first Multi-Year Integrated Grid Plan. No later than
15 January 20, 2026, and every 4 years thereafter, the
16 utility shall submit its subsequent Plan. Each Plan shall:

17 (A) incorporate requirements established by the
18 Commission in its initiating order; and

19 (B) propose distribution system investment
20 programs, policies, and plans designed to optimize
21 achievement of the objectives set forth in subsection
22 (d) of this Section and achieve the metrics approved
23 by the Commission pursuant to Section 16-108.18 of
24 this Act.

25 To the extent practicable and reasonable, all
26 programs, policies, and initiatives proposed by the

1 utility in its plan should be informed by stakeholder
2 input received during the workshop process pursuant to
3 subsection (e) of this Section. Where specific stakeholder
4 input has not been incorporated in proposed programs,
5 policies, and plans, the electric utility shall provide an
6 explanation as to why that input was not incorporated.

7 (2) In order to ensure electric utilities' ability to
8 meet the goals and objectives set forth in this Section,
9 the Multi-Year Integrated Grid Plans must include, at
10 minimum, the following information:

11 (A) A description of the utility's distribution
12 system planning process, including:

13 (i) the overview of the process, including
14 frequency and duration of the process, roles, and
15 responsibilities of utility personnel and
16 departments involved;

17 (ii) a summary of the meetings with
18 stakeholders conducted prior to filing of the plan
19 with the Commission.

20 (iii) the description of any coordination of
21 the processes with any other planning process
22 internal or external to the utility, including
23 those required by a regional transmission
24 operator.

25 (B) A detailed description of the current
26 operating conditions for the distribution system

1 separately presented for each of the utility's
2 operating areas, where possible, including a detailed
3 description, with supporting data, of system
4 conditions, including baseline data regarding the
5 utility's distribution system from the utility's
6 annual report to the Commission, total distribution
7 system substation capacity in kVa, total miles of
8 primary overhead distribution wire, and total miles of
9 primary underground distribution cable, distributed
10 energy resource deployment by type, size, customer
11 class, and geographic dispersion as to those DERs that
12 have completed the interconnection process, the most
13 current distribution line loss study, current and
14 expected System Average Interruption Frequency Index
15 and Customer Average Interruption Duration Index data
16 for the system, identification of the system model
17 software currently used and planned software
18 deployments, and other data needs as requested by the
19 Commission or as determined through Commission rules.
20 The description shall also include the utility's most
21 recent system load and peak demand forecast for at
22 least the next 5 years, and up to 10 years if
23 available, a discussion of how the forecast was
24 prepared and how distributed energy resources and
25 energy efficiency were factored into the forecast, and
26 identification of the forecasting software currently

1 used and planned software deployments.

2 (C) Financial Data.

3 (i) For each of the preceding 5 years, the
4 utility's distribution system investments by the
5 investment categories tracked by the utility,
6 including, but not limited to, new business,
7 facility relocation, capacity expansion, system
8 performance, preventive maintenance, corrective
9 maintenance, the total amount of investments
10 associated with the integration of DERs, the total
11 amount of charges to DER developers and retail
12 customers for interconnection of DERs to the
13 distribution system, and a list of each major
14 investment category the utility used to maintain
15 its routine standing operational activities and
16 the associated plant in service amount for each
17 category in which the plant in service amount is
18 at least \$2,000,000;

19 (ii) For each of the preceding 5 years, data
20 on and a discussion of the utility's distribution
21 system operation and maintenance expenses;

22 (iii) A 5-year long-range forecast of
23 distribution system capital investments and
24 operational and maintenance expenses, including a
25 discussion of any projections for expenses for the
26 categories listed in subparagraph (i) of this item

1 (C) .

2 (D) System data on DERs on the utility's
3 distribution system, including the total number and
4 nameplate capacity of DERs that completed
5 interconnection in the prior year, current DER
6 deployment by type, size, and geographic dispersion,
7 to the extent that granular geographic information
8 does not disclose personally identifiable information,
9 and other data as requested by the Commission or
10 determined by Commission rules.

11 (E) Hosting Capacity and Interconnection
12 Requirements.

13 (i) The utility shall make available on its
14 website the hosting capacity analysis results that
15 shall include mapping and GIS capability, as well
16 as any other requirements requested by the
17 Commission or determined through Commission rules.
18 The plan shall identify where the hosting capacity
19 analysis results shall be made publicly available.
20 This shall also include an assessment of the
21 impact of utility investments over the next 5
22 years on hosting capacity and a narrative
23 discussion of how the hosting capacity analysis
24 advances customer-sited distributed energy
25 resources, including electric vehicles, energy
26 storage systems, and photovoltaic resources, and

1 how the identification of interconnection points
2 on the distribution system will support the
3 continued development of distributed energy
4 resources.

5 (ii) Discussion of the utility's
6 interconnection requirements and how they comply
7 with the Commission's applicable regulations.

8 (F) Identification and discussion of the scenarios
9 considered in the development of the utility's
10 Multi-Year Integrated Grid Plan, including DER
11 scenarios, and discussion of base-case and alternative
12 scenarios, how the scenarios were developed and
13 selected, and how the scenarios include a reasonable
14 mix of DERs scenarios, types, and geographic
15 dispersion. Scenarios shall at least consider the
16 5-year forecast horizon of the Multi-Year Integrated
17 Grid Plan, but may also consider longer-term scenarios
18 where data is available. The plan shall also include
19 requirements requested by the Commission or determined
20 through Commission rules.

21 (G) An evaluation of the short-term and long-run
22 benefits and costs of distributed energy resources
23 located on the distribution system, including, but not
24 limited to, the locational, temporal, and
25 performance-based benefits and costs of distributed
26 energy resources. The utility shall use the results of

1 this evaluation to inform its analysis of Solution
2 Sourcing Opportunities, including nonwires
3 alternatives, under subparagraph (K) of paragraph (2)
4 subsection (f) of this Section. The Commission may use
5 the data produced through this evaluation to, among
6 other use-cases, inform the Commission's investigation
7 and establishment of tariffs and compensation for
8 distributed energy resources interconnecting to the
9 utility's distribution system, including rebates
10 provided by the electric utility pursuant to Section
11 16-107.6 of this Act.

12 (H) Long-term Distribution System Investment Plan.

13 (i) The utility's planned distribution capital
14 investments for the period covered by the planning
15 process required by this Section, by the
16 investment categories used by the utility, and
17 with discussion of any individual planned projects
18 with a planned total investment gross amount of
19 \$3,000,000 or more and of the alternatives
20 considered by the utility to such individual
21 projects including any non-traditional
22 alternatives and DER alternatives, and supporting
23 data. This shall provide sufficiently detailed
24 explanations of how the planned investments shall
25 support the goals in subsection (d) of this
26 Section.

1 (ii) Discussion of how the utility's capital
2 investments plan is consistent with Commission
3 orders regarding the procurement of renewable
4 resources as discussed in Section 16-111.5 of this
5 Act, energy efficiency plans as discussed in
6 Section 8-103B, distributed generation rebates as
7 discussed in Section 16-107.6, and any other
8 Commission order affecting the goals described in
9 subsection (d) of this Section.

10 (iii) A plan for achieving the applicable
11 metrics that were approved by the Commission for
12 the utility pursuant to subsection (e) of Section
13 16-108.18 of this Act.

14 (iv) A narrative discussion of the utility's
15 vision for the distribution system over the next 5
16 years.

17 (v) Any additional information requested by
18 the Commission or determined through Commission
19 rules.

20 (I) A detailed description of historic
21 distribution system operations and maintenance
22 expenditures for the preceding 5 years and of planned
23 or projected operations and maintenance expenditures
24 for the period covered by the planning process
25 required by this Section, as well as the data,
26 reasoning and explanation supporting planned or

1 projected expenditures. Any additional information
2 requested by the Commission or determined through
3 Commission rules.

4 (J) A detailed plan for achieving the applicable
5 metrics that were approved by the Commission for the
6 utility pursuant to subsection (e) of Section
7 16-108.18 of this Act, including, but not limited to,
8 the following:

9 (i) A description of, exclusive of low-income
10 rate relief programs and other income-qualified
11 programs, how the utility is supporting efforts to
12 bring 40% of benefits from programs, policies, and
13 initiatives proposed in their Multi-Year
14 Integrated Grid Plan to ratepayers in low-income
15 and environmental justice communities. This shall
16 also include any information requested by the
17 Commission or determined through Commission rules.
18 Nothing in this subparagraph is meant to require a
19 specific amount of spending in a particular
20 geographic area.

21 (ii) A detailed analysis of current and
22 projected flexible resources, including resource
23 type, size (in MW and MWh), location and
24 environmental impact, as well as anticipated needs
25 that can be met using flexible resources, to meet
26 the goals described in subsection (d) of this

1 Section, to meet the applicable metrics that were
2 approved by the Commission for the utility
3 pursuant to subsection (e) of Section 16-108.18 of
4 this Act, and any other Commission order affecting
5 the goals described in subsection (d) of this
6 Section.

7 (iii) Any additional information requested by
8 the Commission or determined through Commission
9 rules.

10 (K) Identification of potential cost-effective
11 solutions from nontraditional and third-party owned
12 investments that could meet anticipated grid needs,
13 including, but not limited to, distributed energy
14 resources procurements, tariffs or contracts,
15 programmatic solutions, rate design options,
16 technologies or programs that facilitate load
17 flexibility, nonwires alternatives, and other
18 solutions that are intended to meet the objectives
19 described at subsection (d). It is the policy of this
20 State that cost-effective third-party or
21 customer-owned distributed energy resources create
22 robust competition and customer choice and shall be
23 considered as appropriate. The Commission shall
24 establish rules determining data or methods for
25 Solution Sourcing Opportunities.

26 (L) A detailed description of the utility's

1 interoperability plan, which must describe the manner
2 in which the electric utility's current and planned
3 distribution system investments will work together and
4 exchange information and data, the extent to which the
5 utility is implementing open standards and interfaces
6 with third-party distributed energy resource owners
7 and aggregators, and the utility's plan for
8 interoperability testing and certification.

9 (M) For plans that include a time period that is
10 after January 1, 2029, a description of efforts to
11 support transportation electrification through the
12 following:

13 (i) make-ready investments and other programs
14 to facilitate the rapid deployment of charging
15 equipment throughout this State, especially
16 deployment that targets medium-duty and heavy-duty
17 vehicle electrification and multi-unit buildings;

18 (ii) the development and implementation of (1)
19 time-of-use rates and their benefit for electric
20 vehicle users and for all customers, (2) optimized
21 charging programs to achieve identified savings,
22 and (3) new contracts and compensation for
23 services in the optimized charging programs,
24 through signals that allow electric vehicle
25 charging to respond to local system conditions,
26 manage critical peak periods, serve as a demand

1 response or peak resource, and maximize renewable
2 energy use and integration into the grid; and
3 (iii) commercial tariffs utilizing
4 alternatives to traditional demand-based rate
5 structures that facilitate charging for
6 light-duty, heavy-duty, and fleet electric
7 vehicles.

8 For items (i) through (iii), the utility shall
9 demonstrate methods of minimizing ratepayer
10 impacts and exempting or minimizing, to the extent
11 possible, low-income ratepayers from the costs
12 associated with facilitating the expansion of
13 electric vehicle charging. Investments, programs,
14 and activities proposed to meet the obligations of
15 this subparagraph (M) shall be evaluated and
16 approved by the Commission using the same
17 standards of cost-effectiveness, as described in
18 paragraph (7) of subsection (d), and not be
19 subject to evaluation standards applied to other
20 investments, programs, and activities, such as
21 energy efficiency programs.

22 (3) To the extent any information in utilities'
23 Multi-Year Integrated Grid Plans is designated as
24 confidential and proprietary under the Commission's rules,
25 the proponent of the designation shall have the burden of
26 making the requisite showing under the Commission's rules.

1 For data that is determined to be confidential or that
2 includes personally identifiable information, the
3 Commission may develop procedures and processes to enable
4 data sharing with parties and stakeholders while ensuring
5 the confidentiality of the information. All confidential
6 information exchanged, submitted, or shared by a utility
7 pursuant to this Section shall be protected from
8 intentional and accidental dissemination. The Commission
9 shall have authority to supervise, protect, and restrict
10 access to all confidential, commercially sensitive, or
11 system security related information and data, and shall be
12 authorized to take all necessary steps to protect that
13 information from unauthorized disclosure. This paragraph
14 shall not be interpreted to require a utility to make
15 publicly available any information or data that could
16 compromise the physical or cyber security of a utility's
17 distribution system. Any party that accidentally
18 disseminates confidential information obtained pursuant to
19 a proceeding initiated in accordance with this Section, or
20 is the victim of a cyber-security breach, must notify the
21 affected utility, the Illinois Attorney General, and the
22 Commission staff with 24 hours of knowledge of such
23 dissemination or breach. Any party that fails to provide
24 required notification of such a breach shall be subject to
25 remedies available to the Commission and the Illinois
26 Attorney General.

1 (4) It is the policy of this State that holistic
2 consideration of all related investments, planning
3 processes, tariffs, rate design options, programs, and
4 other utility policies and plans shall be required. To
5 that end, the Commission shall consider, comprehensively,
6 the impact of all related plans, tariffs, programs, and
7 policies on the Plan and on each other, including:

8 (A) time-of-use pricing program pursuant to
9 Section 16-107.7 of this Act, hourly pricing program
10 pursuant to Section 16-107 of this Act, and any other
11 time-variant or dynamic pricing program;

12 (B) distributed generation rebate pursuant to
13 Section 16-107.6 of this Act;

14 (C) net electricity metering, pursuant to Section
15 16-107.5 of this Act;

16 (D) energy efficiency programs pursuant to Section
17 8-103B of this Act;

18 (E) beneficial electrification programs pursuant
19 to Section 16-107.8 of this Act;

20 (F) Equitable Energy Upgrade Program pursuant to
21 Section 16-111.10 of this Act;

22 (G) renewable energy programs and procurements set
23 forth in the Illinois Power Agency Act, including, but
24 not limited to, those set forth in the long-term
25 renewable resources procurement plan developed
26 pursuant to Section 1-20 of that Act; and

1 (H) other plans, programs, and policies that are
2 relevant to distribution grid investments, costs,
3 planning, and other categories as requested by the
4 Commission.

5 The Plan shall comprehensively detail the relationship
6 between these plans, tariffs, and programs and to the
7 electric utility's achievement of the objectives in
8 subsection (d). The Plan shall be designed to coordinate
9 each of these plans, programs, and tariffs with the
10 electric utility's long-term distribution system
11 investment planning in order to maximize the benefits of
12 each.

13 (5) The initiating order for the initial Multi-Year
14 Integrated Grid Plan, as well as each electric utility's
15 subsequent Integrated Grid Plans under subsection (g),
16 shall begin a contested proceeding as described in
17 subsection (d) of Section 10-101.1 of this Act.

18 (A) In evaluating a utility's Plan, the Commission
19 shall consider, at minimum, whether the Plan:

20 (1) meets the objectives of this Section;

21 (2) includes the components in paragraph (2)
22 of subsection (f) of this Section;

23 (3) considers and incorporates, where
24 practicable, input from interested stakeholders,
25 including parties and people who offer public
26 comment without legal representation;

1 (4) considers nontraditional, including
2 third-party owned, investment alternatives that
3 can meet grid needs and provide additional
4 benefits (including consumer, economic, and
5 environmental benefits) beyond comparable,
6 traditional utility-planned capital investments;

7 (5) equitably benefits environmental justice
8 communities; and

9 (6) maximizes consumer, environmental,
10 economic, and community benefits over a 10-year
11 horizon.

12 (B) The Commission, after notice and hearing,
13 shall modify each electric utility's Plan as necessary
14 to comply with the objectives of this Section. The
15 Commission may approve, or modify and approve, a Plan
16 only if it finds that the Plan is reasonable, complies
17 with the objectives and requirements of this Section,
18 and reasonably incorporates input from parties. The
19 Commission may reject each electric utility's Plan if
20 it finds that the Plan does not comply with the
21 objectives and requirements of this Section. If the
22 Commission enters an order rejecting a Plan, the
23 utility must refile a Plan within 3 months after that
24 order, and until the Commission approves a Plan, the
25 utility's existing Plan will remain in effect.

26 (C) For the initial Integrated Grid Plan filings,

1 the Commission shall enter an order approving,
2 modifying, or rejecting the Plan no later than
3 December 15, 2023. For subsequent Integrated Grid Plan
4 filings, the Commission shall enter an order
5 approving, modifying, or rejecting the Plan no later
6 than December 15 of the year in which it was filed.

7 (D) Each electric utility shall file its proposed
8 Initial Multi-Year Integrated Grid Plan no later than
9 January 20, 2023. Prior to that date and following the
10 initiating order, the Commission shall initiate a case
11 management conference and shall take any appropriate
12 steps to begin meaningful consideration of issues,
13 including enabling interested parties to begin
14 conducting discovery.

15 (6) As part of its order approving a utility's
16 Multi-Year Integrated Grid Plan, including any
17 modifications required, the Commission may create a
18 subsequent implementation plan docket, or multiple
19 implementation plan dockets, if the Commission determines
20 that multiple dockets would be preferable, to consider a
21 utility's detailed plan or plans, as directed in the
22 Commission's order.

23 (g) No later than January 20, 2026 and every 4 years
24 thereafter, each electric utility subject to this Section
25 shall file a new Multi-Year Integrated Grid Plan for the
26 subsequent 4 delivery years after the completion of the

1 then-effective Plan. Each Plan shall meet the requirements
2 described in subsection (f) of this Section, and shall be
3 preceded by a workshop process which meets the same
4 requirements described in subsection (e). If appropriate, the
5 Commission may require additional implementation dockets to
6 follow Subsequent Multi-Year Integrated Grid Plan filings.

7 (h) During the period leading to approval of the first
8 Multi-Year Integrated Grid Plan, each electric utility will
9 necessarily continue to invest in its distribution grid. Those
10 investments will be subject to a determination of prudence and
11 reasonableness consistent with Commission practice and law.
12 Any failure of such investments to conform to the Multi-Year
13 Integrated Grid Plan ultimately approved shall not imply
14 imprudence or unreasonableness.

15 (i) The Commission shall adopt rules to carry out the
16 provisions of this Section under the emergency rulemaking
17 provisions set forth in Section 5-45 of the Illinois
18 Administrative Procedure Act, and such emergency rules may be
19 effective no later than 90 days after the effective date of
20 this amendatory Act of the 102nd General Assembly.

21 (Source: P.A. 102-662, eff. 9-15-21.)

22 (220 ILCS 5/16-107.5)

23 Sec. 16-107.5. Net electricity metering.

24 (a) The General Assembly finds and declares that a program
25 to provide net electricity metering, as defined in this

1 Section, for eligible customers can encourage private
2 investment in renewable energy resources, stimulate economic
3 growth, enhance the continued diversification of Illinois'
4 energy resource mix, and protect the Illinois environment.
5 Further, to achieve the goals of this Act that robust options
6 for customer-site distributed generation and storage continue
7 to thrive in Illinois, the General Assembly finds that a
8 predictable transition must be ensured for customers between
9 full net metering at the retail electricity rate to the
10 distribution generation rebate described in Section 16-107.6.

11 (b) As used in this Section:7

12 (i) "Community ~~community~~ renewable generation project"
13 shall have the meaning set forth in Section 1-10 of the
14 Illinois Power Agency Act.7

15 (ii) "Eligible ~~eligible~~ customer" means a retail
16 customer that owns, hosts, or operates, including any
17 third-party owned systems, a solar, wind, or other
18 eligible renewable electrical generating facility or an
19 eligible storage device that is located on the customer's
20 premises or customer's side of the billing meter and is
21 intended primarily to offset the customer's own current or
22 future electrical requirements.7

23 (iii) "Electricity ~~electricity~~ provider" means an
24 electric utility or alternative retail electric supplier.7

25 (iv) "Eligible ~~eligible~~ renewable electrical
26 generating facility" means a generator, which may include

1 the colocation ~~co-location~~ of an energy storage system,
2 that is interconnected under rules adopted by the
3 Commission and is powered by solar electric energy, wind,
4 dedicated crops grown for electricity generation,
5 agricultural residues, untreated and unadulterated wood
6 waste, livestock manure, anaerobic digestion of livestock
7 or food processing waste, fuel cells or microturbines
8 powered by renewable fuels, or hydroelectric energy.+

9 (v) "Net ~~net~~ electricity metering" (or "net metering")
10 means the measurement, during the billing period
11 applicable to an eligible customer, of the net amount of
12 electricity supplied by an electricity provider to the
13 customer or provided to the electricity provider by the
14 customer or subscriber.+

15 (vi) "Subscriber ~~subscriber~~" shall have the meaning as
16 set forth in Section 1-10 of the Illinois Power Agency
17 Act.+

18 (vii) "Subscription ~~subscription~~" shall have the
19 meaning set forth in Section 1-10 of the Illinois Power
20 Agency Act.+

21 (viii) "Energy ~~energy~~ storage system" means
22 commercially available technology that is capable of
23 absorbing energy and storing it for a period of time for
24 use at a later time, including, but not limited to,
25 electrochemical, thermal, and electromechanical
26 technologies, and may be interconnected behind the

1 customer's meter or interconnected behind its own meter.~~+~~

2 ~~and~~

3 (ix) "Future ~~future~~ electrical requirements" means
4 modeled electrical requirements upon occupation of a new
5 or vacant property, and other reasonable expectations of
6 future electrical use, as well as, for occupied
7 properties, a reasonable approximation of the annual load
8 of 2 electric vehicles and, for non-electric heating
9 customers, a reasonable approximation of the incremental
10 electric load associated with fuel switching. The
11 approximations shall be applied to the appropriate net
12 metering tariff and do not need to be unique to each
13 individual eligible customer. The utility shall submit
14 these approximations to the Commission for review,
15 modification, and approval.

16 (x) "Vehicle storage system" means a vehicle that when
17 connected to an electric utility's distribution system is
18 capable of being an energy storage system, as defined in
19 Section 16-107.6.

20 (c) A net metering facility shall be equipped with
21 metering equipment that can measure the flow of electricity in
22 both directions at the same rate.

23 (1) For eligible customers whose electric service has
24 not been declared competitive pursuant to Section 16-113
25 of this Act as of July 1, 2011 and whose electric delivery
26 service is provided and measured on a kilowatt-hour basis

1 and electric supply service is not provided based on
2 hourly pricing, this shall typically be accomplished
3 through use of a single, bi-directional meter. If the
4 eligible customer's existing electric revenue meter does
5 not meet this requirement, the electricity provider shall
6 arrange for the local electric utility or a meter service
7 provider to install and maintain a new revenue meter at
8 the electricity provider's expense, which may be the smart
9 meter described by subsection (b) of Section 16-108.5 of
10 this Act.

11 (2) For eligible customers whose electric service has
12 not been declared competitive pursuant to Section 16-113
13 of this Act as of July 1, 2011 and whose electric delivery
14 service is provided and measured on a kilowatt demand
15 basis and electric supply service is not provided based on
16 hourly pricing, this shall typically be accomplished
17 through use of a dual channel meter capable of measuring
18 the flow of electricity both into and out of the
19 customer's facility at the same rate and ratio. If such
20 customer's existing electric revenue meter does not meet
21 this requirement, then the electricity provider shall
22 arrange for the local electric utility or a meter service
23 provider to install and maintain a new revenue meter at
24 the electricity provider's expense, which may be the smart
25 meter described by subsection (b) of Section 16-108.5 of
26 this Act.

1 (3) For all other eligible customers, until such time
2 as the local electric utility installs a smart meter, as
3 described by subsection (b) of Section 16-108.5 of this
4 Act, the electricity provider may arrange for the local
5 electric utility or a meter service provider to install
6 and maintain metering equipment capable of measuring the
7 flow of electricity both into and out of the customer's
8 facility at the same rate and ratio, typically through the
9 use of a dual channel meter. If the eligible customer's
10 existing electric revenue meter does not meet this
11 requirement, then the costs of installing such equipment
12 shall be paid for by the customer.

13 (d) An electricity provider shall measure and charge or
14 credit for the net electricity supplied to eligible customers
15 or provided by eligible customers whose electric service has
16 not been declared competitive pursuant to Section 16-113 of
17 this Act as of July 1, 2011 and whose electric delivery service
18 is provided and measured on a kilowatt-hour basis and electric
19 supply service is not provided based on hourly pricing in the
20 following manner:

21 (1) If the amount of electricity used by the customer
22 during the billing period exceeds the amount of
23 electricity produced by the customer, the electricity
24 provider shall charge the customer for the net electricity
25 supplied to and used by the customer as provided in
26 subsection (e-5) of this Section.

1 (2) If the amount of electricity produced by a
2 customer during the billing period exceeds the amount of
3 electricity used by the customer during that billing
4 period, the electricity provider supplying that customer
5 shall apply a 1:1 kilowatt-hour credit to a subsequent
6 bill for service to the customer for the net electricity
7 supplied to the electricity provider. The electricity
8 provider shall continue to carry over any excess
9 kilowatt-hour credits earned and apply those credits to
10 subsequent billing periods to offset any
11 customer-generator consumption in those billing periods
12 until all credits are used or until the end of the
13 annualized period.

14 (3) At the end of the year or annualized over the
15 period that service is supplied by means of net metering,
16 or in the event that the retail customer terminates
17 service with the electricity provider prior to the end of
18 the year or the annualized period, any remaining credits
19 in the customer's account shall expire.

20 (d-5) An electricity provider shall measure and charge or
21 credit for the net electricity supplied to eligible customers
22 or provided by eligible customers whose electric service has
23 not been declared competitive pursuant to Section 16-113 of
24 this Act as of July 1, 2011 and whose electric delivery service
25 is provided and measured on a kilowatt-hour basis and electric
26 supply service is provided based on hourly pricing or

1 time-of-use rates in the following manner:

2 (1) If the amount of electricity used by the customer
3 during any hourly period or time-of-use period exceeds the
4 amount of electricity produced by the customer, the
5 electricity provider shall charge the customer for the net
6 electricity supplied to and used by the customer according
7 to the terms of the contract or tariff to which the same
8 customer would be assigned to or be eligible for if the
9 customer was not a net metering customer.

10 (2) If the amount of electricity produced by a
11 customer during any hourly period or time-of-use period
12 exceeds the amount of electricity used by the customer
13 during that hourly period or time-of-use period, the
14 energy provider shall apply a credit for the net
15 kilowatt-hours produced in such period. The credit shall
16 consist of an energy credit and a delivery service credit.
17 The energy credit shall be valued at the same price per
18 kilowatt-hour as the electric service provider would
19 charge for kilowatt-hour energy sales during that same
20 hourly period or time-of-use period. The delivery credit
21 shall be equal to the net kilowatt-hours produced in such
22 hourly period or time-of-use period times a credit that
23 reflects all kilowatt-hour based charges in the customer's
24 electric service rate, excluding energy charges.

25 (e) An electricity provider shall measure and charge or
26 credit for the net electricity supplied to eligible customers

1 whose electric service has not been declared competitive
2 pursuant to Section 16-113 of this Act as of July 1, 2011 and
3 whose electric delivery service is provided and measured on a
4 kilowatt demand basis and electric supply service is not
5 provided based on hourly pricing in the following manner:

6 (1) If the amount of electricity used by the customer
7 during the billing period exceeds the amount of
8 electricity produced by the customer, then the electricity
9 provider shall charge the customer for the net electricity
10 supplied to and used by the customer as provided in
11 subsection (e-5) of this Section. The customer shall
12 remain responsible for all taxes, fees, and utility
13 delivery charges that would otherwise be applicable to the
14 net amount of electricity used by the customer.

15 (2) If the amount of electricity produced by a
16 customer during the billing period exceeds the amount of
17 electricity used by the customer during that billing
18 period, then the electricity provider supplying that
19 customer shall apply a 1:1 kilowatt-hour credit that
20 reflects the kilowatt-hour based charges in the customer's
21 electric service rate to a subsequent bill for service to
22 the customer for the net electricity supplied to the
23 electricity provider. The electricity provider shall
24 continue to carry over any excess kilowatt-hour credits
25 earned and apply those credits to subsequent billing
26 periods to offset any customer-generator consumption in

1 those billing periods until all credits are used or until
2 the end of the annualized period.

3 (3) At the end of the year or annualized over the
4 period that service is supplied by means of net metering,
5 or in the event that the retail customer terminates
6 service with the electricity provider prior to the end of
7 the year or the annualized period, any remaining credits
8 in the customer's account shall expire.

9 (e-5) An electricity provider shall provide electric
10 service to eligible customers who utilize net metering at
11 non-discriminatory rates that are identical, with respect to
12 rate structure, retail rate components, and any monthly
13 charges, to the rates that the customer would be charged if not
14 a net metering customer. An electricity provider shall not
15 charge net metering customers any fee or charge or require
16 additional equipment, insurance, or any other requirements not
17 specifically authorized by interconnection standards
18 authorized by the Commission, unless the fee, charge, or other
19 requirement would apply to other similarly situated customers
20 who are not net metering customers. The customer will remain
21 responsible for all taxes, fees, and utility delivery charges
22 that would otherwise be applicable to the net amount of
23 electricity used by the customer. Subsections (c) through (e)
24 of this Section shall not be construed to prevent an
25 arms-length agreement between an electricity provider and an
26 eligible customer that sets forth different prices, terms, and

1 conditions for the provision of net metering service,
2 including, but not limited to, the provision of the
3 appropriate metering equipment for non-residential customers.

4 (f) Notwithstanding the requirements of subsections (c)
5 through (e-5) of this Section, an electricity provider must
6 require dual-channel metering for customers operating eligible
7 renewable electrical generating facilities to whom the
8 provisions of neither subsection (d), (d-5), nor (e) of this
9 Section apply. In such cases, electricity charges and credits
10 shall be determined as follows:

11 (1) The electricity provider shall assess and the
12 customer remains responsible for all taxes, fees, and
13 utility delivery charges that would otherwise be
14 applicable to the gross amount of kilowatt-hours supplied
15 to the eligible customer by the electricity provider.

16 (2) Each month that service is supplied by means of
17 dual-channel metering, the electricity provider shall
18 compensate the eligible customer for any excess
19 kilowatt-hour credits at the electricity provider's
20 avoided cost of electricity supply over the monthly period
21 or as otherwise specified by the terms of a power-purchase
22 agreement negotiated between the customer and electricity
23 provider.

24 (3) For all eligible net metering customers taking
25 service from an electricity provider under contracts or
26 tariffs employing hourly or time-of-use rates, any monthly

1 consumption of electricity shall be calculated according
2 to the terms of the contract or tariff to which the same
3 customer would be assigned to or be eligible for if the
4 customer was not a net metering customer. When those same
5 customer-generators are net generators during any discrete
6 hourly or time-of-use period, the net kilowatt-hours
7 produced shall be valued at the same price per
8 kilowatt-hour as the electric service provider would
9 charge for retail kilowatt-hour sales during that same
10 time-of-use period.

11 (g) For purposes of federal and State laws providing
12 renewable energy credits or greenhouse gas credits, the
13 eligible customer shall be treated as owning and having title
14 to the renewable energy attributes, renewable energy credits,
15 and greenhouse gas emission credits related to any electricity
16 produced by the qualified generating unit. The electricity
17 provider may not condition participation in a net metering
18 program on the signing over of a customer's renewable energy
19 credits; provided, however, this subsection (g) shall not be
20 construed to prevent an arms-length agreement between an
21 electricity provider and an eligible customer that sets forth
22 the ownership or title of the credits.

23 (h) Within 120 days after the effective date of this
24 amendatory Act of the 95th General Assembly, the Commission
25 shall establish standards for net metering and, if the
26 Commission has not already acted on its own initiative,

1 standards for the interconnection of eligible renewable
2 generating equipment to the utility system. The
3 interconnection standards shall address any procedural
4 barriers, delays, and administrative costs associated with the
5 interconnection of customer-generation while ensuring the
6 safety and reliability of the units and the electric utility
7 system. The Commission shall consider the Institute of
8 Electrical and Electronics Engineers (IEEE) Standard 1547 and
9 the issues of (i) reasonable and fair fees and costs, (ii)
10 clear timelines for major milestones in the interconnection
11 process, (iii) nondiscriminatory terms of agreement, and (iv)
12 any best practices for interconnection of distributed
13 generation.

14 ~~(h-5) Within 90 days after the effective date of this~~
15 ~~amendatory Act of the 102nd General Assembly, the Commission~~
16 ~~shall:~~

17 ~~(1) establish an Interconnection Working Group. The~~
18 ~~working group shall include representatives from electric~~
19 ~~utilities, developers of renewable electric generating~~
20 ~~facilities, other industries that regularly apply for~~
21 ~~interconnection with the electric utilities,~~
22 ~~representatives of distributed generation customers, the~~
23 ~~Commission Staff, and such other stakeholders with a~~
24 ~~substantial interest in the topics addressed by the~~
25 ~~Interconnection Working Group. The Interconnection Working~~
26 ~~Group shall address at least the following issues:~~

1 ~~(A) cost and best available technology for~~
2 ~~interconnection and metering, including the~~
3 ~~standardization and publication of standard costs;~~

4 ~~(B) transparency, accuracy and use of the~~
5 ~~distribution interconnection queue and hosting~~
6 ~~capacity maps;~~

7 ~~(C) distribution system upgrade cost avoidance~~
8 ~~through use of advanced inverter functions;~~

9 ~~(D) predictability of the queue management process~~
10 ~~and enforcement of timelines;~~

11 ~~(E) benefits and challenges associated with group~~
12 ~~studies and cost sharing;~~

13 ~~(F) minimum requirements for application to the~~
14 ~~interconnection process and throughout the~~
15 ~~interconnection process to avoid queue clogging~~
16 ~~behavior;~~

17 ~~(G) process and customer service for~~
18 ~~interconnecting customers adopting distributed energy~~
19 ~~resources, including energy storage;~~

20 ~~(H) options for metering distributed energy~~
21 ~~resources, including energy storage;~~

22 ~~(I) interconnection of new technologies, including~~
23 ~~smart inverters and energy storage;~~

24 ~~(J) collect, share, and examine data on Level 1~~
25 ~~interconnection costs, including cost and type of~~
26 ~~upgrades required for interconnection, and use this~~

1 ~~data to inform the final standardized cost of Level 1~~
2 ~~interconnection; and~~

3 ~~(K) such other technical, policy, and tariff~~
4 ~~issues related to and affecting interconnection~~
5 ~~performance and customer service as determined by the~~
6 ~~Interconnection Working Group.~~

7 ~~The Commission may create subcommittees of the~~
8 ~~Interconnection Working Group to focus on specific issues~~
9 ~~of importance, as appropriate. The Interconnection Working~~
10 ~~Group shall report to the Commission on recommended~~
11 ~~improvements to interconnection rules and tariffs and~~
12 ~~policies as determined by the Interconnection Working~~
13 ~~Group at least every 6 months. Such reports shall include~~
14 ~~consensus recommendations of the Interconnection Working~~
15 ~~Group and, if applicable, additional recommendations for~~
16 ~~which consensus was not reached. The Commission shall use~~
17 ~~the report from the Interconnection Working Group to~~
18 ~~determine whether processes should be commenced to~~
19 ~~formally codify or implement the recommendations;~~

20 ~~(2) create or contract for an Ombudsman to resolve~~
21 ~~interconnection disputes through non-binding arbitration.~~
22 ~~The Ombudsman may be paid in full or in part through fees~~
23 ~~levied on the initiators of the dispute; and~~

24 ~~(3) determine a single standardized cost for Level 1~~
25 ~~interconnections, which shall not exceed \$200.~~

26 (i) All electricity providers shall begin to offer net

1 metering no later than April 1, 2008.

2 (j) An electricity provider shall provide net metering to
3 eligible customers according to subsections (d), (d-5), and
4 (e). Eligible renewable electrical generating facilities for
5 which eligible customers registered for net metering before
6 January 1, 2025 shall continue to receive net metering
7 services according to subsections (d), (d-5), and (e) of this
8 Section for the lifetime of the system, regardless of whether
9 those retail customers change electricity providers or whether
10 the retail customer benefiting from the system changes. On and
11 after January 1, 2025, any eligible customer that applies for
12 net metering and previously would have qualified under
13 subsections (d), (d-5), or (e) shall only be eligible for net
14 metering as described in subsection (n).

15 (k) Each electricity provider shall maintain records and
16 report annually to the Commission the total number of net
17 metering customers served by the provider, as well as the
18 type, capacity, and energy sources of the generating systems
19 used by the net metering customers. Nothing in this Section
20 shall limit the ability of an electricity provider to request
21 the redaction of information deemed by the Commission to be
22 confidential business information.

23 (l)(1) Notwithstanding the definition of "eligible
24 customer" in item (ii) of subsection (b) of this Section, each
25 electricity provider shall allow net metering as set forth in
26 this subsection (l) and for the following projects, provided

1 that only electric utilities serving more than 200,000
2 customers as of January 1, 2021 shall provide net metering for
3 projects that are eligible for subparagraph (C) of this
4 paragraph (1) and have energized after the effective date of
5 this amendatory Act of the 102nd General Assembly:

6 (A) properties owned or leased by multiple customers
7 that contribute to the operation of an eligible renewable
8 electrical generating facility through an ownership or
9 leasehold interest of at least 200 watts in such facility,
10 such as a community-owned wind project, a community-owned
11 biomass project, a community-owned solar project, or a
12 community methane digester processing livestock waste from
13 multiple sources, provided that the facility is also
14 located within the utility's service territory;

15 (B) individual units, apartments, or properties
16 located in a single building that are owned or leased by
17 multiple customers and collectively served by a common
18 eligible renewable electrical generating facility, such as
19 an office or apartment building, a shopping center or
20 strip mall served by photovoltaic panels on the roof; and

21 (C) subscriptions to community renewable generation
22 projects, including community renewable generation
23 projects on the customer's side of the billing meter of a
24 host facility and partially used for the customer's own
25 load.

26 In addition, the nameplate capacity of the eligible

1 renewable electric generating facility that serves the demand
2 of the properties, units, or apartments identified in
3 paragraphs (1) and (2) of this subsection (1) shall not exceed
4 5,000 kilowatts in nameplate capacity in total. Any eligible
5 renewable electrical generating facility or community
6 renewable generation project that is powered by photovoltaic
7 electric energy and installed after the effective date of this
8 amendatory Act of the 99th General Assembly must be installed
9 by a qualified person in compliance with the requirements of
10 Section 16-128A of the Public Utilities Act and any rules or
11 regulations adopted thereunder.

12 (2) Notwithstanding anything to the contrary, an
13 electricity provider shall provide credits for the electricity
14 produced by the projects described in paragraph (1) of this
15 subsection (1). The electricity provider shall provide credits
16 that include at least energy supply, capacity, transmission,
17 and, if applicable, the purchased energy adjustment on the
18 subscriber's monthly bill equal to the subscriber's share of
19 the production of electricity from the project, as determined
20 by paragraph (3) of this subsection (1). For customers with
21 transmission or capacity charges not charged on a
22 kilowatt-hour basis, the electricity provider shall prepare a
23 reasonable approximation of the kilowatt-hour equivalent value
24 and provide that value as a monetary credit. The electricity
25 provider shall submit these approximation methodologies to the
26 Commission for review, modification, and approval.

1 Notwithstanding anything to the contrary, customers on payment
2 plans or participating in budget billing programs shall have
3 credits applied on a monthly basis.

4 (3) Notwithstanding anything to the contrary and
5 regardless of whether a subscriber to an eligible community
6 renewable generation project receives power and energy service
7 from the electric utility or an alternative retail electric
8 supplier, for projects eligible under paragraph (C) of
9 subparagraph (1) of this subsection (1), electric utilities
10 serving more than 200,000 customers as of January 1, 2021
11 shall provide the monetary credits to a subscriber's
12 subsequent bill for the electricity produced by community
13 renewable generation projects. The electric utility shall
14 provide monetary credits to a subscriber's subsequent bill at
15 the utility's total price to compare equal to the subscriber's
16 share of the production of electricity from the project, as
17 determined by paragraph (5) of this subsection (1). For the
18 purposes of this subsection, "total price to compare" means
19 the rate or rates published by the Illinois Commerce
20 Commission for energy supply for eligible customers receiving
21 supply service from the electric utility, and shall include
22 energy, capacity, transmission, and the purchased energy
23 adjustment. Notwithstanding anything to the contrary,
24 customers on payment plans or participating in budget billing
25 programs shall have credits applied on a monthly basis. Any
26 applicable credit or reduction in load obligation from the

1 production of the community renewable generating projects
2 receiving a credit under this subsection shall be credited to
3 the electric utility to offset the cost of providing the
4 credit. To the extent that the credit or load obligation
5 reduction does not completely offset the cost of providing the
6 credit to subscribers of community renewable generation
7 projects as described in this subsection, the electric utility
8 may recover the remaining costs through its Multi-Year Rate
9 Plan. All electric utilities serving 200,000 or fewer
10 customers as of January 1, 2021 shall only provide the
11 monetary credits to a subscriber's subsequent bill for the
12 electricity produced by community renewable generation
13 projects if the subscriber receives power and energy service
14 from the electric utility. Alternative retail electric
15 suppliers providing power and energy service to a subscriber
16 located within the service territory of an electric utility
17 not subject to Sections 16-108.18 and 16-118 shall provide the
18 monetary credits to the subscriber's subsequent bill for the
19 electricity produced by community renewable generation
20 projects.

21 (4) If requested by the owner or operator of a community
22 renewable generating project, an electric utility serving more
23 than 200,000 customers as of January 1, 2021 shall enter into a
24 net crediting agreement with the owner or operator to include
25 a subscriber's subscription fee on the subscriber's monthly
26 electric bill and provide the subscriber with a net credit

1 equivalent to the total bill credit value for that generation
2 period minus the subscription fee, provided the subscription
3 fee is structured as a fixed percentage of bill credit value.
4 The net crediting agreement shall set forth payment terms from
5 the electric utility to the owner or operator of the community
6 renewable generating project, and the electric utility may
7 charge a net crediting fee to the owner or operator of a
8 community renewable generating project that may not exceed 1%
9 ~~2%~~ of the subscription fee ~~bill credit value~~. Notwithstanding
10 anything to the contrary, an electric utility serving 200,000
11 customers or fewer as of January 1, 2021 shall not be obligated
12 to enter into a net crediting agreement with the owner or
13 operator of a community renewable generating project. An
14 electric utility shall use the same net crediting format for
15 subscribers on payment plans and subscribers participating in
16 budget billing programs. For the purposes of this paragraph
17 (4), "net crediting" means a program offered by an electric
18 utility under which the electric utility, upon authorization
19 by or on behalf of a subscriber, remits the cash value of the
20 subscription fee to the owner or operator of the community
21 renewable generation facility without regard to whether the
22 subscriber has paid the subscriber's monthly electric bill and
23 places the cash value of the remaining bill credit on the
24 subscriber's bill.

25 (5) For the purposes of facilitating net metering, the
26 owner or operator of the eligible renewable electrical

1 generating facility or community renewable generation project
2 shall be responsible for determining the amount of the credit
3 that each customer or subscriber participating in a project
4 under this subsection (1) is to receive in the following
5 manner:

6 (A) The owner or operator shall, on a monthly basis,
7 provide to the electric utility the kilowatthours of
8 generation attributable to each of the utility's retail
9 customers and subscribers participating in projects under
10 this subsection (1) in accordance with the customer's or
11 subscriber's share of the eligible renewable electric
12 generating facility's or community renewable generation
13 project's output of power and energy for such month. The
14 owner or operator shall electronically transmit such
15 calculations and associated documentation to the electric
16 utility, in a format or method set forth in the applicable
17 tariff, on a monthly basis so that the electric utility
18 can reflect the monetary credits on customers' and
19 subscribers' electric utility bills. The electric utility
20 shall be permitted to revise its tariffs to implement the
21 provisions of this amendatory Act of the 102nd General
22 Assembly. The owner or operator shall separately provide
23 the electric utility with the documentation detailing the
24 calculations supporting the credit in the manner set forth
25 in the applicable tariff.

26 (B) For those participating customers and subscribers

1 who receive their energy supply from an alternative retail
2 electric supplier, the electric utility shall remit to the
3 applicable alternative retail electric supplier the
4 information provided under subparagraph (A) of this
5 paragraph (3) for such customers and subscribers in a
6 manner set forth in such alternative retail electric
7 supplier's net metering program, or as otherwise agreed
8 between the utility and the alternative retail electric
9 supplier. The alternative retail electric supplier shall
10 then submit to the utility the amount of the charges for
11 power and energy to be applied to such customers and
12 subscribers, including the amount of the credit associated
13 with net metering.

14 (C) A participating customer or subscriber may provide
15 authorization as required by applicable law that directs
16 the electric utility to submit information to the owner or
17 operator of the eligible renewable electrical generating
18 facility or community renewable generation project to
19 which the customer or subscriber has an ownership or
20 leasehold interest or a subscription. Such information
21 shall be limited to the components of the net metering
22 credit calculated under this subsection (1), including the
23 bill credit rate, total kilowatthours, and total monetary
24 credit value applied to the customer's or subscriber's
25 bill for the monthly billing period.

26 (1-5) Within 90 days after the effective date of this

1 amendatory Act of the 102nd General Assembly, each electric
2 utility subject to this Section shall file a tariff or tariffs
3 to implement the provisions of subsection (1) of this Section,
4 which shall, consistent with the provisions of subsection (1),
5 describe the terms and conditions under which owners or
6 operators of qualifying properties, units, or apartments may
7 participate in net metering. The Commission shall approve, or
8 approve with modification, the tariff within 120 days after
9 the effective date of this amendatory Act of the 102nd General
10 Assembly.

11 (1-10) Within 30 days after the effective date of this
12 amendatory Act of the 104th General Assembly, each electricity
13 provider shall modify its tariffs to allow net metering as set
14 forth in this subsection for an energy storage system or
15 vehicle storage system energized after the effective date of
16 this amendatory Act of the 104th General Assembly with a
17 nameplate capacity of not more than 5,000 kilowatts. If the
18 Commission chooses to suspend the modified tariffs, the
19 Commission shall issue a final order approving, or approving
20 with modification, the modified tariffs no later than 90 days
21 after the Commission initiates the docket.

22 An energy storage system or vehicle storage system
23 eligible for net metering under this subsection may be
24 interconnected behind the meter of a retail customer or at the
25 distribution system level of an electric utility as follows:

26 (A) if the energy storage system or vehicle storage

1 system is interconnected behind the meter of a retail
2 customer, in order to receive net metering under this
3 subsection, the eligible customer behind whose meter the
4 energy storage system is interconnected must receive
5 service from an electricity provider under an hourly
6 supply tariff, a time-of-use supply tariff, or a
7 time-of-use contract with an alternative retail electric
8 supplier; or

9 (B) if the energy storage system or vehicle storage
10 system is interconnected at the distribution system level
11 of an electric utility and not behind the meter of a retail
12 customer, the energy storage system or vehicle storage
13 system must receive service from an electricity provider
14 as a retail customer under an hourly supply tariff
15 authorized by Section 16-107, a supply tariff or contract
16 on substantially similar terms and conditions with an
17 alternative retail electric supplier, a time-of-use supply
18 tariff, or a time-of-use supply contract with an
19 alternative retail electric supplier.

20 If the energy storage system or vehicle storage system is
21 interconnected behind the meter of an eligible customer, the
22 eligible customer shall receive net metering based on hourly
23 or time-of-use rates in accordance with the terms of
24 subsection (d-5) or (f) or paragraph (2) of subsection (n) of
25 this Section, as applicable to the eligible customer. If the
26 energy storage system or vehicle storage system is

1 interconnected at the distribution system level of an electric
2 utility and not behind the meter of a retail customer, then the
3 energy storage system or vehicle storage system shall receive
4 net metering pursuant to the terms of subsection (f) of this
5 Section.

6 (m) Nothing in this Section shall affect the right of an
7 electricity provider to continue to provide, or the right of a
8 retail customer to continue to receive service pursuant to a
9 contract for electric service between the electricity provider
10 and the retail customer in accordance with the prices, terms,
11 and conditions provided for in that contract. Either the
12 electricity provider or the customer may require compliance
13 with the prices, terms, and conditions of the contract.

14 (n) On and after January 1, 2025, the net metering
15 services described in subsections (d), (d-5), and (e) of this
16 Section shall no longer be offered, except as to those
17 eligible renewable electrical generating facilities for which
18 retail customers are receiving net metering service under
19 these subsections at the time the net metering services under
20 those subsections are no longer offered; those systems shall
21 continue to receive net metering services described in
22 subsections (d), (d-5), and (e) of this Section for the
23 lifetime of the system, regardless of if those retail
24 customers change electricity providers or whether the retail
25 customer benefiting from the system changes. The electric
26 utility serving more than 200,000 customers as of January 1,

1 2021 is responsible for ensuring the billing credits continue
2 without lapse for the lifetime of systems, as required in
3 subsection (o). Those retail customers that begin taking net
4 metering service after the date that net metering services are
5 no longer offered under such subsections shall be subject to
6 the provisions set forth in the following paragraphs (1)
7 through (3) of this subsection (n):

8 (1) An electricity provider shall charge or credit for
9 the net electricity supplied to eligible customers or
10 provided by eligible customers whose electric supply
11 service is not provided based on hourly pricing in the
12 following manner:

13 (A) If the amount of electricity used by the
14 customer during the monthly billing period exceeds the
15 amount of electricity produced by the customer, then
16 the electricity provider shall charge the customer for
17 the net kilowatt-hour based electricity charges
18 reflected in the customer's electric service rate
19 supplied to and used by the customer as provided in
20 paragraph (3) of this subsection (n).

21 (B) If the amount of electricity produced by a
22 customer during the monthly billing period exceeds the
23 amount of electricity used by the customer during that
24 billing period, then the electricity provider
25 supplying that customer shall apply a 1:1
26 kilowatt-hour energy or monetary credit kilowatt-hour

1 supply charges to the customer's subsequent bill. The
2 customer shall choose between 1:1 kilowatt-hour or
3 monetary credit at the time of application. For the
4 purposes of this subsection, "kilowatt-hour supply
5 charges" means the kilowatt-hour equivalent values for
6 energy, capacity, transmission, and the purchased
7 energy adjustment, if applicable. Notwithstanding
8 anything to the contrary, customers on payment plans
9 or participating in budget billing programs shall have
10 credits applied on a monthly basis. The electricity
11 provider shall continue to carry over any excess
12 kilowatt-hour or monetary energy credits earned and
13 apply those credits to subsequent billing periods. For
14 customers with transmission or capacity charges not
15 charged on a kilowatt-hour basis, the electricity
16 provider shall prepare a reasonable approximation of
17 the kilowatt-hour equivalent value and provide that
18 value as a monetary credit. The electricity provider
19 shall submit these approximation methodologies to the
20 Commission for review, modification, and approval.

21 (C) (Blank).

22 (2) An electricity provider shall charge or credit for
23 the net electricity supplied to eligible customers or
24 provided by eligible customers whose electric supply
25 service is provided based on hourly pricing in the
26 following manner:

1 (A) If the amount of electricity used by the
2 customer during any hourly period exceeds the amount
3 of electricity produced by the customer, then the
4 electricity provider shall charge the customer for the
5 net electricity supplied to and used by the customer
6 as provided in paragraph (3) of this subsection (n).

7 (B) If the amount of electricity produced by a
8 customer during any hourly period exceeds the amount
9 of electricity used by the customer during that hourly
10 period, the energy provider shall calculate an energy
11 credit for the net kilowatt-hours produced in such
12 period, and shall apply that credit as a monetary
13 credit to the customer's subsequent bill. The value of
14 the energy credit shall be calculated using the same
15 price per kilowatt-hour as the electric service
16 provider would charge for kilowatt-hour energy sales
17 during that same hourly period and shall also include
18 values for capacity and transmission. For customers
19 with transmission or capacity charges not charged on a
20 kilowatt-hour basis, the electricity provider shall
21 prepare a reasonable approximation of the
22 kilowatt-hour equivalent value and provide that value
23 as a monetary credit. The electricity provider shall
24 submit these approximation methodologies to the
25 Commission for review, modification, and approval.
26 Notwithstanding anything to the contrary, customers on

1 payment plans or participating in budget billing
2 programs shall have credits applied on a monthly
3 basis.

4 (3) An electricity provider shall provide electric
5 service to eligible customers who utilize net metering at
6 non-discriminatory rates that are identical, with respect
7 to rate structure, retail rate components, and any monthly
8 charges, to the rates that the customer would be charged
9 if not a net metering customer. An electricity provider
10 shall charge the customer for the net electricity supplied
11 to and used by the customer according to the terms of the
12 contract or tariff to which the same customer would be
13 assigned or be eligible for if the customer was not a net
14 metering customer. An electricity provider shall not
15 charge net metering customers any fee or charge or require
16 additional equipment, insurance, or any other requirements
17 not specifically authorized by interconnection standards
18 authorized by the Commission, unless the fee, charge, or
19 other requirement would apply to other similarly situated
20 customers who are not net metering customers. The customer
21 remains responsible for the gross amount of delivery
22 services charges, supply-related charges that are kilowatt
23 based, and all taxes and fees related to such charges. The
24 customer also remains responsible for all taxes and fees
25 that would otherwise be applicable to the net amount of
26 electricity used by the customer. Paragraphs (1) and (2)

1 of this subsection (n) shall not be construed to prevent
2 an arms-length agreement between an electricity provider
3 and an eligible customer that sets forth different prices,
4 terms, and conditions for the provision of net metering
5 service, including, but not limited to, the provision of
6 the appropriate metering equipment for non-residential
7 customers. Nothing in this paragraph (3) shall be
8 interpreted to mandate that a utility that is only
9 required to provide delivery services to a given customer
10 must also sell electricity to such customer.

11 (o) Within 90 days after the effective date of this
12 amendatory Act of the 102nd General Assembly, each electric
13 utility subject to this Section shall file a tariff, which
14 shall, consistent with the provisions of this Section, propose
15 the terms and conditions under which a customer may
16 participate in net metering. The tariff for electric utilities
17 serving more than 200,000 customers as of January 1, 2021
18 shall also provide a streamlined and transparent bill
19 crediting system for net metering to be managed by the
20 electric utilities. The terms and conditions shall include,
21 but are not limited to, that an electric utility shall manage
22 and maintain billing of net metering credits and charges
23 regardless of if the eligible customer takes net metering
24 under an electric utility or alternative retail electric
25 supplier. The electric utility serving more than 200,000
26 customers as of January 1, 2021 shall process and approve all

1 net metering applications, even if an eligible customer is
2 served by an alternative retail electric supplier; and the
3 utility shall forward application approval to the appropriate
4 alternative retail electric supplier. Eligibility for net
5 metering shall remain with the owner of the utility billing
6 address such that, if an eligible renewable electrical
7 generating facility changes ownership, the net metering
8 eligibility transfers to the new owner. The electric utility
9 serving more than 200,000 customers as of January 1, 2021
10 shall manage net metering billing for eligible customers to
11 ensure full crediting occurs on electricity bills, including,
12 but not limited to, ensuring net metering crediting begins
13 upon commercial operation date, net metering billing transfers
14 immediately if an eligible customer switches from an electric
15 utility to alternative retail electric supplier or vice versa,
16 and net metering billing transfers between ownership of a
17 valid billing address. All transfers referenced in the
18 preceding sentence shall include transfer of all banked
19 credits. All electric utilities serving 200,000 or fewer
20 customers as of January 1, 2021 shall manage net metering
21 billing for eligible customers receiving power and energy
22 service from the electric utility to ensure full crediting
23 occurs on electricity bills, ensuring net metering crediting
24 begins upon commercial operation date, net metering billing
25 transfers immediately if an eligible customer switches from an
26 electric utility to alternative retail electric supplier or

1 vice versa, and net metering billing transfers between
2 ownership of a valid billing address. Alternative retail
3 electric suppliers providing power and energy service to
4 eligible customers located within the service territory of an
5 electric utility serving 200,000 or fewer customers as of
6 January 1, 2021 shall manage net metering billing for eligible
7 customers to ensure full crediting occurs on electricity
8 bills, including, but not limited to, ensuring net metering
9 crediting begins upon commercial operation date, net metering
10 billing transfers immediately if an eligible customer switches
11 from an electric utility to alternative retail electric
12 supplier or vice versa, and net metering billing transfers
13 between ownership of a valid billing address.

14 (Source: P.A. 102-662, eff. 9-15-21.)

15 (220 ILCS 5/16-107.6)

16 Sec. 16-107.6. Distributed generation and storage rebate.

17 (a) In this Section:

18 "Additive services" means the services that distributed
19 energy resources provide to the energy system and society that
20 are described in Section 16-107.9 ~~not (1) already included in~~
21 ~~the base rebates for system-wide grid services; or (2)~~
22 ~~otherwise already compensated. Additive services may reflect,~~
23 ~~but shall not be limited to, any geographic, time-based,~~
24 ~~performance-based, and other benefits of distributed energy~~
25 ~~resources, as well as the present and future technological~~

1 ~~capabilities of distributed energy resources and present and~~
2 ~~future grid needs.~~

3 "Distributed energy resource" means a wide range of
4 technologies that are located on the customer side of the
5 customer's electric meter, including, but not limited to,
6 distributed generation, energy storage, electric vehicles, and
7 demand response technologies.

8 "Distributed storage" means energy storage systems that
9 are interconnected behind the customer's meter to the
10 distribution system or interconnected behind the storage
11 system's own meter to the distribution system.

12 "Energy storage system" means commercially available
13 technology that is capable of absorbing energy and storing it
14 for a period of time for use at a later time, including, but
15 not limited to, electrochemical, thermal, and
16 electromechanical technologies, and may be interconnected
17 behind the customer's meter or interconnected behind its own
18 meter.

19 "Smart inverter" means a device that converts direct
20 current into alternating current and meets the IEEE 1547-2018
21 equipment standards. Until devices that meet the IEEE
22 1547-2018 standard are available, devices that meet the UL
23 1741 SA standard are acceptable.

24 "Subscriber" has the meaning set forth in Section 1-10 of
25 the Illinois Power Agency Act.

26 "Subscription" has the meaning set forth in Section 1-10

1 of the Illinois Power Agency Act.

2 "System-wide grid services" means the benefits that a
3 distributed energy resource provides to the distribution grid
4 for a period of no less than 25 years. System-wide grid
5 services do not vary by location, time, or the performance
6 characteristics of the distributed energy resource.
7 System-wide grid services include, but are not limited to,
8 avoided or deferred distribution capacity costs, resilience
9 and reliability benefits, avoided or deferred distribution
10 operation and maintenance costs, distribution voltage and
11 power quality benefits, and line loss reductions.

12 "Threshold date" means the date 2 years after the
13 effective date of this amendatory Act of the 104th General
14 Assembly ~~December 31, 2024~~ or the date on which the utility's
15 tariff or tariffs authorized by Section 16-107.9 ~~setting the~~
16 ~~new compensation values established under subsection (c)~~ take
17 effect, whichever is later.

18 (b) An electric utility that serves more than 200,000
19 customers in the State shall file a petition with the
20 Commission requesting approval of the utility's tariff to
21 provide a rebate to the owner or operator of distributed
22 generation, including third-party owned systems, that meets
23 the following criteria:

24 (1) has a nameplate generating capacity no greater
25 than 5,000 kilowatts and is primarily used to offset a
26 customer's electricity load, or as otherwise as defined

1 for community renewable generation projects in Section
2 1-10 of the Illinois Power Agency Act;

3 (2) is located on the customer's side of the billing
4 meter and for the customer's own use;

5 (3) is interconnected to electric distribution
6 facilities owned by the electric utility under rules
7 adopted by the Commission by means of one or more
8 inverters or smart inverters required by this Section, as
9 applicable.

10 For purposes of this Section, "distributed generation"
11 shall satisfy the definition of distributed renewable energy
12 generation device set forth in Section 1-10 of the Illinois
13 Power Agency Act to the extent such definition is consistent
14 with the requirements of this Section.

15 In addition, any new photovoltaic distributed generation
16 that is installed after June 1, 2017 (the effective date of
17 Public Act 99-906) must be installed by a qualified person, as
18 defined by subsection (i) of Section 1-56 of the Illinois
19 Power Agency Act.

20 The tariff shall include a base rebate that compensates
21 distributed generation for the system-wide grid services
22 associated with distributed generation and, ~~after the~~
23 ~~proceeding described in subsection (c) of this Section,~~ an
24 additional payment or payments for any ~~the~~ additive services
25 identified by the Commission under Section 16-107.9. The
26 distributed generation and storage tariff shall provide that

1 the smart inverter or smart inverters associated with the
2 distributed generation shall provide autonomous response to
3 grid conditions through its default settings as approved by
4 the Commission. Default settings may not be changed after the
5 execution of the interconnection agreement except by mutual
6 agreement between the utility and the owner or operator of the
7 distributed generation. Nothing in this Section shall negate
8 or supersede Institute of Electrical and Electronics Engineers
9 equipment standards or other similar standards or
10 requirements. The tariff shall not limit the ability of the
11 smart inverter or smart inverters or other distributed energy
12 resource to provide wholesale market products such as
13 regulation, demand response, or other services, or limit the
14 ability of the owner of the smart inverter or the other
15 distributed energy resource to receive compensation for
16 providing those wholesale market products or services.

17 (b-5) Within 30 days after the effective date of this
18 amendatory Act of the 102nd General Assembly, each electric
19 public utility with 3,000,000 or more retail customers shall
20 file a tariff with the Commission that further compensates any
21 retail customer that installs or has installed photovoltaic
22 facilities paired with energy storage facilities on or
23 adjacent to its premises for the benefits the facilities
24 provide to the distribution grid. The tariff shall provide
25 that, in addition to the other rebates identified in this
26 Section, the electric utility shall rebate to such retail

1 customer (i) the previously incurred and future costs of
2 installing interconnection facilities and related
3 infrastructure to enable full participation in the PJM
4 Interconnection, LLC or its successor organization frequency
5 regulation market; and (ii) all wholesale demand charges
6 incurred after the effective date of this amendatory Act of
7 the 102nd General Assembly. The Commission shall approve, or
8 approve with modification, the tariff within 120 days after
9 the utility's filing.

10 To be eligible for a rebate described in this subsection
11 (b-5), the owner or operator of the distributed generation
12 shall provide proof of participation in the frequency
13 regulation market. Upon providing proof of participation, the
14 retail customer shall be entitled to a rebate equal to the cost
15 of the interconnection facilities paid to ComEd, regardless of
16 whether the retail customer would have incurred the
17 interconnection costs in the absence of participating in the
18 frequency regulation market, plus the cost of software,
19 telecommunications hardware, and telemetry paid to enable
20 communication with PJM for purposes of participating in the
21 frequency regulation market. A utility providing rebates
22 described in this subsection (b-5) shall be entitled to
23 recover the costs of the rebates as provided for in subsection
24 (h) of this Section. To the extent the electric utility's
25 tariff is modified to comply with this subsection (b-5), it
26 shall file a revised tariff with the Commission within 120

1 days after the effective date of this amendatory Act of the
2 104th General Assembly, and the Commission shall approve, or
3 approve with modification, the tariff within 240 days after
4 the Commission initiates the docket.

5 (c) The proposed tariff authorized by subsection (b) of
6 this Section shall include the following participation terms
7 for rebates to be applied under this Section for distributed
8 generation that satisfies the criteria set forth in subsection
9 (b) of this Section:

10 (1) The owner or operator of distributed generation or
11 distributed storage that services customers not eligible
12 for net metering under subsection (d), (d-5), or (e) of
13 Section 16-107.5 of this Act may apply for a rebate as
14 provided for in this Section. ~~The~~ Until the threshold
15 ~~date, the~~ value of the rebate shall be \$250 per kilowatt of
16 nameplate generating capacity, measured as nominal DC
17 power output, of that customer's distributed generation.
18 To the extent the distributed generation also has an
19 associated energy storage, then until the threshold date
20 for systems other than community renewable generation
21 projects paired with an energy storage system, the energy
22 storage system shall be separately compensated with a ~~base~~
23 rebate of \$250 per kilowatt-hour of nameplate capacity. To
24 the extent that a community renewable generation project
25 is paired with an energy storage system or an energy
26 storage system that is paired with distributed generation,

1 the energy storage system shall be separately compensated
2 with a rebate of \$250 per kilowatt-hour of nameplate
3 capacity. A stand-alone energy storage system shall be
4 compensated with a rebate of \$250 per kilowatt-hour of
5 nameplate capacity. Any distributed generation device that
6 is compensated for storage in this subsection (1) after
7 the effective date of this amendatory Act of the 104th
8 General Assembly ~~before the threshold date~~ shall
9 participate in one or more programs authorized by
10 paragraph (1) of subsection (e). ~~Compensation determined~~
11 ~~through the Multi-Year Integrated Grid Planning process~~
12 ~~that are designed to meet peak reduction and flexibility.~~
13 ~~After the threshold date, the value of the base rebate and~~
14 ~~additional compensation~~ for any additive services shall be
15 as determined by the Commission in the proceeding
16 described in Section 16-107.9 ~~subsection (e) of this~~
17 ~~Section, provided that the value of the base rebate for~~
18 ~~system wide grid services shall not be lower than \$250 per~~
19 ~~kilowatt of nameplate generating capacity of distributed~~
20 ~~generation or community renewable generation project. To~~
21 the extent that an electric utility's tariffs are
22 inconsistent with the requirements of this paragraph (1)
23 as modified by this amendatory Act of the 104th General
24 Assembly, the electric utility shall, within 60 days after
25 the effective date of this amendatory Act of the 104th
26 General Assembly, file modified tariffs consistent with

1 the requirements of this paragraph (1). If the Commission
2 chooses to suspend the modified tariffs following notice
3 and hearing, the Commission shall issue an order
4 approving, or approving with modification, the modified
5 tariffs no later than 90 days after the Commission
6 initiates the docket.

7 (2) The owner or operator of distributed generation
8 that, before the threshold date, would have been eligible
9 for net metering under subsection (d), (d-5), or (e) of
10 Section 16-107.5 of this Act and that has not previously
11 received a distributed generation rebate, may apply for a
12 rebate as provided for in this Section. Until December 31,
13 2029 ~~the threshold date~~, the value of the base rebate
14 shall be \$300 per kilowatt of nameplate generating
15 capacity, measured as nominal DC power output, of the
16 distributed generation. On or after January 1, 2030, the
17 value of the base rebate shall be \$250 per kilowatt of
18 nameplate generating capacity, measured as nominal DC
19 power output, of the distributed generation. The owner or
20 operator of distributed generation that, before the
21 threshold date, is eligible for net metering under
22 subsection (d), (d-5), or (e) of Section 16-107.5 of this
23 Act may apply for a base rebate for an associated energy
24 storage device behind the same retail customer meter as
25 the distributed generation, regardless of whether the
26 distributed generation applies for a rebate for the

distributed generation device. An ~~The~~ energy storage system, whether or not paired with distributed generation, shall be separately compensated at a base payment of \$300 per kilowatt-hour of nameplate capacity until the threshold date. After the threshold date, a stand-alone energy storage system shall be compensated with a rebate of \$250 per kilowatt-hour of nameplate capacity. Any distributed generation device that is compensated for storage in this subsection (2) has the option to ~~before the threshold date shall~~ participate in either an a peak time rebate program, hourly pricing program, or time-of-use rate program and any distributed generation device that is compensated for storage in this subsection (2) after the effective date of this amendatory Act of the 104th General Assembly shall participate in a scheduled dispatch program set forth in paragraph (1) of subsection (e) when it becomes available ~~offered by the applicable electric utility.~~ Compensation ~~After the threshold date, the value of the base rebate and additional compensation for any additive services or other programs shall be as determined by the Commission in the proceeding described in Section 16-107.9 subsection (c) of this Section, provided that, prior to December 31, 2029, the value of the base rebate for system-wide services shall not be lower than \$300 per kilowatt of nameplate generating capacity of distributed generation, after which it shall~~

1 ~~not be lower than \$250 per kilowatt of nameplate capacity.~~
2 ~~The eligibility of energy storage devices that are~~
3 ~~interconnected behind the same retail customer meter as~~
4 ~~the distributed generation shall not be limited to energy~~
5 ~~storage devices interconnected after the effective date of~~
6 ~~this amendatory Act of the 103rd General Assembly.~~ To the
7 extent that an electric utility's tariffs are inconsistent
8 with the requirements of this paragraph (2) as modified by
9 this amendatory Act of the 104th General Assembly ~~this~~
10 ~~amendatory Act of the 103rd General Assembly,~~ such
11 electric utility shall, within 60 ~~30~~ days, file modified
12 tariffs consistent with the requirements of this paragraph
13 (2).

14 (3) Upon approval of a rebate application submitted
15 under this subsection (c), the retail customer shall no
16 longer be entitled to receive any delivery service credits
17 for the excess electricity generated by its facility and
18 shall be subject to the provisions of subsection (n) of
19 Section 16-107.5 of this Act unless the owner or operator
20 receives a rebate only for an energy storage device and
21 not for the distributed generation device.

22 (4) To be eligible for a rebate described in this
23 subsection (c), the owner or operator of the distributed
24 generation must have a smart inverter installed and in
25 operation on the distributed generation.

26 (5) The owner or operator of any distributed

generation or distributed storage system whose electric service has not been declared competitive under Section 16-113 as of July 1, 2011 or the owner or operator of a community renewable generation project participating in the Adjustable Block Program as a community-driven community solar project as defined in item (v) of subparagraph (K) of paragraph (1) of subsection (c) of Section 1-75 of the Illinois Power Agency Act and that has an interconnection agreement dated after the effective date of this amendatory Act of the 104th General Assembly shall be eligible for an additional payment or payments to the applicable rebate under paragraphs (1) or (2) of this subsection (c) in an amount set by tariff and approved by the Commission if located in an equity investment eligible community, as defined in Section 1-10 of the Illinois Power Agency Act, at the time the interconnection agreement is signed.

(d) The Commission shall review the proposed tariff authorized by subsection (b) of this Section and may make changes to the tariff that are consistent with this Section and with the Commission's authority under Article IX of this Act, subject to notice and hearing. Following notice and hearing, the Commission shall issue an order approving, or approving with modification, such tariff no later than 240 days after the utility files its tariff. Upon the effective date of this amendatory Act of the 102nd General Assembly, an

1 electric utility shall file a petition with the Commission to
2 amend and update any existing tariffs to comply with
3 subsections (b) and (c).

4 (e) By no later than June 30, 2026 ~~June 30, 2023~~, the
5 Commission shall establish a scheduled dispatch virtual power
6 plant program in which customers that own or operate an energy
7 storage system that receive a rebate for the distributed
8 storage portion under paragraphs (1) and (2) of subsection (c)
9 are required to participate ~~open an independent, statewide~~
10 ~~investigation into the value of, and compensation for,~~
11 ~~distributed energy resources. The Commission shall conduct the~~
12 ~~investigation, but may arrange for experts or consultants~~
13 ~~independent of the utilities and selected by the Commission to~~
14 ~~assist with the investigation. The cost of the investigation~~
15 ~~shall be shared by the utilities filing tariffs under~~
16 ~~subsection (b) of this Section but may be recovered as an~~
17 ~~expense through normal ratemaking procedures.~~

18 (1) The scheduled dispatch virtual power plant program
19 shall require an enrollment period of 5 years and require
20 each participating system to commit to dispatch each
21 weekday during the months of June, July, August, and
22 September from 4 p.m. to 6 p.m. for systems interconnected
23 behind the meter of a retail customer and from 4 p.m. to 7
24 p.m. for systems interconnected on the distribution system
25 of an electric utility and not behind the meter of a retail
26 customer. For stand-alone storage, commitments to dispatch

1 shall be voluntary. Upon petition by the applicable
2 electric utility or on its own motion, the Commission may
3 approve different dispatch schedules provided that
4 dispatch events do not exceed 80 days and shall not exceed
5 2 hours for systems interconnected behind the meter of a
6 retail customer or 3 hours for systems interconnected on
7 the distribution system of an electric utility and not
8 behind the meter of a retail customer. The Commission
9 ~~shall ensure that the investigation includes, at minimum,~~
10 ~~diverse sets of stakeholders; a review of best practices~~
11 ~~in calculating the value of distributed energy resource~~
12 ~~benefits; a review of the full value of the distributed~~
13 ~~energy resources and the manner in which each component of~~
14 ~~that value is or is not otherwise compensated; and~~
15 ~~assessments of how the value of distributed energy~~
16 ~~resources may evolve based on the present and future~~
17 ~~technological capabilities of distributed energy resources~~
18 ~~and based on present and future grid needs.~~

19 (2) The scheduled dispatch virtual power plant program
20 shall be open to all customer classes with eligible
21 distributed energy resources and shall measure performance
22 based on combined export of paired resources if the
23 eligible device is inverter-based renewables paired with
24 storage through at least December 31, 2030 and until the
25 Commission approves and the utility implements a tariff
26 under subsection (d) of Section 16-107.9 of this Act, at

1 which time such customers shall be transitioned to that
2 tariff in a manner prescribed in the tariff. The scheduled
3 dispatch virtual power plant program shall be required for
4 all community renewable generation projects paired with
5 distributed energy resources without regard to the
6 threshold date. The Commission's final order concluding
7 ~~this investigation shall establish an annual process and~~
8 ~~formula for the compensation of distributed generation and~~
9 ~~energy storage systems, and an initial set of inputs for~~
10 ~~that formula. The Commission's final order concluding this~~
11 ~~investigation shall establish base rebates that compensate~~
12 ~~distributed generation, community renewable generation~~
13 ~~projects and energy storage systems for the system-wide~~
14 ~~grid services that they provide. Those base rebate values~~
15 ~~shall be consistent across the state, and shall not vary~~
16 ~~by customer, customer class, customer location, or any~~
17 ~~other variable. With respect to rebates for distributed~~
18 ~~generation or community renewable generation projects,~~
19 ~~that rebate shall not be lower than \$250 per kilowatt of~~
20 ~~nameplate generating capacity of the distributed~~
21 ~~generation or community renewable generation project. The~~
22 ~~Commission's final order concluding this proceeding shall~~
23 ~~also direct the utilities to update the formula, on an~~
24 ~~annual basis, with inputs derived from their integrated~~
25 ~~grid plans developed pursuant to Section 16-105.17. The~~
26 ~~base rebate shall be updated annually based on the annual~~

1 ~~updates to the formula inputs, but, with respect to~~
2 ~~rebates for distributed generation or community renewable~~
3 ~~generation projects, shall be no lower than \$250 per~~
4 ~~kilowatt of nameplate generating capacity of the~~
5 ~~distributed generation or community renewable generation~~
6 ~~project.~~

7 (3) Compensation shall be set by the Commission but
8 shall not be less than \$10 per kilowatt of average
9 dispatch during identified hours, paid to enrolled
10 customers or project owners at end of program year. For
11 distributed generation interconnected to an electric
12 utility's distribution system and not behind the meter of
13 a retail customer, dispatch to determine compensation
14 shall be measured at point of interconnection. For
15 distributed generation and storage interconnected behind
16 the meter of a retail customer, dispatch to determine
17 compensation shall be measured at the inverter connected
18 to the storage device. ~~The Commission shall also~~
19 ~~determine, as a part of its investigation under this~~
20 ~~subsection, whether distributed energy resources can~~
21 ~~provide any additive services. Those additive services may~~
22 ~~include services that are provided through~~
23 ~~utility-controlled responses to grid conditions. If the~~
24 ~~Commission determines that distributed energy resources~~
25 ~~can provide additive grid services, the Commission shall~~
26 ~~determine the terms and conditions for the operation and~~

~~compensation of those services. That compensation shall be above and beyond the base rebate that the distributed energy generation, community renewable generation project and energy storage system receives. Compensation for additive services may vary by location, time, performance characteristics, technology types, or other variables.~~

(4) No later than June 1, 2026, each public utility shall file an initial scheduled dispatch virtual power plant tariff. The Commission shall approve, or approve with modifications, the initial scheduled dispatch virtual power plant tariff for each utility not later than June 30, 2026. ~~The Commission shall ensure that compensation for distributed energy resources, including base rebates and any payments for additive services, shall reflect all reasonably known and measurable values of the distributed generation over its full expected useful life. Compensation for additive services shall reflect, but shall not be limited to, any geographic, time based, performance based, and other benefits of distributed generation, as well as the present and future technological capabilities of distributed energy resources and present and future grid needs.~~

(5) The Commission, by its own motion or by petition by an electric utility, may establish other additive services programs in addition to the virtual power plant program under Section 16-107.9. Nothing in this Section is

1 intended to preempt or delay the implementation of other
2 utility programs for devices that are not a part of the
3 scheduled dispatch virtual power plant program that the
4 Commission or utility may propose or require. The
5 Commission shall consider the electric utility's
6 integrated grid plan developed pursuant to Section
7 16-105.17 of this Act to help identify the value of
8 distributed energy resources for the purpose of
9 calculating the compensation described in this subsection.

10 (6) No later than December 31, 2028, the utilities
11 shall file with the Commission a report that includes
12 information on the following: (A) the number of
13 participants in the scheduled dispatch program; (B)
14 impacts to energy supply prices and wholesale market
15 activities; (C) impacts on distribution system investments
16 and planning; and (D) any potential pathways by which the
17 virtual power plan program described in Section 16-107.9
18 may be designed to capture wholesale market value through
19 participation in the wholesale market and apply that
20 wholesale market revenue to reduce utility distribution or
21 electric supply rates for customers. The Commission shall
22 determine additional compensation for distributed energy
23 resources that creates savings and value on the
24 distribution system by being co-located or in close
25 proximity to electric vehicle charging infrastructure in
26 use by medium duty and heavy duty vehicles, primarily

~~serving environmental justice communities, as outlined in the utility integrated grid planning process under Section 16-105.17 of this Act.~~

~~No later than 60 days after the Commission enters its final order under this subsection (c), each utility shall file its updated tariff or tariffs in compliance with the order, including new tariffs for the recovery of costs incurred under this subsection (c) that shall provide for volumetric based cost recovery, and the Commission shall approve, or approve with modification, the tariff or tariffs within 240 days after the utility's filing.~~

(f) Notwithstanding any provision of this Act to the contrary, the owner or operator of a community renewable generation project as defined in Section 1-10 of the Illinois Power Agency Act whether or not a paired energy storage system or the owner or operator of an energy storage system that is eligible for net metering under subsection (1-10) of Section 16-107.5 shall also be eligible to apply for the rebate described in this Section. The owner or operator of the community renewable generation project whether or not a paired energy storage system or the owner or operator of an energy storage system that is eligible for net metering under subsection (1-10) of Section 16-107.5 may apply for a rebate only if the owner or operator, or previous owner or operator, of the community renewable generation project whether or not a paired energy storage system or the owner or operator of an

1 energy storage system that is eligible for net metering under
2 subsection (1-10) of Section 16-107.5 has not already
3 submitted an application, and, regardless of whether the
4 subscriber is a residential or non-residential customer, may
5 be allowed the amount identified in paragraph (1) of
6 subsection (c) applicable on the date that the application is
7 submitted.

8 (g) The owner of a distributed storage system, whether or
9 not paired with distributed generation, ~~the distributed~~
10 ~~generation or community renewable generation project~~ may apply
11 for the rebate or rebates approved under this Section at the
12 time of execution of an interconnection agreement with the
13 distribution utility and shall receive the value available at
14 that time of execution of the interconnection agreement,
15 ~~provided the project reaches mechanical completion within 24~~
16 ~~months after execution of the interconnection agreement. If~~
17 ~~the project has not reached mechanical completion within 24~~
18 ~~months after execution, the owner may reapply for the rebate~~
19 ~~or rebates approved under this Section available at the time~~
20 ~~of application and shall receive the value available at the~~
21 ~~time of application.~~ The utility shall issue the rebate no
22 later than 60 days after the project is energized. In the event
23 the application is incomplete or the utility is otherwise
24 unable to calculate the payment based on the information
25 provided by the owner, the utility shall issue the payment no
26 later than 60 days after the application is complete or all

1 requested information is received.

2 (h) An electric utility shall recover from its retail
3 customers all of the costs of the rebates made under a tariff
4 or tariffs approved under ~~subsection (d) of~~ this Section,
5 including, but not limited to, the value of the rebates and all
6 costs incurred by the utility to comply with and implement
7 subsections (b), (b-5), and (c), and (e) of this Section, ~~but~~
8 ~~not including costs incurred by the utility to comply with and~~
9 ~~implement subsection (e) of this Section,~~ consistent with the
10 following provisions:

11 (1) The utility shall defer the full amount of its
12 costs as a regulatory asset. The total costs deferred as a
13 regulatory asset shall be amortized over a 15-year period.
14 The unamortized balance shall be recognized as of December
15 31 for a given year. The utility shall also earn a return
16 on the total of the unamortized balance of the regulatory
17 assets, less any deferred taxes related to the unamortized
18 balance, at an annual rate equal to the utility's weighted
19 average cost of capital that includes, based on a year-end
20 capital structure, the utility's actual cost of debt for
21 the applicable calendar year and a cost of equity, which
22 shall be equal to the baseline cost of equity approved by
23 the Commission for the utility's electric distribution
24 rates case effective during the applicable year, whether
25 those rates are set pursuant to Section 9-201,
26 subparagraph (B) of paragraph (3) of subsection (d) of

Section 16-108.18, or any successor electric distribution ratemaking paradigm ~~calculated as the sum of (i) the average for the applicable calendar year of the monthly average yields of 30-year U.S. Treasury bonds published by the Board of Governors of the Federal Reserve System in its weekly H.15 Statistical Release or successor publication; and (ii) 580 basis points, including a revenue conversion factor calculated to recover or refund all additional income taxes that may be payable or receivable as a result of that return.~~

When an electric utility creates a regulatory asset under the provisions of this paragraph (1) of subsection (h), the costs are recovered over a period during which customers also receive a benefit, which is in the public interest. Accordingly, it is the intent of the General Assembly that an electric utility that elects to create a regulatory asset under the provisions of this paragraph (1) shall recover all of the associated costs, including, but not limited to, its cost of capital as set forth in this paragraph (1). After the Commission has approved the prudence and reasonableness of the costs that comprise the regulatory asset, the electric utility shall be permitted to recover all such costs, and the value and recoverability through rates of the associated regulatory asset shall not be limited, altered, impaired, or reduced. To enable the financing of the incremental capital

1 expenditures, including regulatory assets, for electric
2 utilities that serve less than 3,000,000 retail customers
3 but more than 500,000 retail customers in the State, the
4 utility's actual year-end capital structure that includes
5 a common equity ratio, excluding goodwill, of up to and
6 including 50% of the total capital structure shall be
7 deemed reasonable and used to set rates.

8 (2) The utility, at its election, may recover all of
9 the costs as part of a filing for a general increase in
10 rates under Article IX of this Act, as part of an annual
11 filing to update a performance-based ~~formula~~ rate under
12 Section 16-108.18 ~~subsection (d) of Section 16-108.5 of~~
13 ~~this Act~~, or through an automatic adjustment clause
14 tariff, provided that nothing in this paragraph (2)
15 permits the double recovery of such costs from customers.
16 If the utility elects to recover the costs it incurs under
17 subsections (b), (b-5), ~~and~~ (c), and (e) through an
18 automatic adjustment clause tariff, the utility may file
19 its proposed tariff together with the tariff it files
20 under subsection (b) of this Section or at a later time.
21 The proposed tariff shall provide for an annual
22 reconciliation, less any deferred taxes related to the
23 reconciliation, with interest at an annual rate of return
24 equal to the utility's weighted average cost of capital as
25 calculated under paragraph (1) of this subsection (h),
26 including a revenue conversion factor calculated to

1 recover or refund all additional income taxes that may be
2 payable or receivable as a result of that return, of the
3 revenue requirement reflected in rates for each calendar
4 year, beginning with the calendar year in which the
5 utility files its automatic adjustment clause tariff under
6 this subsection (h), with what the revenue requirement
7 would have been had the actual cost information for the
8 applicable calendar year been available at the filing
9 date. The Commission shall review the proposed tariff and
10 may make changes to the tariff that are consistent with
11 this Section and with the Commission's authority under
12 Article IX of this Act, subject to notice and hearing.
13 Following notice and hearing, the Commission shall issue
14 an order approving, or approving with modification, such
15 tariff no later than 240 days after the utility files its
16 tariff.

17 (i) (Blank). ~~An electric utility shall recover from its~~
18 ~~retail customers, on a volumetric basis, all of the costs of~~
19 ~~the rebates made under a tariff or tariffs placed into effect~~
20 ~~under subsection (c) of this Section, including, but not~~
21 ~~limited to, the value of the rebates and all costs incurred by~~
22 ~~the utility to comply with and implement subsection (c) of~~
23 ~~this Section, consistent with the following provisions:~~

24 ~~(1) The utility may defer a portion of its costs as a~~
25 ~~regulatory asset. The Commission shall determine the~~
26 ~~portion that may be appropriately deferred as a regulatory~~

~~asset. Factors that the Commission shall consider in determining the portion of costs that shall be deferred as a regulatory asset include, but are not limited to: (i) whether and the extent to which a cost effectively deferred or avoided other distribution system operating costs or capital expenditures; (ii) the extent to which a cost provides environmental benefits; (iii) the extent to which a cost improves system reliability or resilience; (iv) the electric utility's distribution system plan developed pursuant to Section 16 105.17 of this Act; (v) the extent to which a cost advances equity principles; and (vi) such other factors as the Commission deems appropriate. The remainder of costs shall be deemed an operating expense and shall be recoverable if found prudent and reasonable by the Commission.~~

~~The total costs deferred as a regulatory asset shall be amortized over a 15 year period. The unamortized balance shall be recognized as of December 31 for a given year. The utility shall also earn a return on the total of the unamortized balance of the regulatory assets, less any deferred taxes related to the unamortized balance, at an annual rate equal to the utility's weighted average cost of capital that includes, based on a year-end capital structure, the utility's actual cost of debt for the applicable calendar year and a cost of equity, which shall be calculated as the sum of: (I) the average for the~~

1 ~~applicable calendar year of the monthly average yields of~~
2 ~~30-year U.S. Treasury bonds published by the Board of~~
3 ~~Governors of the Federal Reserve System in its weekly H.15~~
4 ~~Statistical Release or successor publication; and (II) 580~~
5 ~~basis points, including a revenue conversion factor~~
6 ~~calculated to recover or refund all additional income~~
7 ~~taxes that may be payable or receivable as a result of that~~
8 ~~return.~~

9 ~~(2) The utility may recover all of the costs through~~
10 ~~an automatic adjustment clause tariff, on a volumetric~~
11 ~~basis. The utility may file its proposed cost-recovery~~
12 ~~tariff together with the tariff it files under subsection~~
13 ~~(c) of this Section or at a later time. The proposed tariff~~
14 ~~shall provide for an annual reconciliation, less any~~
15 ~~deferred taxes related to the reconciliation, with~~
16 ~~interest at an annual rate of return equal to the~~
17 ~~utility's weighted average cost of capital as calculated~~
18 ~~under paragraph (1) of this subsection (i), including a~~
19 ~~revenue conversion factor calculated to recover or refund~~
20 ~~all additional income taxes that may be payable or~~
21 ~~receivable as a result of that return, of the revenue~~
22 ~~requirement reflected in rates for each calendar year,~~
23 ~~beginning with the calendar year in which the utility~~
24 ~~files its automatic adjustment clause tariff under this~~
25 ~~subsection (i), with what the revenue requirement would~~
26 ~~have been had the actual cost information for the~~

~~applicable calendar year been available at the filing date. The Commission shall review the proposed tariff and may make changes to the tariff that are consistent with this Section and with the Commission's authority under Article IX of this Act, subject to notice and hearing. Following notice and hearing, the Commission shall issue an order approving, or approving with modification, such tariff no later than 240 days after the utility files its tariff.~~

(j) No later than 90 days after the Commission enters an order, or order on rehearing, whichever is later, approving an electric utility's proposed tariff under this Section, the electric utility shall provide notice of the availability of rebates under this Section.

(k) No later than January 1, 2030, the utilities shall file with the Commission a report that includes:

(1) the number and geographic distribution of participants receiving rebates pursuant to this Section;

(2) impacts to energy supply prices and wholesale market activities;

(3) impacts on distribution system investments and planning; and

(4) any other values deemed relevant by the Commission.

(l) Upon petition by the applicable electric utility or on its own motion, the Commission may adjust rebate levels for

1 new customers and make other appropriate changes to the rebate
2 program in a manner that is consistent with the State's clean
3 energy goals and the public interest.

4 (Source: P.A. 102-662, eff. 9-15-21; 102-1031, eff. 5-27-22;
5 103-1066, eff. 2-20-25.)

6 (220 ILCS 5/16-107.8 new)

7 Sec. 16-107.8. Time-of-use pricing.

8 (a) The General Assembly finds that market-based
9 time-of-use rates and pricing plans can reduce costs and help
10 the State achieve its energy policy goals by improving load
11 shape, encouraging energy conservation, and shifting usage
12 away from periods where fossil fuels are used. By providing
13 consumers information relating the costs of service to the
14 time of energy usage, time-of-use rates can help consumers
15 reduce energy bills by using electricity when it is less
16 costly.

17 (b) An electric utility shall offer at least one
18 market-based rate option for eligible retail customers,
19 including, but not limited to, customers participating in net
20 electricity metering under the terms of Section 16-107.5, who
21 choose to take power and energy supply service from the
22 utility. The provisions of Section 16-107.5 notwithstanding,
23 energy credits for net-metering customers shall be valued at
24 the same price per kilowatt-hour as the price per
25 kilowatt-hour that the electric service provider would charge

1 for kilowatt-hour energy sales during the same hourly
2 time-of-use period. The utility shall file its time-of-use
3 rate tariff no later than 120 days after the effective date of
4 this amendatory Act of the 104th General Assembly. The tariff
5 or tariffs shall be subject to the following requirements:

6 (1) If more than one tariff is proposed, at least one
7 tariff shall include at least the following 3 time blocks:

8 (A) a peak time block of consecutive hours best
9 reflecting the average consecutive highest system
10 power and energy use per hour in a calendar day;

11 (B) an off-peak time block, which reflects the
12 next highest system power and energy demands in a
13 calendar day; and

14 (C) a super-off-peak time block, defined as all
15 other hours in a calendar day.

16 Time blocks shall reflect the hour and weekday for
17 which the costs of services outlined in paragraphs (2)
18 and (3) of this subsection (b) are charged.

19 (2) The tariff or tariffs shall describe the
20 methodology for determining the prices for each time block
21 using the applicable average zonal and capacity prices of
22 the PJM Interconnection, LLC (PJM) and the Midcontinent
23 Independent System Operator (MISO) and describe the manner
24 in which customers who elect time-of-use pricing will be
25 provided with the time blocks, associated block pricing,
26 and day-ahead energy prices. Costs for electric capacity

1 shall be determined in a manner that recovers the capacity
2 obligation costs incurred by the electric utility.

3 (3) The time-of-use rate shall include the costs of
4 transmission services and the charges for network
5 integration transmission service, transmission
6 enhancement, and locational reliability, as these terms
7 are defined in the PJM and MISO Open Access Transmission
8 Tariffs and manuals. If the Open Access Transmission
9 Tariff or the manuals subsequently rename those terms, the
10 services reflected under those terms shall continue to be
11 included in the time-of-use rate described in this
12 paragraph (3).

13 (4) Adjustments to the charges set by the tariff may
14 be made on a monthly basis and adjustments to the time
15 blocks may be made on an annual basis. A utility shall
16 submit to the Commission, through a supplemental
17 information sheet, a tariff schedule. Customers shall be
18 provided at least 2 weeks advance notice of any changes to
19 charges or time blocks.

20 (5) A purchased energy adjustment shall be calculated
21 to fully recover costs to supply power and energy. A
22 utility shall procure power and energy in the applicable
23 day-ahead market.

24 (c) The Commission shall approve or approve with
25 modifications the tariff or tariffs after notice and hearing.
26 A proceeding under this subsection (c) may not exceed 240 days

1 in length.

2 (d) An electric utility shall submit an annual report to
3 the Commission no later than April 1 of each year that
4 describes the operation and results of the rate option,
5 including information concerning the number and types of
6 customers using the rate option, changes in customers' energy
7 use patterns, an assessment of the value of the rate option to
8 both participants and nonparticipants, and recommendations
9 concerning modification of the rate option and the tariff or
10 tariffs filed under this Section. The report shall be made
11 available to the public on the Commission's website.

12 (e) Once a tariff or tariffs has been in effect, the
13 Commission may, upon complaint, petition, or its own
14 initiative, open a proceeding to investigate whether changes
15 or modifications, consistent with the requirements of this
16 Section, to the tariff or tariffs, rate option administration,
17 or any other rate option element is necessary to achieve the
18 goals described in subsection (a). Such a proceeding may not
19 last more than 180 days from the date upon which the
20 investigation was opened.

21 (f) An electric utility shall be entitled to recover
22 prudent and reasonable costs incurred in complying with this
23 Section from its eligible retail customers.

24 (g) An electric utility's tariff or tariffs filed under
25 this Section shall be subject to the provisions of Article IX
26 as long as such provisions do not conflict with this Section.

1 (h) This Section does not apply to an electric utility
2 that provides service to 100,000 or fewer customers.

3 (220 ILCS 5/16-107.9 new)

4 Sec. 16-107.9. Virtual power plant program.

5 (a) As used in this Section:

6 "Aggregator" means a third-party entity that participates
7 in the program, other than the electric utility or its
8 affiliate, that (i) represents and aggregates the load of
9 participating customers who collectively have the ability to
10 deploy 100 kilowatts or more of deployment of eligible devices
11 and (ii) is responsible for performance of the aggregation in
12 the program.

13 "Battery" means a behind-the-meter energy storage device
14 and associated equipment that operate together to fulfill
15 program requirements.

16 "Commission" means the Illinois Commerce Commission.

17 "Customer" means an active electric service account holder
18 of a utility.

19 "Direct participant" means a customer that enrolls in the
20 program directly with the utility, rather than participating
21 in the program through an aggregator.

22 "Distributed energy resource" has the meaning set forth in
23 Section 16-107.6.

24 "Distributed energy resources management system" means a
25 platform that may be used by distribution system operators or

1 utilities to integrate grid resources, such as distributed
2 energy resources, into system operations.

3 "Eligible device" means a customer or third party-owned
4 distributed energy resource that satisfies the requirements
5 for participation in the program as specified in the relevant
6 program rider. "Eligible device" also means any device that
7 can be controlled to respond to pricing, provide services,
8 including decrease peak electricity demand or shift demand
9 from peak to off-peak periods, or inject power to the grid.

10 "Eligible device" includes, but is not limited to,
11 behind-the-meter energy storage systems, smart thermostats,
12 electric vehicle batteries, including fleets, and distributed
13 renewable energy devices paired with one or more energy
14 storage systems.

15 "Emergency event" means an event called by the utility
16 with fewer than 24 hours notice.

17 "Energy storage system" has the meaning set forth in
18 subsection (a) of Section 16-107.6.

19 "Enrolled customer" means a customer that participates in
20 the program through either an aggregator or as a direct
21 participant.

22 "Enrolled device" means an enrolled customer's eligible
23 device, as specified in the relevant tariff.

24 "Enterprise distributed energy resources management
25 system" means a platform operated by the electric utility that
26 interfaces with a grid-edge distributed energy resources

1 management system to integrate distributed energy resources
2 into utility electric system operations.

3 "Grid-edge distributed energy resources management system"
4 means a platform owned by a party other than the electric
5 utility that may be used to integrate distributed energy
6 resources.

7 "Grid event" means a grid condition for which the utility
8 schedules or remotely dispatches enrolled devices to respond
9 to, as specified in the grid service opportunities for each
10 tariff.

11 "Grid service" means a capacity, energy, or ancillary
12 service that supports grid operations.

13 "Participating customer" means an aggregator or a direct
14 retail customer, as defined in Section 16-102, with one or
15 more eligible devices.

16 "Performance payment" means a payment made to the
17 participant based on the performance of an enrolled device
18 providing a grid service during a grid event.

19 "Performance payment rate" means the compensation rate
20 paid to participants for providing a particular grid service
21 during a grid event.

22 "Smart inverter" has the meaning set forth in subsection
23 (a) of Section 16-107.6.

24 "Upfront payment" means a one-time payment made at the
25 time of enrollment.

26 "Virtual power plant" means an aggregation of

1 behind-the-meter distributed energy resources operated in
2 coordination to provide one or more grid services.

3 (b) The General Assembly finds that:

4 (1) virtual power plants are dynamic load management
5 and energy supply resources that can support grid
6 operations, reduce ratepayer costs, and achieve other
7 important public policy goals;

8 (2) virtual power plants can reduce demand for grid
9 supplied electricity during peak periods, shift
10 electricity consumption out of peak periods, make
11 renewable energy generated during off-peak periods
12 available for use during peak periods, supply energy to
13 the grid at desired times, provide frequency regulation,
14 voltage support, and other ancillary services, reduce
15 strain on the distribution system, manage localized peaks,
16 improve system resiliency and reliability, and provide
17 other grid services;

18 (3) virtual power plants can facilitate and optimize
19 the utilization of electrical generation from wind and
20 solar energy to help utilities increase hosting capacity
21 and integrate more renewable energy resources;

22 (4) virtual power plants can reduce costs to
23 ratepayers by utilizing customer-sited resources to
24 provide grid services, avoiding or reducing reliance on
25 fossil-fuel fired peaker plants, avoiding or deferring the
26 need to construct new and more costly grid scale

1 resources, optimizing the use of existing assets, and
2 avoiding or deferring distribution and transmission system
3 upgrades and other grid investments;

4 (5) virtual power plants can promote equity by
5 reducing costs for all ratepayers, expanding access to
6 distributed energy resources among low-income and
7 moderate-income customers through improved distributed
8 energy resource finance ability, and providing other
9 important co-benefits, including reduction in emissions of
10 greenhouse gases and other pollutants, especially in
11 environmental justice and other disadvantaged communities
12 that host fossil fuel generation plants;

13 (6) the United States Department of Energy estimates
14 that the United States could deploy 80 to 160 gigawatts of
15 virtual power plants by 2030, a tripling of current
16 levels, to support the rapid electrification of vehicles
17 and homes and provide on the order of \$10,000,000,000 in
18 ratepayer savings annually. The deployment of virtual
19 power plants can provide energy cost savings and other
20 benefits to the people of Illinois;

21 (7) there are significant barriers to deployment and
22 operation of virtual power plants, including the need for
23 statutory and regulatory guidance and support, greater
24 consistency in virtual power plant programs across
25 regulatory jurisdictions, and for utility commitments to
26 incorporate the use of virtual power plants into system

1 operations and long-term resource planning;

2 (8) it is in the public interest to advance customer
3 choice and leverage the expertise of private, non-utility
4 entities to advance innovation and implement
5 cost-effective clean energy solutions; and

6 (9) the policy of Illinois shall be to maximize the
7 use of virtual power plants comprised of customer-owned
8 and third party-owned distributed energy resources to
9 deliver system services and other benefits through utility
10 administered virtual power plant programs in accordance
11 with the provisions of this amendatory Act of the 104th
12 General Assembly.

13 (c) No later than December 31, 2028, the Commission shall
14 approve at least one virtual power plant tariff for each
15 electric utility serving more than 300,000 customers in the
16 State as of January 1, 2023. Each utility shall file a tariff
17 or tariffs for approval no later than December 31, 2027 to
18 allow retail customers in the electric utility's service areas
19 to participate in a virtual power plant program proposal
20 consistent with the provisions of this Section. The Commission
21 shall provide opportunities for stakeholders to provide input
22 on the virtual power plant programs proposed for
23 implementation by each utility, which the Commission shall
24 take into consideration in its review of each utility's
25 filing. No later than one year after the utility's filing, the
26 Commission shall approve or modify and approve each utility's

1 virtual power plant program proposal for immediate
2 implementation by the utility.

3 (d) The virtual power plant program filed under subsection
4 (c) shall be developed for implementation through a tariff
5 offering with standard terms and conditions for participation.
6 The virtual power plant program tariff shall allow for
7 customers with battery storage, non-battery storage and
8 electric vehicle technologies to enroll the devices in the
9 program through aggregators or directly with the utility. The
10 virtual power plant program tariff shall:

11 (1) provide a mechanism to incorporate existing
12 programs, such as smart thermostat demand-response or
13 electric vehicle charging programs currently offered by
14 the utility, under the virtual power plant program
15 framework;

16 (2) provide grid services opportunities for each
17 eligible technology that customers and aggregators may
18 provide, which shall include, at minimum, reducing the
19 utility's applicable capacity and transmission obligations
20 and capturing daily wholesale energy arbitrage
21 opportunities through provision of grid services;

22 (3) provide additional functions and grid service
23 opportunities that the Commission determines are
24 supportive of efficient planning and operation of the
25 electrical grid, including:

26 (A) minimizing the use of fossil fuels at peak

1 times;

2 (B) local peak demand reductions;

3 (C) locational value;

4 (D) the avoidance or deferral of local
5 transmission or distribution upgrades or capacity
6 expansion;

7 (E) voltage support and other ancillary services;

8 and

9 (F) emergency grid services;

10 (4) provide operational parameters, which shall
11 include, at a minimum:

12 (A) minimum and maximum numbers of grid events for
13 which the utility may require dispatch from the
14 enrolled distributed energy resources;

15 (B) months of the year that grid events may occur;

16 (C) days of the week that grid events may occur;

17 (D) times of day that grid events may occur;

18 (E) maximum duration of grid events; and

19 (F) minimum day-ahead advance notification
20 requirement of grid events, except for emergency
21 events, as applicable;

22 (5) include provisions for aggregators to participate
23 in the virtual power plant program, participate in the
24 utility's distributed energy resource management system as
25 available, automatically enroll and manage their
26 customers' participation, receive dispatch signals and

1 other communications from the utility, deliver performance
2 measurement and verification data to the utility, and
3 receive virtual power plant program payments directly from
4 the utility;

5 (6) include provisions that provide a standardized
6 process for any eligible aggregator to enroll in the
7 program and authorize the eligible aggregators to manage
8 individual customer device participation without
9 additional authorizations from the utility;

10 (7) include provisions that allow a participating
11 customer with multiple eligible devices to enroll the
12 technologies either directly without an aggregator or
13 through one or more aggregators in applicable programs
14 under the tariff approved under this Section, provided
15 that no particular device is accounted for more than once;

16 (8) include provisions for direct participant
17 customers to participate with the utility's distributed
18 energy resource management system as available, receive
19 dispatch signals and other communications from the
20 utility, deliver performance measurement and verification
21 data to the utility, and receive virtual power plant
22 program payments directly from the utility. Any provisions
23 implementing this subpart that necessitate the
24 installation of equipment to enable direct participation
25 via the utility shall apply to customers who elect to
26 participate as a direct participant and shall not be

1 required of customers who participate via an aggregator or
2 to customers who do not participate in the virtual power
3 plant program;

4 (9) provide for measurement and verification of
5 battery non-battery, and electric vehicle technologies
6 performance directly at the device without the requirement
7 for the installation of an additional meter;

8 (10) include upfront payment or performance payment
9 compensation mechanisms for the peak reduction service, as
10 well as for non-battery and electric vehicle technologies
11 as the Commission deems appropriate. The performance
12 payment shall be based on the average capacity provided
13 during grid events. The Commission shall approve
14 additional compensation mechanisms as it determines
15 appropriate for other grid services provided under the
16 battery, non-battery and electric vehicle riders. The
17 virtual power plant program shall not assess penalties for
18 non-performance; provided, however, that the Commission
19 may approve reasonable mechanisms to disenroll customers
20 for continued non-performance;

21 (11) enable low-to-moderate income customers,
22 community-driven community solar projects, and customers
23 whose electric service has not been declared competitive
24 pursuant to Section 16-113 as of July 1, 2011 located in
25 equity investment eligible investment communities to
26 receive a higher upfront enrollment payment. The

1 Commission shall coordinate with State energy officials
2 and departments to make funding from federal programs and
3 such other sources as may be available for use in
4 providing higher upfront payments to customers classes as
5 may be approved by the Commission in accordance with this
6 subsection;

7 (12) provide that the performance payment rate
8 applicable at the time of enrollment shall be for 5 years,
9 after which time the participant may reenroll at the then
10 applicable performance payment rate for an additional
11 5-year term;

12 (13) provide for a transition of customers from the
13 scheduled dispatch program described in Section 16-107.6
14 to the virtual power plant program; and

15 (14) allow enrolled customers to participate in other
16 applicable interconnection tariffs and grid service
17 programs outside the virtual power plant program, so long
18 as it does not result in double-counting of benefits for
19 the same grid services.

20 (e) The Commission may adopt other reasonable requirements
21 for participation consistent with this subsection, provided
22 that collateral from an aggregator shall not be required for
23 participation.

24 (f) The utility may contract with a third party-owned
25 distributed energy resource management system provider to
26 assist with program implementation; however, implementation

1 shall not be delayed due to the lack of utility-owned
2 distributed energy resource management system capabilities or
3 third party-owned distributed energy resource management
4 system capabilities.

5 (g) The utility shall not send or receive dispatch signals
6 directly to or from any participating customer represented by
7 an aggregator for an event under the virtual power plant
8 program described in this Section.

9 (h) Participating aggregators shall have capabilities to
10 receive event signals from utilities or utility-contracted
11 distributed energy resources management system providers.

12 (i) Utilities shall recover reasonably and prudently
13 incurred costs to facilitate the virtual power plant program
14 approved under subsection (c), including, but not limited to,
15 distributed energy resource management systems provider and
16 other service contract costs, operations and maintenance
17 expenses, information technology costs, and other costs,
18 expenses, and investments that the Commission finds necessary
19 and prudent for the development and implementation of the
20 program. The utility shall recover the cost of virtual power
21 plant program upfront payments and performance payments and
22 such other payments made to participants through the tariff
23 filed pursuant to subsection (h) of Section 16-107.6.

24 (j) No later than January 31 of each year, each utility
25 shall file an annual report that includes, but is not limited
26 to:

1 (1) the total capacity enrolled in each program rider
2 developed in accordance with the requirements of Section,
3 broken down by technology type, customer class, and
4 aggregator and direct participant status for each grid
5 service opportunity offered in the prior calendar year;

6 (2) recommendations to increase participation in the
7 virtual power plant program; and

8 (3) any other information that the Commission may
9 require.

10 (k) Each utility shall amend existing tariffs and
11 procedures that limit the ability of customers to participate
12 in providing grid services under the program, such as
13 limitations on charging energy storage devices with grid
14 energy or exporting energy to the grid from battery discharge.

15 (l) The tariffs approved by the Commission shall not
16 reflect any additional charges, fees, or insurance
17 requirements imposed on those owning or operating
18 demand-response technologies beyond those imposed on similarly
19 situated customers that do not own or operate demand-response
20 technologies.

21 (m) As a condition of participating in the programs
22 described in this Section, prior to enrollment of a customer
23 by an aggregator, the aggregator shall disclose the following:

24 (1) the payments, expressed as an amount or a formula,
25 to be provided to the customer;

26 (2) between the aggregator and customer, who is

1 responsible for paying penalties or fees; and

2 (3) between the aggregator and customer, who is
3 responsible for posting collateral, if required.

4 Any tariff authorized by this Section shall incorporate
5 the requirements under this subsection and shall require the
6 electric utility to establish a complaint and Commission
7 notification process and, on order of the Commission, suspend
8 any aggregator repeatedly or egregiously violating such
9 requirements.

10 (220 ILCS 5/16-108)

11 Sec. 16-108. Recovery of costs associated with the
12 provision of delivery and other services.

13 (a) An electric utility shall file a delivery services
14 tariff with the Commission at least 210 days prior to the date
15 that it is required to begin offering such services pursuant
16 to this Act. An electric utility shall provide the components
17 of delivery services that are subject to the jurisdiction of
18 the Federal Energy Regulatory Commission at the same prices,
19 terms and conditions set forth in its applicable tariff as
20 approved or allowed into effect by that Commission. The
21 Commission shall otherwise have the authority pursuant to
22 Article IX to review, approve, and modify the prices, terms
23 and conditions of those components of delivery services not
24 subject to the jurisdiction of the Federal Energy Regulatory
25 Commission, including the authority to determine the extent to

1 which such delivery services should be offered on an unbundled
2 basis. In making any such determination the Commission shall
3 consider, at a minimum, the effect of additional unbundling on
4 (i) the objective of just and reasonable rates, (ii) electric
5 utility employees, and (iii) the development of competitive
6 markets for electric energy services in Illinois.

7 (b) The Commission shall enter an order approving, or
8 approving as modified, the delivery services tariff no later
9 than 30 days prior to the date on which the electric utility
10 must commence offering such services. The Commission may
11 subsequently modify such tariff pursuant to this Act.

12 (c) The electric utility's tariffs shall define the
13 classes of its customers for purposes of delivery services
14 charges. Delivery services shall be priced and made available
15 to all retail customers electing delivery services in each
16 such class on a nondiscriminatory basis regardless of whether
17 the retail customer chooses the electric utility, an affiliate
18 of the electric utility, or another entity as its supplier of
19 electric power and energy. Charges for delivery services shall
20 be cost based, and shall allow the electric utility to recover
21 the costs of providing delivery services through its charges
22 to its delivery service customers that use the facilities and
23 services associated with such costs. Such costs shall include
24 the costs of owning, operating and maintaining transmission
25 and distribution facilities. The Commission shall also be
26 authorized to consider whether, and if so to what extent, the

1 following costs are appropriately included in the electric
2 utility's delivery services rates: (i) the costs of that
3 portion of generation facilities used for the production and
4 absorption of reactive power in order that retail customers
5 located in the electric utility's service area can receive
6 electric power and energy from suppliers other than the
7 electric utility, and (ii) the costs associated with the use
8 and redispatch of generation facilities to mitigate
9 constraints on the transmission or distribution system in
10 order that retail customers located in the electric utility's
11 service area can receive electric power and energy from
12 suppliers other than the electric utility. Nothing in this
13 subsection shall be construed as directing the Commission to
14 allocate any of the costs described in (i) or (ii) that are
15 found to be appropriately included in the electric utility's
16 delivery services rates to any particular customer group or
17 geographic area in setting delivery services rates.

18 (d) The Commission shall establish charges, terms and
19 conditions for delivery services that are just and reasonable
20 and shall take into account customer impacts when establishing
21 such charges. In establishing charges, terms and conditions
22 for delivery services, the Commission shall take into account
23 voltage level differences. A retail customer shall have the
24 option to request to purchase electric service at any delivery
25 service voltage reasonably and technically feasible from the
26 electric facilities serving that customer's premises provided

1 that there are no significant adverse impacts upon system
2 reliability or system efficiency. A retail customer shall also
3 have the option to request to purchase electric service at any
4 point of delivery that is reasonably and technically feasible
5 provided that there are no significant adverse impacts on
6 system reliability or efficiency. Such requests shall not be
7 unreasonably denied.

8 (e) Electric utilities shall recover the costs of
9 installing, operating or maintaining facilities for the
10 particular benefit of one or more delivery services customers,
11 including without limitation any costs incurred in complying
12 with a customer's request to be served at a different voltage
13 level, directly from the retail customer or customers for
14 whose benefit the costs were incurred, to the extent such
15 costs are not recovered through the charges referred to in
16 subsections (c) and (d) of this Section.

17 (f) An electric utility shall be entitled but not required
18 to implement transition charges in conjunction with the
19 offering of delivery services pursuant to Section 16-104. If
20 an electric utility implements transition charges, it shall
21 implement such charges for all delivery services customers and
22 for all customers described in subsection (h), but shall not
23 implement transition charges for power and energy that a
24 retail customer takes from cogeneration or self-generation
25 facilities located on that retail customer's premises, if such
26 facilities meet the following criteria:

1 (ii) the cogeneration or self-generation facilities
2 serve a single retail customer and are located on that
3 retail customer's premises (for purposes of this
4 subparagraph and subparagraph (ii), an industrial or
5 manufacturing retail customer and a third party contractor
6 that is served by such industrial or manufacturing
7 customer through such retail customer's own electrical
8 distribution facilities under the circumstances described
9 in subsection (vi) of the definition of "alternative
10 retail electric supplier" set forth in Section 16-102,
11 shall be considered a single retail customer);

12 (ii) the cogeneration or self-generation facilities
13 either (A) are sized pursuant to generally accepted
14 engineering standards for the retail customer's electrical
15 load at that premises (taking into account standby or
16 other reliability considerations related to that retail
17 customer's operations at that site) or (B) if the facility
18 is a cogeneration facility located on the retail
19 customer's premises, the retail customer is the thermal
20 host for that facility and the facility has been designed
21 to meet that retail customer's thermal energy requirements
22 resulting in electrical output beyond that retail
23 customer's electrical demand at that premises, comply with
24 the operating and efficiency standards applicable to
25 "qualifying facilities" specified in title 18 Code of
26 Federal Regulations Section 292.205 as in effect on the

1 effective date of this amendatory Act of 1999;

2 (iii) the retail customer on whose premises the
3 facilities are located either has an exclusive right to
4 receive, and corresponding obligation to pay for, all of
5 the electrical capacity of the facility, or in the case of
6 a cogeneration facility that has been designed to meet the
7 retail customer's thermal energy requirements at that
8 premises, an identified amount of the electrical capacity
9 of the facility, over a minimum 5-year period; and

10 (iv) if the cogeneration facility is sized for the
11 retail customer's thermal load at that premises but
12 exceeds the electrical load, any sales of excess power or
13 energy are made only at wholesale, are subject to the
14 jurisdiction of the Federal Energy Regulatory Commission,
15 and are not for the purpose of circumventing the
16 provisions of this subsection (f).

17 If a generation facility located at a retail customer's
18 premises does not meet the above criteria, an electric utility
19 implementing transition charges shall implement a transition
20 charge until December 31, 2006 for any power and energy taken
21 by such retail customer from such facility as if such power and
22 energy had been delivered by the electric utility. Provided,
23 however, that an industrial retail customer that is taking
24 power from a generation facility that does not meet the above
25 criteria but that is located on such customer's premises will
26 not be subject to a transition charge for the power and energy

1 taken by such retail customer from such generation facility if
2 the facility does not serve any other retail customer and
3 either was installed on behalf of the customer and for its own
4 use prior to January 1, 1997, or is both predominantly fueled
5 by byproducts of such customer's manufacturing process at such
6 premises and sells or offers an average of 300 megawatts or
7 more of electricity produced from such generation facility
8 into the wholesale market. Such charges shall be calculated as
9 provided in Section 16-102, and shall be collected on each
10 kilowatt-hour delivered under a delivery services tariff to a
11 retail customer from the date the customer first takes
12 delivery services until December 31, 2006 except as provided
13 in subsection (h) of this Section. Provided, however, that an
14 electric utility, other than an electric utility providing
15 service to at least 1,000,000 customers in this State on
16 January 1, 1999, shall be entitled to petition for entry of an
17 order by the Commission authorizing the electric utility to
18 implement transition charges for an additional period ending
19 no later than December 31, 2008. The electric utility shall
20 file its petition with supporting evidence no earlier than 16
21 months, and no later than 12 months, prior to December 31,
22 2006. The Commission shall hold a hearing on the electric
23 utility's petition and shall enter its order no later than 8
24 months after the petition is filed. The Commission shall
25 determine whether and to what extent the electric utility
26 shall be authorized to implement transition charges for an

1 additional period. The Commission may authorize the electric
2 utility to implement transition charges for some or all of the
3 additional period, and shall determine the mitigation factors
4 to be used in implementing such transition charges; provided,
5 that the Commission shall not authorize mitigation factors
6 less than 110% of those in effect during the 12 months ended
7 December 31, 2006. In making its determination, the Commission
8 shall consider the following factors: the necessity to
9 implement transition charges for an additional period in order
10 to maintain the financial integrity of the electric utility;
11 the prudence of the electric utility's actions in reducing its
12 costs since the effective date of this amendatory Act of 1997;
13 the ability of the electric utility to provide safe, adequate
14 and reliable service to retail customers in its service area;
15 and the impact on competition of allowing the electric utility
16 to implement transition charges for the additional period.

17 (g) The electric utility shall file tariffs that establish
18 the transition charges to be paid by each class of customers to
19 the electric utility in conjunction with the provision of
20 delivery services. The electric utility's tariffs shall define
21 the classes of its customers for purposes of calculating
22 transition charges. The electric utility's tariffs shall
23 provide for the calculation of transition charges on a
24 customer-specific basis for any retail customer whose average
25 monthly maximum electrical demand on the electric utility's
26 system during the 6 months with the customer's highest monthly

1 maximum electrical demands equals or exceeds 3.0 megawatts for
2 electric utilities having more than 1,000,000 customers, and
3 for other electric utilities for any customer that has an
4 average monthly maximum electrical demand on the electric
5 utility's system of one megawatt or more, and (A) for which
6 there exists data on the customer's usage during the 3 years
7 preceding the date that the customer became eligible to take
8 delivery services, or (B) for which there does not exist data
9 on the customer's usage during the 3 years preceding the date
10 that the customer became eligible to take delivery services,
11 if in the electric utility's reasonable judgment there exists
12 comparable usage information or a sufficient basis to develop
13 such information, and further provided that the electric
14 utility can require customers for which an individual
15 calculation is made to sign contracts that set forth the
16 transition charges to be paid by the customer to the electric
17 utility pursuant to the tariff.

18 (h) An electric utility shall also be entitled to file
19 tariffs that allow it to collect transition charges from
20 retail customers in the electric utility's service area that
21 do not take delivery services but that take electric power or
22 energy from an alternative retail electric supplier or from an
23 electric utility other than the electric utility in whose
24 service area the customer is located. Such charges shall be
25 calculated, in accordance with the definition of transition
26 charges in Section 16-102, for the period of time that the

1 customer would be obligated to pay transition charges if it
2 were taking delivery services, except that no deduction for
3 delivery services revenues shall be made in such calculation,
4 and usage data from the customer's class shall be used where
5 historical usage data is not available for the individual
6 customer. The customer shall be obligated to pay such charges
7 on a lump sum basis on or before the date on which the customer
8 commences to take service from the alternative retail electric
9 supplier or other electric utility, provided, that the
10 electric utility in whose service area the customer is located
11 shall offer the customer the option of signing a contract
12 pursuant to which the customer pays such charges ratably over
13 the period in which the charges would otherwise have applied.

14 (i) An electric utility shall be entitled to add to the
15 bills of delivery services customers charges pursuant to
16 Sections 9-221, 9-222 (except as provided in Section 9-222.1),
17 and Section 16-114 of this Act, Section 5-5 of the Electricity
18 Infrastructure Maintenance Fee Law, Section 6-5 of the
19 Renewable Energy, Energy Efficiency, and Coal Resources
20 Development Law of 1997, and Section 13 of the Energy
21 Assistance Act.

22 (i-5) An electric utility required to impose the Coal to
23 Solar and Energy Storage Initiative Charge provided for in
24 subsection (c-5) of Section 1-75 of the Illinois Power Agency
25 Act shall add such charge to the bills of its delivery services
26 customers pursuant to the terms of a tariff conforming to the

1 requirements of subsection (c-5) of Section 1-75 of the
2 Illinois Power Agency Act and this subsection (i-5) and filed
3 with and approved by the Commission. The electric utility
4 shall file its proposed tariff with the Commission on or
5 before July 1, 2022 to be effective, after review and approval
6 or modification by the Commission, beginning January 1, 2023.
7 On or before December 1, 2022, the Commission shall review the
8 electric utility's proposed tariff, including by conducting a
9 docketed proceeding if deemed necessary by the Commission, and
10 shall approve the proposed tariff or direct the electric
11 utility to make modifications the Commission finds necessary
12 for the tariff to conform to the requirements of subsection
13 (c-5) of Section 1-75 of the Illinois Power Agency Act and this
14 subsection (i-5). The electric utility's tariff shall provide
15 for imposition of the Coal to Solar and Energy Storage
16 Initiative Charge on a per-kilowatthour basis to all
17 kilowatthours delivered by the electric utility to its
18 delivery services customers. The tariff shall provide for the
19 calculation of the Coal to Solar and Energy Storage Initiative
20 Charge to be in effect for the year beginning January 1, 2023
21 and each year beginning January 1 thereafter, sufficient to
22 collect the electric utility's estimated payment obligations
23 for the delivery year beginning the following June 1 under
24 contracts for purchase of renewable energy credits entered
25 into pursuant to subsection (c-5) of Section 1-75 of the
26 Illinois Power Agency Act and the obligations of the

1 Department of Commerce and Economic Opportunity, or any
2 successor department or agency, which for purposes of this
3 subsection (i-5) shall be referred to as the Department, to
4 make grant payments during such delivery year from the Coal to
5 Solar and Energy Storage Initiative Fund pursuant to grant
6 contracts entered into pursuant to subsection (c-5) of Section
7 1-75 of the Illinois Power Agency Act, and using the electric
8 utility's kilowatthour deliveries to its delivery services
9 customers during the delivery year ended May 31 of the
10 preceding calendar year. On or before November 1 of each year
11 beginning November 1, 2022, the Department shall notify the
12 electric utilities of the amount of the Department's estimated
13 obligations for grant payments during the delivery year
14 beginning the following June 1 pursuant to grant contracts
15 entered into pursuant to subsection (c-5) of Section 1-75 of
16 the Illinois Power Agency Act; and each electric utility shall
17 incorporate in the calculation of its Coal to Solar and Energy
18 Storage Initiative Charge the fractional portion of the
19 Department's estimated obligations equal to the electric
20 utility's kilowatthour deliveries to its delivery services
21 customers in the delivery year ended the preceding May 31
22 divided by the aggregate deliveries of both electric utilities
23 to delivery services customers in such delivery year. The
24 electric utility shall remit on a monthly basis to the State
25 Treasurer, for deposit in the Coal to Solar and Energy Storage
26 Initiative Fund provided for in subsection (c-5) of Section

1 1-75 of the Illinois Power Agency Act, the electric utility's
2 collections of the Coal to Solar and Energy Storage Initiative
3 Charge estimated to be needed by the Department for grant
4 payments pursuant to grant contracts entered into pursuant to
5 subsection (c-5) of Section 1-75 of the Illinois Power Agency
6 Act. The initial charge under the electric utility's tariff
7 shall be effective for kilowatthours delivered beginning
8 January 1, 2023, and thereafter shall be revised to be
9 effective January 1, 2024 and each January 1 thereafter, based
10 on the payment obligations for the delivery year beginning the
11 following June 1. The tariff shall provide for the electric
12 utility to make an annual filing with the Commission on or
13 before November 15 of each year, beginning in 2023, setting
14 forth the Coal to Solar and Energy Storage Initiative Charge
15 to be in effect for the year beginning the following January 1.
16 The electric utility's tariff shall also provide that the
17 electric utility shall make a filing with the Commission on or
18 before August 1 of each year beginning in 2024 setting forth a
19 reconciliation, for the delivery year ended the preceding May
20 31, of the electric utility's collections of the Coal to Solar
21 and Energy Storage Initiative Charge against actual payments
22 for renewable energy credits pursuant to contracts entered
23 into, and the actual grant payments by the Department pursuant
24 to grant contracts entered into, pursuant to subsection (c-5)
25 of Section 1-75 of the Illinois Power Agency Act. The tariff
26 shall provide that any excess or shortfall of collections to

1 payments shall be deducted from or added to, on a
2 per-kilowatthour basis, the Coal to Solar and Energy Storage
3 Initiative Charge, over the 6-month period beginning October 1
4 of that calendar year.

5 (j) If a retail customer that obtains electric power and
6 energy from cogeneration or self-generation facilities
7 installed for its own use on or before January 1, 1997,
8 subsequently takes service from an alternative retail electric
9 supplier or an electric utility other than the electric
10 utility in whose service area the customer is located for any
11 portion of the customer's electric power and energy
12 requirements formerly obtained from those facilities
13 (including that amount purchased from the utility in lieu of
14 such generation and not as standby power purchases, under a
15 cogeneration displacement tariff in effect as of the effective
16 date of this amendatory Act of 1997), the transition charges
17 otherwise applicable pursuant to subsections (f), (g), or (h)
18 of this Section shall not be applicable in any year to that
19 portion of the customer's electric power and energy
20 requirements formerly obtained from those facilities,
21 provided, that for purposes of this subsection (j), such
22 portion shall not exceed the average number of kilowatt-hours
23 per year obtained from the cogeneration or self-generation
24 facilities during the 3 years prior to the date on which the
25 customer became eligible for delivery services, except as
26 provided in subsection (f) of Section 16-110.

1 (k) The electric utility shall be entitled to recover
2 through tariffed charges all of the costs associated with the
3 purchase of zero emission credits from zero emission
4 facilities to meet the requirements of subsection (d-5) of
5 Section 1-75 of the Illinois Power Agency Act and all of the
6 costs associated with the purchase of carbon mitigation
7 credits from carbon-free energy resources to meet the
8 requirements of subsection (d-10) of Section 1-75 of the
9 Illinois Power Agency Act. Such costs shall include the costs
10 of procuring the zero emission credits and carbon mitigation
11 credits from carbon-free energy resources, as well as the
12 reasonable costs that the utility incurs as part of the
13 procurement processes and to implement and comply with plans
14 and processes approved by the Commission under subsections
15 (d-5) and (d-10). The costs shall be allocated across all
16 retail customers through a single, uniform cents per
17 kilowatt-hour charge applicable to all retail customers, which
18 shall appear as a separate line item on each customer's bill.
19 The electric utility shall be entitled to recover through
20 tariffed charges approved by the Commission all of the prudent
21 and reasonable costs associated with energy storage resources
22 procurements to meet the energy storage system portfolio
23 standard of subsection (d-20) of Section 1-75 of the Illinois
24 Power Agency Act. Such costs shall include the contract costs
25 for the energy storage system resources and the prudent and
26 reasonable costs that the utility incurs as part of the

1 procurement processes and in implementing and complying with
2 plans and processes approved by the Commission under
3 subsection (d-20). The costs associated with the purchase of
4 energy storage system resources shall be allocated across all
5 retail customers in proportion to the amount of energy storage
6 system resources the utility procures for such customers
7 through a single, uniform cents per kilowatt-hour charge
8 applicable to such retail customers, which shall appear as a
9 separate line item on each customer's bill. Beginning June 1,
10 2017, the electric utility shall be entitled to recover
11 through tariffed charges all of the costs associated with the
12 purchase of renewable energy resources to meet the renewable
13 energy resource standards of subsection (c) of Section 1-75 of
14 the Illinois Power Agency Act, under procurement plans as
15 approved in accordance with that Section and Section 16-111.5
16 of this Act. Such costs shall include the costs of procuring
17 the renewable energy resources, as well as the reasonable
18 costs that the utility incurs as part of the procurement
19 processes and to implement and comply with plans and processes
20 approved by the Commission under such Sections. The costs
21 associated with the purchase of renewable energy resources
22 shall be allocated across all retail customers in proportion
23 to the amount of renewable energy resources the utility
24 procures for such customers through a single, uniform cents
25 per kilowatt-hour charge applicable to such retail customers,
26 which shall appear as a separate line item on each such

1 customer's bill. The credits, costs, and penalties associated
2 with the self-direct renewable portfolio standard compliance
3 program described in subparagraph (R) of paragraph (1) of
4 subsection (c) of Section 1-75 of the Illinois Power Agency
5 Act shall be allocated to approved eligible self-direct
6 customers by the utility in a cents per kilowatt-hour credit,
7 cost, or penalty, which shall appear as a separate line item on
8 each such customer's bill.

9 Notwithstanding whether the Commission has approved the
10 initial long-term renewable resources procurement plan as of
11 June 1, 2017, an electric utility shall place new tariffed
12 charges into effect beginning with the June 2017 monthly
13 billing period, to the extent practicable, to begin recovering
14 the costs of procuring renewable energy resources, as those
15 charges are calculated under the limitations described in
16 subparagraph (E) of paragraph (1) of subsection (c) of Section
17 1-75 of the Illinois Power Agency Act. Notwithstanding the
18 date on which the utility places such new tariffed charges
19 into effect, the utility shall be permitted to collect the
20 charges under such tariff as if the tariff had been in effect
21 beginning with the first day of the June 2017 monthly billing
22 period. For the delivery years commencing June 1, 2017, June
23 1, 2018, June 1, 2019, and each delivery year thereafter, the
24 electric utility shall deposit into a separate interest
25 bearing account of a financial institution the monies
26 collected under the tariffed charges. Money collected from

1 customers for the procurement of renewable energy resources in
2 a given delivery year may be spent by the utility for the
3 procurement of renewable resources over any of the following 5
4 delivery years, after which unspent money shall be credited
5 back to retail customers. The electric utility shall spend all
6 money collected in earlier delivery years that has not yet
7 been returned to customers, first, before spending money
8 collected in later delivery years. Any interest earned shall
9 be credited back to retail customers under the reconciliation
10 proceeding provided for in this subsection (k), provided that
11 the electric utility shall first be reimbursed from the
12 interest for the administrative costs that it incurs to
13 administer and manage the account. Any taxes due on the funds
14 in the account, or interest earned on it, will be paid from the
15 account or, if insufficient monies are available in the
16 account, from the monies collected under the tariffed charges
17 to recover the costs of procuring renewable energy resources.
18 Monies deposited in the account shall be subject to the
19 review, reconciliation, and true-up process described in this
20 subsection (k) that is applicable to the funds collected and
21 costs incurred for the procurement of renewable energy
22 resources.

23 The electric utility shall be entitled to recover all of
24 the costs identified in this subsection (k) through automatic
25 adjustment clause tariffs applicable to all of the utility's
26 retail customers that allow the electric utility to adjust its

1 tariffed charges consistent with this subsection (k). The
2 determination as to whether any excess funds were collected
3 during a given delivery year for the purchase of renewable
4 energy resources, and the crediting of any excess funds back
5 to retail customers, shall not be made until after the close of
6 the delivery year, which will ensure that the maximum amount
7 of funds is available to implement the approved long-term
8 renewable resources procurement plan during a given delivery
9 year. The amount of excess funds eligible to be credited back
10 to retail customers shall be reduced by an amount equal to the
11 payment obligations required by any contracts entered into by
12 an electric utility under contracts described in subsection
13 (b) of Section 1-56 and subsection (c) of Section 1-75 of the
14 Illinois Power Agency Act, even if such payments have not yet
15 been made and regardless of the delivery year in which those
16 payment obligations were incurred. Notwithstanding anything to
17 the contrary, including in tariffs authorized by this
18 subsection (k) in effect before the effective date of this
19 amendatory Act of the 102nd General Assembly, all unspent
20 funds as of May 31, 2021, excluding any funds credited to
21 customers during any utility billing cycle that commences
22 prior to the effective date of this amendatory Act of the 102nd
23 General Assembly, shall remain in the utility account and
24 shall on a first in, first out basis be used toward utility
25 payment obligations under contracts described in subsection
26 (b) of Section 1-56 and subsection (c) of Section 1-75 of the

1 Illinois Power Agency Act. The electric utility's collections
2 under such automatic adjustment clause tariffs to recover the
3 costs of renewable energy resources, zero emission credits
4 from zero emission facilities, energy storage resources, and
5 carbon mitigation credits from carbon-free energy resources
6 shall be subject to separate annual review, reconciliation,
7 and true-up against actual costs by the Commission under a
8 procedure that shall be specified in the electric utility's
9 automatic adjustment clause tariffs and that shall be approved
10 by the Commission in connection with its approval of such
11 tariffs. The procedure shall provide that any difference
12 between the electric utility's collections for energy storage
13 resources, zero emission credits, and carbon mitigation
14 credits under the automatic adjustment charges for an annual
15 period and the electric utility's actual costs of energy
16 storage resources, zero emission credits from zero emission
17 facilities, and carbon mitigation credits from carbon-free
18 energy resources for that same annual period shall be refunded
19 to or collected from, as applicable, the electric utility's
20 retail customers in subsequent periods.

21 Nothing in this subsection (k) is intended to affect,
22 limit, or change the right of the electric utility to recover
23 the costs associated with the procurement of renewable energy
24 resources for periods commencing before, on, or after June 1,
25 2017, as otherwise provided in the Illinois Power Agency Act.

26 The funding available under this subsection (k), if any,

1 for the programs described under subsection (b) of Section
2 1-56 of the Illinois Power Agency Act shall not reduce the
3 amount of funding for the programs described in subparagraph
4 (O) of paragraph (1) of subsection (c) of Section 1-75 of the
5 Illinois Power Agency Act. If funding is available under this
6 subsection (k) for programs described under subsection (b) of
7 Section 1-56 of the Illinois Power Agency Act, then the
8 long-term renewable resources plan shall provide for the
9 Agency to procure contracts in an amount that does not exceed
10 the funding, and the contracts approved by the Commission
11 shall be executed by the applicable utility or utilities.

12 (1) A utility that has terminated any contract executed
13 under subsection (d-5) or (d-10) of Section 1-75 of the
14 Illinois Power Agency Act shall be entitled to recover any
15 remaining balance associated with the purchase of zero
16 emission credits prior to such termination, and such utility
17 shall also apply a credit to its retail customer bills in the
18 event of any over-collection.

19 (m)(1) An electric utility that recovers its costs of
20 procuring zero emission credits from zero emission facilities
21 through a cents-per-kilowatthour charge under subsection (k)
22 of this Section shall be subject to the requirements of this
23 subsection (m). Notwithstanding anything to the contrary, such
24 electric utility shall, beginning on April 30, 2018, and each
25 April 30 thereafter until April 30, 2026, calculate whether
26 any reduction must be applied to such cents-per-kilowatthour

1 charge that is paid by retail customers of the electric
2 utility that have opted out of subsections (a) through (j) of
3 Section 8-103B of this Act under subsection (1) of Section
4 8-103B. Such charge shall be reduced for such customers for
5 the next delivery year commencing on June 1 based on the amount
6 necessary, if any, to limit the annual estimated average net
7 increase for the prior calendar year due to the future energy
8 investment costs to no more than 1.3% of 5.98 cents per
9 kilowatt-hour, which is the average amount paid per
10 kilowatthour for electric service during the year ending
11 December 31, 2015 by Illinois industrial retail customers, as
12 reported to the Edison Electric Institute.

13 The calculations required by this subsection (m) shall be
14 made only once for each year, and no subsequent rate impact
15 determinations shall be made.

16 (2) For purposes of this Section, "future energy
17 investment costs" shall be calculated by subtracting the
18 cents-per-kilowatthour charge identified in subparagraph (A)
19 of this paragraph (2) from the sum of the
20 cents-per-kilowatthour charges identified in subparagraph (B)
21 of this paragraph (2):

22 (A) The cents-per-kilowatthour charge identified in
23 the electric utility's tariff placed into effect under
24 Section 8-103 of the Public Utilities Act that, on
25 December 1, 2016, was applicable to those retail customers
26 that have opted out of subsections (a) through (j) of

1 Section 8-103B of this Act under subsection (l) of Section
2 8-103B.

3 (B) The sum of the following cents-per-kilowatthour
4 charges applicable to those retail customers that have
5 opted out of subsections (a) through (j) of Section 8-103B
6 of this Act under subsection (l) of Section 8-103B,
7 provided that if one or more of the following charges has
8 been in effect and applied to such customers for more than
9 one calendar year, then each charge shall be equal to the
10 average of the charges applied over a period that
11 commences with the calendar year ending December 31, 2017
12 and ends with the most recently completed calendar year
13 prior to the calculation required by this subsection (m):

14 (i) the cents-per-kilowatthour charge to recover
15 the costs incurred by the utility under subsection
16 (d-5) of Section 1-75 of the Illinois Power Agency
17 Act, adjusted for any reductions required under this
18 subsection (m); and

19 (ii) the cents-per-kilowatthour charge to recover
20 the costs incurred by the utility under Section
21 16-107.6 of the Public Utilities Act.

22 If no charge was applied for a given calendar year
23 under item (i) or (ii) of this subparagraph (B), then the
24 value of the charge for that year shall be zero.

25 (3) If a reduction is required by the calculation
26 performed under this subsection (m), then the amount of the

1 reduction shall be multiplied by the number of years reflected
2 in the averages calculated under subparagraph (B) of paragraph
3 (2) of this subsection (m). Such reduction shall be applied to
4 the cents-per-kilowatthour charge that is applicable to those
5 retail customers that have opted out of subsections (a)
6 through (j) of Section 8-103B of this Act under subsection (l)
7 of Section 8-103B beginning with the next delivery year
8 commencing after the date of the calculation required by this
9 subsection (m).

10 (4) The electric utility shall file a notice with the
11 Commission on May 1 of 2018 and each May 1 thereafter until May
12 1, 2026 containing the reduction, if any, which must be
13 applied for the delivery year which begins in the year of the
14 filing. The notice shall contain the calculations made
15 pursuant to this Section. By October 1 of each year beginning
16 in 2018, each electric utility shall notify the Commission if
17 it appears, based on an estimate of the calculation required
18 in this subsection (m), that a reduction will be required in
19 the next year.

20 (Source: P.A. 102-662, eff. 9-15-21.)

21 (220 ILCS 5/16-108.19)

22 Sec. 16-108.19. ~~Division of~~ Integrated Distribution
23 Planning.

24 (a) The Commission shall employ ~~establish the Division of~~
25 ~~Integrated Distribution Planning within the Bureau of Public~~

1 ~~Utilities. The Division shall be staffed by no less than 13~~
2 professionals, including engineers, rate analysts,
3 accountants, policy analysts, utility research and analysis
4 analysts, cybersecurity analysts, informational technology
5 specialists, ~~and lawyers,~~ and other personnel deemed necessary
6 and appropriate by the Executive Director to review and
7 evaluate Integrated Grid Plans, updates to Integrated Grid
8 Plans, audits, and other duties as assigned. The personnel may
9 be organized or assigned into departments, bureaus, sections,
10 or divisions as determined by the Executive Director pursuant
11 to the authority granted under this Section ~~by the Chief of the~~
12 ~~Public Utilities Bureau.~~

13 (b) The Division of Integrated Distribution Planning shall
14 be established by January 1, 2022.

15 (Source: P.A. 102-662, eff. 9-15-21.)

16 (220 ILCS 5/16-108.30)

17 Sec. 16-108.30. Energy Transition Assistance Fund.

18 (a) The Energy Transition Assistance Fund is hereby
19 created as a special fund in the State treasury ~~Treasury~~. The
20 Energy Transition Assistance Fund is authorized to receive
21 moneys collected pursuant to this Section. Subject to
22 appropriation, the Department of Commerce and Economic
23 Opportunity shall use moneys from the Energy Transition
24 Assistance Fund consistent with the purposes of this Act.

25 (b) An electric utility serving more than 500,000

1 customers in the State shall assess an energy transition
2 assistance charge on all its retail customers for the Energy
3 Transition Assistance Fund. The utility's total charge shall
4 be set based upon the value determined by the Department of
5 Commerce and Economic Opportunity pursuant to subsection (d)
6 or (e), as applicable, of Section 605-1075 of the Department
7 of Commerce and Economic Opportunity Law of the Civil
8 Administrative Code of Illinois. For each utility, the charge
9 shall be recovered through a single, uniform cents per
10 kilowatt-hour charge applicable to all retail customers. For
11 each utility, the charge shall not exceed 1.45% ~~1.3%~~ of the
12 amount paid per kilowatthour by eligible retail customers
13 during the year ending May 31, 2009. Beginning January 1,
14 2028, the limitation shall be increased by an additional 0.636
15 percentage points of the amount paid per kilowatt-hour by
16 eligible retail customers during the year ending May 31, 2009,
17 which would collect the equivalent of the average annual
18 budget of the programs administered by the utilities under
19 Section 45 of the Electric Vehicle Act for the years 2026
20 through 2028.

21 (c) Within 75 days of the effective date of this
22 amendatory Act of the 102nd General Assembly, each electric
23 utility serving more than 500,000 customers in the State shall
24 file with the Illinois Commerce Commission tariffs
25 incorporating the energy transition assistance charge in other
26 charges stated in such tariffs, which energy transition

1 assistance charges shall become effective no later than the
2 beginning of the first billing cycle that begins on or after
3 January 1, 2022. Each electric utility serving more than
4 500,000 customers in the State shall, prior to the beginning
5 of each calendar year starting with calendar year 2023, file
6 with the Illinois Commerce Commission tariff revisions to
7 incorporate annual revisions to the energy transition
8 assistance charge as prescribed by the Department of Commerce
9 and Economic Opportunity pursuant to Section 605-1075 of the
10 Department of Commerce and Economic Opportunity Law of the
11 Civil Administrative Code of Illinois so that such revision
12 becomes effective no later than the beginning of the first
13 billing cycle in each respective year.

14 (d) The energy transition assistance charge shall be
15 considered a charge for public utility service.

16 (e) By the 20th day of the month following the month in
17 which the charges imposed by this Section were collected, each
18 electric utility serving more than 500,000 customers in the
19 State shall remit to Department of Revenue all moneys received
20 as payment of the energy transition assistance charge on a
21 return prescribed and furnished by the Department of Revenue
22 showing such information as the Department of Revenue may
23 reasonably require. If a customer makes a partial payment, a
24 public utility may apply such partial payments first to
25 amounts owed to the utility. No customer may be subjected to
26 disconnection of his or her utility service for failure to pay

1 the energy transition assistance charge.

2 If any payment provided for in this subsection exceeds the
3 electric utility's liabilities under this Act, as shown on an
4 original return, the Department may authorize the electric
5 utility to credit such excess payment against liability
6 subsequently to be remitted to the Department under this Act,
7 in accordance with reasonable rules adopted by the Department.

8 All the provisions of Sections 4, 5, 5a, 5b, 5c, 5d, 5e,
9 5f, 5g, 5i, 5j, 6, 6a, 6b, 6c, 7, 8, 9, 10, 11, 11a, 12, and 13
10 of the Retailers' Occupation Tax Act that are not inconsistent
11 with this Act apply, as far as practicable, to the charge
12 imposed by this Act to the same extent as if those provisions
13 were included in this Act. References in the incorporated
14 Sections of the Retailers' Occupation Tax Act to retailers, to
15 sellers, or to persons engaged in the business of selling
16 tangible personal property mean persons required to remit the
17 charge imposed under this Act.

18 (f) The Department of Revenue shall deposit into the
19 Energy Transition Assistance Fund all moneys remitted to it in
20 accordance with this Section.

21 (g) The Department of Revenue may establish such rules as
22 it deems necessary to implement this Section.

23 (h) The Department of Commerce and Economic Opportunity
24 may establish such rules as it deems necessary to implement
25 this Section.

26 (Source: P.A. 102-662, eff. 9-15-21; 102-1031, eff. 5-27-22.)

1 (220 ILCS 5/16-111.5)

2 Sec. 16-111.5. Provisions relating to procurement.

3 (a) An electric utility that on December 31, 2005 served
4 at least 100,000 customers in Illinois shall procure power and
5 energy for its eligible retail customers in accordance with
6 the applicable provisions set forth in Section 1-75 of the
7 Illinois Power Agency Act and this Section. Beginning with the
8 delivery year commencing on June 1, 2017, such electric
9 utility shall also procure zero emission credits from zero
10 emission facilities in accordance with the applicable
11 provisions set forth in Section 1-75 of the Illinois Power
12 Agency Act, and, for years beginning on or after June 1, 2017,
13 the utility shall procure renewable energy resources in
14 accordance with the applicable provisions set forth in Section
15 1-75 of the Illinois Power Agency Act and this Section.
16 Beginning with the delivery year commencing on June 1, 2022,
17 an electric utility serving over 3,000,000 customers shall
18 also procure carbon mitigation credits from carbon-free energy
19 resources in accordance with the applicable provisions set
20 forth in Section 1-75 of the Illinois Power Agency Act and this
21 Section. Beginning with the delivery year commencing on June
22 1, 2026, an electric utility serving more than 300,000
23 customers in the State as of January 1, 2019 shall also procure
24 energy storage resources in accordance with the applicable
25 provisions of subsection (d-20) of Section 1-75 of the

1 Illinois Power Agency Act and this Section. A small
2 multi-jurisdictional electric utility that on December 31,
3 2005 served less than 100,000 customers in Illinois may elect
4 to procure power and energy for all or a portion of its
5 eligible Illinois retail customers in accordance with the
6 applicable provisions set forth in this Section and Section
7 1-75 of the Illinois Power Agency Act. This Section shall not
8 apply to a small multi-jurisdictional utility until such time
9 as a small multi-jurisdictional utility requests the Illinois
10 Power Agency to prepare a procurement plan for its eligible
11 retail customers. "Eligible retail customers" for the purposes
12 of this Section means those retail customers that purchase
13 power and energy from the electric utility under fixed-price
14 bundled service tariffs, other than those retail customers
15 whose service is declared or deemed competitive under Section
16 16-113 and those other customer groups specified in this
17 Section, including self-generating customers, customers
18 electing hourly pricing, or those customers who are otherwise
19 ineligible for fixed-price bundled tariff service. Except as
20 otherwise provided for in subsection (b-10), for ~~For~~ those
21 customers that are excluded from the procurement plan's
22 electric supply service requirements, ~~and~~ the utility shall
23 procure any supply requirements, including capacity, ancillary
24 services, and hourly priced energy, in the applicable markets
25 as needed to serve those customers, provided that the utility
26 may include in its procurement plan load requirements for the

1 load that is associated with those retail customers whose
2 service has been declared or deemed competitive pursuant to
3 Section 16-113 of this Act to the extent that those customers
4 are purchasing power and energy during one of the transition
5 periods identified in subsection (b) of Section 16-113 of this
6 Act.

7 (b) A procurement plan shall be prepared for each electric
8 utility consistent with the applicable requirements of the
9 Illinois Power Agency Act and this Section. For purposes of
10 this Section, Illinois electric utilities that are affiliated
11 by virtue of a common parent company are considered to be a
12 single electric utility. Small multi-jurisdictional utilities
13 may request a procurement plan for a portion of or all of its
14 Illinois load. Each procurement plan shall analyze the
15 projected balance of supply and demand for those retail
16 customers to be included in the plan's electric supply service
17 requirements over a 5-year period, with the first planning
18 year beginning on June 1 of the year following the year in
19 which the plan is filed. The plan shall specifically identify
20 the wholesale products to be procured following plan approval,
21 and shall follow all the requirements set forth in the Public
22 Utilities Act and all applicable State and federal laws,
23 statutes, rules, or regulations, as well as Commission orders.
24 Nothing in this Section precludes consideration of contracts
25 longer than 5 years and related forecast data. Unless
26 specified otherwise in this Section, in the procurement plan

1 or in the implementing tariff, any procurement occurring in
2 accordance with this plan shall be competitively bid through a
3 request for proposals process. Approval and implementation of
4 the procurement plan shall be subject to review and approval
5 by the Commission according to the provisions set forth in
6 this Section. A procurement plan shall include each of the
7 following components:

8 (1) Hourly load analysis. This analysis shall include:

9 (i) multi-year historical analysis of hourly
10 loads;

11 (ii) switching trends and competitive retail
12 market analysis;

13 (iii) known or projected changes to future loads;

14 and

15 (iv) growth forecasts by customer class.

16 (2) Analysis of the impact of any demand side and
17 renewable energy initiatives. This analysis shall include:

18 (i) the impact of demand response programs and
19 energy efficiency programs, both current and
20 projected; for small multi-jurisdictional utilities,
21 the impact of demand response and energy efficiency
22 programs approved pursuant to Section 8-408 of this
23 Act, both current and projected; and

24 (ii) supply side needs that are projected to be
25 offset by purchases of renewable energy resources, if
26 any.

1 (3) A plan for meeting the expected load requirements
2 that will not be met through preexisting contracts. This
3 plan shall include:

4 (i) definitions of the different Illinois retail
5 customer classes for which supply is being purchased;

6 (ii) the proposed mix of demand-response products
7 for which contracts will be executed during the next
8 year. For small multi-jurisdictional electric
9 utilities that on December 31, 2005 served fewer than
10 100,000 customers in Illinois, these shall be defined
11 as demand-response products offered in an energy
12 efficiency plan approved pursuant to Section 8-408 of
13 this Act. The cost-effective demand-response measures
14 shall be procured whenever the cost is lower than
15 procuring comparable capacity products, provided that
16 such products shall:

17 (A) be procured by a demand-response provider
18 from those retail customers included in the plan's
19 electric supply service requirements;

20 (B) at least satisfy the demand-response
21 requirements of the regional transmission
22 organization market in which the utility's service
23 territory is located, including, but not limited
24 to, any applicable capacity or dispatch
25 requirements;

26 (C) provide for customers' participation in

1 the stream of benefits produced by the
2 demand-response products;

3 (D) provide for reimbursement by the
4 demand-response provider of the utility for any
5 costs incurred as a result of the failure of the
6 supplier of such products to perform its
7 obligations thereunder; and

8 (E) meet the same credit requirements as apply
9 to suppliers of capacity, in the applicable
10 regional transmission organization market;

11 (iii) monthly forecasted system supply
12 requirements, including expected minimum, maximum, and
13 average values for the planning period;

14 (iv) the proposed mix and selection of standard
15 wholesale products for which contracts will be
16 executed during the next year, separately or in
17 combination, to meet that portion of its load
18 requirements not met through pre-existing contracts,
19 including but not limited to monthly 5 x 16 peak period
20 block energy, monthly off-peak wrap energy, monthly 7
21 x 24 energy, annual 5 x 16 energy, other standardized
22 energy or capacity products designed to provide
23 eligible retail customer benefits from commercially
24 deployed advanced technologies including but not
25 limited to high voltage direct current converter
26 stations, as such term is defined in Section 1-10 of

1 the Illinois Power Agency Act, whether or not such
2 product is currently available in wholesale markets,
3 annual off-peak wrap energy, annual 7 x 24 energy,
4 monthly capacity, annual capacity, peak load capacity
5 obligations, capacity purchase plan, and ancillary
6 services;

7 (v) proposed term structures for each wholesale
8 product type included in the proposed procurement plan
9 portfolio of products; and

10 (vi) an assessment of the price risk, load
11 uncertainty, and other factors that are associated
12 with the proposed procurement plan; this assessment,
13 to the extent possible, shall include an analysis of
14 the following factors: contract terms, time frames for
15 securing products or services, fuel costs, weather
16 patterns, transmission costs, market conditions, and
17 the governmental regulatory environment; the proposed
18 procurement plan shall also identify alternatives for
19 those portfolio measures that are identified as having
20 significant price risk and mitigation in the form of
21 additional retail customer and ratepayer price,
22 reliability, and environmental benefits from
23 standardized energy products delivered from
24 commercially deployed advanced technologies,
25 including, but not limited to, high voltage direct
26 current converter stations, as such term is defined in

1 Section 1-10 of the Illinois Power Agency Act, whether
2 or not such product is currently available in
3 wholesale markets.

4 (4) Proposed procedures for balancing loads. The
5 procurement plan shall include, for load requirements
6 included in the procurement plan, the process for (i)
7 hourly balancing of supply and demand and (ii) the
8 criteria for portfolio re-balancing in the event of
9 significant shifts in load.

10 (5) Long-Term Renewable Resources Procurement Plan.
11 The Agency shall prepare a long-term renewable resources
12 procurement plan for the procurement of renewable energy
13 credits under Sections 1-56 and 1-75 of the Illinois Power
14 Agency Act for delivery beginning in the 2017 delivery
15 year.

16 (i) The initial long-term renewable resources
17 procurement plan and all subsequent revisions shall be
18 subject to review and approval by the Commission. For
19 the purposes of this Section, "delivery year" has the
20 same meaning as in Section 1-10 of the Illinois Power
21 Agency Act. For purposes of this Section, "Agency"
22 shall mean the Illinois Power Agency.

23 (ii) The long-term renewable resources planning
24 process shall be conducted as follows:

25 (A) Electric utilities shall provide a range
26 of load forecasts to the Illinois Power Agency

1 within 45 days of the Agency's request for
2 forecasts, which request shall specify the length
3 and conditions for the forecasts including, but
4 not limited to, the quantity of distributed
5 generation expected to be interconnected for each
6 year.

7 (B) The Agency shall publish for comment the
8 initial long-term renewable resources procurement
9 plan no later than 120 days after the effective
10 date of this amendatory Act of the 99th General
11 Assembly and shall review, and may revise, the
12 plan at least every 2 years thereafter. To the
13 extent practicable, the Agency shall review and
14 propose any revisions to the long-term renewable
15 energy resources procurement plan in conjunction
16 with the Agency's other planning and approval
17 processes conducted under this Section. Plans may
18 be released on separate dates, but the Agency
19 shall, to the extent practicable, release both
20 plans across a 30-day period. The initial
21 long-term renewable resources procurement plan
22 shall:

23 (aa) Identify the procurement programs and
24 competitive procurement events consistent with
25 the applicable requirements of the Illinois
26 Power Agency Act and shall be designed to

1 achieve the goals set forth in subsection (c)
2 of Section 1-75 of that Act.

3 (bb) Include a schedule for procurements
4 for renewable energy credits from
5 utility-scale wind projects, utility-scale
6 solar projects, and brownfield site
7 photovoltaic projects consistent with
8 subparagraph (G) of paragraph (1) of
9 subsection (c) of Section 1-75 of the Illinois
10 Power Agency Act.

11 (cc) Identify the process whereby the
12 Agency will submit to the Commission for
13 review and approval the proposed contracts to
14 implement the programs required by such plan.

15 If so authorized by the Commission in its
16 order approving the procurement plan, the
17 procurement plan shall provide that small
18 multi-jurisdictional electric utilities that, on
19 December 31, 2005, served fewer than 100,000
20 customers in Illinois shall, in lieu of serving as
21 counterparties to contracts for the delivery of
22 renewable energy credits, instead provide an
23 amount equivalent to the contracts for the
24 delivery of renewable energy credits in
25 collections to utilities that served at least
26 100,000 customers in Illinois as a compliance

1 payment for the procurement of additional
2 renewable energy credits to satisfy that small
3 multi-jurisdictional electric utility's
4 obligation for compliance with the goals set forth
5 in subsection (c) of Section 1-75 of the Illinois
6 Power Agency Act. This authorization may include
7 the transfer of existing contract obligations.

8 Copies of the initial long-term renewable
9 resources procurement plan and all subsequent
10 revisions shall be posted and made publicly
11 available on the Agency's and Commission's
12 websites, and copies shall also be provided to
13 each affected electric utility. An affected
14 utility and other interested parties shall have 45
15 days following the date of posting to provide
16 comment to the Agency on the initial long-term
17 renewable resources procurement plan and all
18 subsequent revisions. All comments submitted to
19 the Agency shall be specific, supported by data or
20 other detailed analyses, and, if objecting to all
21 or a portion of the procurement plan, accompanied
22 by specific alternative wording or proposals. All
23 comments shall be posted on the Agency's and
24 Commission's websites. During this 45-day comment
25 period, the Agency shall hold at least one virtual
26 or in-person public hearing for ~~within~~ each

1 utility's service area that is subject to the
2 requirements of this paragraph (5) for the purpose
3 of receiving public comment. Within 21 days
4 following the end of the 45-day review period, the
5 Agency may revise the long-term renewable
6 resources procurement plan based on the comments
7 received and shall file the plan with the
8 Commission for review and approval.

9 (C) Within 14 days after the filing of the
10 initial long-term renewable resources procurement
11 plan or any subsequent revisions, any person
12 objecting to the plan may file an objection with
13 the Commission. Within 21 days after the filing of
14 the plan, the Commission shall determine whether a
15 hearing is necessary. The Commission shall enter
16 its order confirming or modifying the initial
17 long-term renewable resources procurement plan or
18 any subsequent revisions within 120 days after the
19 filing of the plan by the Illinois Power Agency.

20 (D) The Commission shall approve the initial
21 long-term renewable resources procurement plan and
22 any subsequent revisions, including expressly the
23 forecast used in the plan and taking into account
24 that funding will be limited to the amount of
25 revenues actually collected by the utilities, if
26 the Commission determines that the plan will

1 reasonably and prudently accomplish the
2 requirements of Section 1-56 and subsection (c) of
3 Section 1-75 of the Illinois Power Agency Act. The
4 Commission shall also approve the process for the
5 submission, review, and approval of the proposed
6 contracts to procure renewable energy credits or
7 implement the programs authorized by the
8 Commission pursuant to a long-term renewable
9 resources procurement plan approved under this
10 Section.

11 In approving any long-term renewable resources
12 procurement plan after the effective date of this
13 amendatory Act of the 102nd General Assembly, the
14 Commission shall approve or modify the Agency's
15 proposal for minimum equity standards pursuant to
16 subsection (c-10) of Section 1-75 of the Illinois
17 Power Agency Act. The Commission shall consider
18 any analysis performed by the Agency in developing
19 its proposal, including past performance,
20 availability of equity eligible contractors, and
21 availability of equity eligible persons at the
22 time the long-term renewable resources procurement
23 plan is approved.

24 (iii) The Agency or third parties contracted by
25 the Agency shall implement all programs authorized by
26 the Commission in an approved long-term renewable

1 resources procurement plan without further review and
2 approval by the Commission. Third parties shall not
3 begin implementing any programs or receive any payment
4 under this Section until the Commission has approved
5 the contract or contracts under the process authorized
6 by the Commission in item (D) of subparagraph (ii) of
7 paragraph (5) of this subsection (b) and the third
8 party and the Agency or utility, as applicable, have
9 executed the contract. For those renewable energy
10 credits subject to procurement through a competitive
11 bid process under the plan or under the initial
12 forward procurements for wind and solar resources
13 described in subparagraph (G) of paragraph (1) of
14 subsection (c) of Section 1-75 of the Illinois Power
15 Agency Act, the Agency shall follow the procurement
16 process specified in the provisions relating to
17 electricity procurement in subsections (e) through (i)
18 of this Section.

19 (iv) An electric utility shall recover its costs
20 associated with the procurement of renewable energy
21 credits under this Section and pursuant to subsection
22 (c-5) of Section 1-75 of the Illinois Power Agency Act
23 through an automatic adjustment clause tariff under
24 subsection (k) or a tariff pursuant to subsection
25 (i-5), as applicable, of Section 16-108 of this Act. A
26 utility shall not be required to advance any payment

1 or pay any amounts under this Section that exceed the
2 actual amount of revenues collected by the utility
3 under paragraph (6) of subsection (c) of Section 1-75
4 of the Illinois Power Agency Act, subsection (c-5) of
5 Section 1-75 of the Illinois Power Agency Act, and
6 subsection (k) or subsection (i-5), as applicable, of
7 Section 16-108 of this Act, and contracts executed
8 under this Section shall expressly incorporate this
9 limitation.

10 (v) For the public interest, safety, and welfare,
11 the Agency and the Commission may adopt rules to carry
12 out the provisions of this Section on an emergency
13 basis immediately following the effective date of this
14 amendatory Act of the 99th General Assembly.

15 (vi) On or before July 1 of each year, the
16 Commission shall hold an informal hearing for the
17 purpose of receiving comments on the prior year's
18 procurement process and any recommendations for
19 change.

20 (6) Energy Storage System Resources Procurement Plan.

21 The Agency shall prepare an energy storage system
22 resources procurement plan for the procurement of energy
23 storage system resources in compliance with this Section
24 and subsection (d-20) of Section 1-75 of the Illinois
25 Power Agency Act.

26 (i) The initial energy storage system resources

1 procurement plan and all subsequent revisions shall be
2 subject to review and approval by the Commission. For
3 the purposes of this paragraph (6), "delivery year"
4 has the meaning given to that term in Section 1-10 of
5 the Illinois Power Agency Act, and "Agency" means the
6 Illinois Power Agency.

7 (ii) The energy storage system resources
8 procurement planning process shall be conducted as
9 follows:

10 (A) The Agency shall publish for comment the
11 initial energy storage system resources
12 procurement plan no later than June 1, 2027 and
13 may revise the plan at least every 2 years
14 thereafter. To the extent practicable, the Agency
15 shall review and propose any revisions to the
16 energy storage system resources procurement plan
17 in conjunction with the Agency's long-term
18 renewable resources procurement plan. The initial
19 energy storage system resources plan shall:

20 (aa) include a schedule for procurements
21 for energy storage system resources consistent
22 with subsection (d-20) of Section 1-75 of the
23 Illinois Power Agency Act and the integrated
24 resource planning process outlined in Section
25 16-202; and

26 (bb) identify the process whereby the

1 Agency will submit to the Commission for
2 review and approval the proposed contracts to
3 implement the programs required by the plan.

4 Copies of the initial energy storage system
5 resources procurement plan and all subsequent
6 revisions shall be posted and made publicly
7 available on the Agency's and Commission's
8 websites, and copies shall also be provided to
9 each affected electric utility. An affected
10 utility and other interested parties shall have 45
11 days after the date of posting to provide comment
12 to the Agency on the initial storage system
13 resources procurement plan and all subsequent
14 revisions. All comments shall be posted on the
15 Agency's and the Commission's websites.

16 (B) The Commission shall approve the initial
17 energy storage system resources procurement plan
18 and any subsequent revisions if the Commission
19 determines that the plan will reasonably and
20 prudently accomplish the requirements of
21 subsection (d-20) of Section 1-75 of the Illinois
22 Power Agency Act. The Commission shall also
23 approve the process for the submission, review,
24 and approval of the proposed contracts to procure
25 energy storage system resources or implement the
26 programs authorized by the Commission pursuant to

1 an energy storage system resources procurement
2 plan approved under this Section.

3 (iii) The Agency or third parties contracted by
4 the Agency shall implement all programs authorized by
5 the Commission in an approved energy storage system
6 resources procurement plan without further review and
7 approval by the Commission. Third parties shall not
8 begin implementing any programs or receive any payment
9 under this Section until the Commission has approved a
10 contract under the energy storage system resources
11 procurement process under this Section.

12 (iv) An electric utility shall recover its prudent
13 and reasonable costs associated with the procurement
14 of energy storage system resources procurements under
15 this Section and under subsection (d-20) of Section
16 1-75 of the Illinois Power Agency Act through an
17 automatic adjustment clause tariff under subsection
18 (k) of Section 16-108.

19 (b-5) An electric utility that as of January 1, 2019
20 served more than 300,000 retail customers in this State shall
21 purchase renewable energy credits from new renewable energy
22 facilities constructed at or adjacent to the sites of
23 coal-fueled electric generating facilities in this State in
24 accordance with subsection (c-5) of Section 1-75 of the
25 Illinois Power Agency Act and shall purchase energy storage
26 credits, or other services as applicable, for energy storage

1 system resources in accordance with subsection (d-20) of
2 Section 1-75 of the Illinois Power Agency Act. Except as
3 expressly provided in this Section, the plans and procedures
4 for such procurements shall not be included in the procurement
5 plans provided for in this Section, but rather shall be
6 conducted and implemented solely in accordance with subsection
7 (c-5) of Section 1-75 of the Illinois Power Agency Act.

8 (b-10) Beginning with the procurement plan for the
9 delivery year commencing on June 1, 2027, in recognition of
10 the potential need to facilitate additional supply to address
11 any resource adequacy challenges through a stable and
12 competitively neutral cost allocation mechanism, upon an
13 identification of need by the Commission in the resource
14 adequacy report prepared pursuant to subsection (o) of Section
15 9.15 of the Environmental Protection Act, and as such need is
16 updated by the integrated resource planning process outlined
17 in subsection (b), the procurement plan shall also include the
18 procurement of energy, capacity, environmental attributes,
19 resource adequacy attributes, or some combination thereof
20 intended to serve all retail customers. Any procurements
21 proposed under this subsection (b-10) shall feature long-term
22 contracts, shall be structured to facilitate new and additive
23 supply resources, and shall be sized to ensure that the
24 substantial majority of any load-serving entity's supply
25 portfolio is not composed of contracts awarded under this
26 subsection (b-10). Any procurement should consider the value

1 of higher capacity resources that aid in resource adequacy.
2 The Agency shall propose contract structures that do not
3 create contractual obligations on utilities that are not
4 contingent on full and timely cost recovery, that avoid
5 negative financial impacts on the utilities, and that are
6 implemented through contracts that are agreed upon by the
7 utilities.

8 (1) Facilities eligible for long-term contracts under
9 this subsection (b-10) must be new clean energy resources,
10 as defined in Section 1-10 of the Illinois Power Agency
11 Act, including clean generation associated high voltage
12 direct current transmission facilities, and must qualify
13 as an accredited capacity resource within the service
14 areas of PJM Interconnection, LLC, or Midcontinent
15 Independent System Operator, Inc. For purposes of this
16 subsection (b-10), "new" means energized on or after the
17 effective date of this amendatory Act of the 104th General
18 Assembly.

19 (2) Contracts may take the form of a sourcing
20 agreement, power purchase agreement, or other instrument
21 as determined by the Commission in approving the plan, and
22 may feature fixed or variable pricing structures,
23 including utilization of a contract for differences in
24 pricing structure. Contracts may feature both electric
25 utilities and alternative retail electric suppliers as
26 counterparties. In approving the contract structure

1 utilized for any contract awards made pursuant to this
2 subsection (b-10), the Commission shall prioritize
3 structures that ensure stable, reliable, and competitively
4 neutral allocations of costs and responsibilities.

5 (3) Purchases made under contracts awarded through
6 this subsection (b-10) shall be funded in a competitively
7 neutral manner as determined by the Commission in
8 approving the plan. To meet contract obligations, the
9 Commission may order collections from all retail customers
10 or from all load-serving entities, including alternative
11 retail electric suppliers as defined in Section 16-102 of
12 this Act, as a means of ensuring a fair and competitively
13 neutral allocation of contract costs. In establishing
14 collections, the Agency may propose and the Commission may
15 approve adjustments for load-serving entities that have
16 contracts entered into before the effective date of this
17 amendatory Act of the 104th General Assembly for energy,
18 capacity, or environmental attributes to ensure customers
19 are not double-billed for the same service.

20 (4) The Agency may propose and the Commission may
21 approve additional terms, conditions, and requirements
22 applicable to this procurement process through development
23 and approval of the Agency's annual electricity
24 procurement plan.

25 (5) The manner and form for developing contracts,
26 qualifying potential counterparties, and awarding

1 contracts shall be proposed as part of the annual
2 electricity procurement plan described in this subsection
3 (b-10). However, to the extent practicable, the proposed
4 approach for contract development and award should
5 endeavor to follow the provisions of subsections (c) and
6 (e) through (i) of this Section.

7 (6) As further outlined in Section 16-115A, compliance
8 with any procurement process proposed under this
9 subsection (b-10) shall be considered a condition of
10 service for alternative retail electric suppliers.

11 (c) The provisions of this subsection (c) shall not apply
12 to procurements conducted pursuant to subsection (c-5) of
13 Section 1-75 of the Illinois Power Agency Act. However, the
14 Agency may retain a procurement administrator to assist the
15 Agency in planning and carrying out the procurement events and
16 implementing the other requirements specified in such
17 subsection (c-5) of Section 1-75 of the Illinois Power Agency
18 Act, with the costs incurred by the Agency for the procurement
19 administrator to be recovered through fees charged to
20 applicants for selection to sell and deliver renewable energy
21 credits to electric utilities pursuant to subsection (c-5) of
22 Section 1-75 of the Illinois Power Agency Act. The procurement
23 process set forth in Section 1-75 of the Illinois Power Agency
24 Act and subsection (e) of this Section shall be administered
25 by a procurement administrator and monitored by a procurement
26 monitor.

1 (1) The procurement administrator shall:

2 (i) design the final procurement process in
3 accordance with Section 1-75 of the Illinois Power
4 Agency Act and subsection (e) of this Section
5 following Commission approval of the procurement plan;

6 (ii) develop benchmarks in accordance with
7 subsection (e)(3) to be used to evaluate bids; these
8 benchmarks shall be submitted to the Commission for
9 review and approval on a confidential basis prior to
10 the procurement event;

11 (iii) serve as the interface between the electric
12 utility and suppliers;

13 (iv) manage the bidder pre-qualification and
14 registration process;

15 (v) obtain the electric utilities' agreement to
16 the final form of all supply contracts and credit
17 collateral agreements;

18 (vi) administer the request for proposals process;

19 (vii) have the discretion to negotiate to
20 determine whether bidders are willing to lower the
21 price of bids that meet the benchmarks approved by the
22 Commission; any post-bid negotiations with bidders
23 shall be limited to price only and shall be completed
24 within 24 hours after opening the sealed bids and
25 shall be conducted in a fair and unbiased manner; in
26 conducting the negotiations, there shall be no

1 disclosure of any information derived from proposals
2 submitted by competing bidders; if information is
3 disclosed to any bidder, it shall be provided to all
4 competing bidders;

5 (viii) maintain confidentiality of supplier and
6 bidding information in a manner consistent with all
7 applicable laws, rules, regulations, and tariffs;

8 (ix) submit a confidential report to the
9 Commission recommending acceptance or rejection of
10 bids;

11 (x) notify the utility of contract counterparties
12 and contract specifics; and

13 (xi) administer related contingency procurement
14 events.

15 (2) The procurement monitor, who shall be retained by
16 the Commission, shall:

17 (i) monitor interactions among the procurement
18 administrator, suppliers, and utility;

19 (ii) monitor and report to the Commission on the
20 progress of the procurement process;

21 (iii) provide an independent confidential report
22 to the Commission regarding the results of the
23 procurement event;

24 (iv) assess compliance with the procurement plans
25 approved by the Commission for each utility that on
26 December 31, 2005 provided electric service to at

1 least 100,000 customers in Illinois and for each small
2 multi-jurisdictional utility that on December 31, 2005
3 served less than 100,000 customers in Illinois;

4 (v) preserve the confidentiality of supplier and
5 bidding information in a manner consistent with all
6 applicable laws, rules, regulations, and tariffs;

7 (vi) provide expert advice to the Commission and
8 consult with the procurement administrator regarding
9 issues related to procurement process design, rules,
10 protocols, and policy-related matters; and

11 (vii) consult with the procurement administrator
12 regarding the development and use of benchmark
13 criteria, standard form contracts, credit policies,
14 and bid documents.

15 (d) Except as provided in subsection (j), the planning
16 process shall be conducted as follows:

17 (1) Beginning in 2008, each Illinois utility procuring
18 power pursuant to this Section shall annually provide a
19 range of load forecasts to the Illinois Power Agency by
20 July 15 of each year, or such other date as may be required
21 by the Commission or Agency. The load forecasts shall
22 cover the 5-year procurement planning period for the next
23 procurement plan and shall include hourly data
24 representing a high-load, low-load, and expected-load
25 scenario for the load of those retail customers included
26 in the plan's electric supply service requirements. The

1 utility shall provide supporting data and assumptions for
2 each of the scenarios.

3 (2) Beginning in 2008, the Illinois Power Agency shall
4 prepare a procurement plan by August 15th of each year, or
5 such other date as may be required by the Commission. The
6 procurement plan shall identify the portfolio of
7 demand-response and power and energy products to be
8 procured. Cost-effective demand-response measures shall be
9 procured as set forth in item (iii) of subsection (b) of
10 this Section. Copies of the procurement plan shall be
11 posted and made publicly available on the Agency's and
12 Commission's websites, and copies shall also be provided
13 to each affected electric utility. An affected utility
14 shall have 30 days following the date of posting to
15 provide comment to the Agency on the procurement plan.
16 Other interested entities also may comment on the
17 procurement plan. All comments submitted to the Agency
18 shall be specific, supported by data or other detailed
19 analyses, and, if objecting to all or a portion of the
20 procurement plan, accompanied by specific alternative
21 wording or proposals. All comments shall be posted on the
22 Agency's and Commission's websites. During this 30-day
23 comment period, the Agency shall hold at least one virtual
24 or in-person public hearing for ~~within~~ each utility's
25 service area for the purpose of receiving public comment
26 on the procurement plan. Within 14 days following the end

1 of the 30-day review period, the Agency shall revise the
2 procurement plan as necessary based on the comments
3 received and file the procurement plan with the Commission
4 and post the procurement plan on the websites.

5 (3) Within 5 days after the filing of the procurement
6 plan, any person objecting to the procurement plan shall
7 file an objection with the Commission. Within 10 days
8 after the filing, the Commission shall determine whether a
9 hearing is necessary. The Commission shall enter its order
10 confirming or modifying the procurement plan within 90
11 days after the filing of the procurement plan by the
12 Illinois Power Agency.

13 (4) The Commission shall approve the procurement plan,
14 including expressly the forecast used in the procurement
15 plan, if the Commission determines that it will ensure
16 adequate, reliable, affordable, efficient, and
17 environmentally sustainable electric service at the lowest
18 total cost over time, taking into account any benefits of
19 price stability.

20 (4.5) The Commission shall review the Agency's
21 recommendations for the selection of applicants to enter
22 into long-term contracts for the sale and delivery of
23 renewable energy credits from new renewable energy
24 facilities to be constructed at or adjacent to the sites
25 of coal-fueled electric generating facilities in this
26 State in accordance with the provisions of subsection

1 (c-5) of Section 1-75 of the Illinois Power Agency Act,
2 and shall approve the Agency's recommendations if the
3 Commission determines that the applicants recommended by
4 the Agency for selection, the proposed new renewable
5 energy facilities to be constructed, the amounts of
6 renewable energy credits to be delivered pursuant to the
7 contracts, and the other terms of the contracts, are
8 consistent with the requirements of subsection (c-5) of
9 Section 1-75 of the Illinois Power Agency Act.

10 (e) The procurement process shall include each of the
11 following components:

12 (1) Solicitation, pre-qualification, and registration
13 of bidders. The procurement administrator shall
14 disseminate information to potential bidders to promote a
15 procurement event, notify potential bidders that the
16 procurement administrator may enter into a post-bid price
17 negotiation with bidders that meet the applicable
18 benchmarks, provide supply requirements, and otherwise
19 explain the competitive procurement process. In addition
20 to such other publication as the procurement administrator
21 determines is appropriate, this information shall be
22 posted on the Illinois Power Agency's and the Commission's
23 websites. The procurement administrator shall also
24 administer the prequalification process, including
25 evaluation of credit worthiness, compliance with
26 procurement rules, and agreement to the standard form

1 contract developed pursuant to paragraph (2) of this
2 subsection (e). The procurement administrator shall then
3 identify and register bidders to participate in the
4 procurement event.

5 (2) Standard contract forms and credit terms and
6 instruments. The procurement administrator, in
7 consultation with the utilities, the Commission, and other
8 interested parties and subject to Commission oversight,
9 shall develop and provide standard contract forms for the
10 supplier contracts that meet generally accepted industry
11 practices. Standard credit terms and instruments that meet
12 generally accepted industry practices shall be similarly
13 developed. The procurement administrator shall make
14 available to the Commission all written comments it
15 receives on the contract forms, credit terms, or
16 instruments. If the procurement administrator cannot reach
17 agreement with the applicable electric utility as to the
18 contract terms and conditions, the procurement
19 administrator must notify the Commission of any disputed
20 terms and the Commission shall resolve the dispute. The
21 terms of the contracts shall not be subject to negotiation
22 by winning bidders, and the bidders must agree to the
23 terms of the contract in advance so that winning bids are
24 selected solely on the basis of price.

25 (3) Establishment of a market-based price benchmark.
26 As part of the development of the procurement process, the

1 procurement administrator, in consultation with the
2 Commission staff, Agency staff, and the procurement
3 monitor, shall establish benchmarks for evaluating the
4 final prices in the contracts for each of the products
5 that will be procured through the procurement process. The
6 benchmarks shall be based on price data for similar
7 products for the same delivery period and same delivery
8 hub, or other delivery hubs after adjusting for that
9 difference. The price benchmarks may also be adjusted to
10 take into account differences between the information
11 reflected in the underlying data sources and the specific
12 products and procurement process being used to procure
13 power for the Illinois utilities. The benchmarks shall be
14 confidential but shall be provided to, and will be subject
15 to Commission review and approval, prior to a procurement
16 event.

17 (4) Request for proposals competitive procurement
18 process. The procurement administrator shall design and
19 issue a request for proposals to supply electricity in
20 accordance with each utility's procurement plan, as
21 approved by the Commission. The request for proposals
22 shall set forth a procedure for sealed, binding commitment
23 bidding with pay-as-bid settlement, and provision for
24 selection of bids on the basis of price.

25 (5) A plan for implementing contingencies in the event
26 of supplier default or failure of the procurement process

1 to fully meet the expected load requirement due to
2 insufficient supplier participation, Commission rejection
3 of results, or any other cause.

4 (i) Event of supplier default: In the event of
5 supplier default, the utility shall review the
6 contract of the defaulting supplier to determine if
7 the amount of supply is 200 megawatts or greater, and
8 if there are more than 60 days remaining of the
9 contract term. If both of these conditions are met,
10 and the default results in termination of the
11 contract, the utility shall immediately notify the
12 Illinois Power Agency that a request for proposals
13 must be issued to procure replacement power, and the
14 procurement administrator shall run an additional
15 procurement event. If the contracted supply of the
16 defaulting supplier is less than 200 megawatts or
17 there are less than 60 days remaining of the contract
18 term, the utility shall procure power and energy from
19 the applicable regional transmission organization
20 market, including ancillary services, capacity, and
21 day-ahead or real time energy, or both, for the
22 duration of the contract term to replace the
23 contracted supply; provided, however, that if a needed
24 product is not available through the regional
25 transmission organization market it shall be purchased
26 from the wholesale market.

1 (ii) Failure of the procurement process to fully
2 meet the expected load requirement: If the procurement
3 process fails to fully meet the expected load
4 requirement due to insufficient supplier participation
5 or due to a Commission rejection of the procurement
6 results, the procurement administrator, the
7 procurement monitor, and the Commission staff shall
8 meet within 10 days to analyze potential causes of low
9 supplier interest or causes for the Commission
10 decision. If changes are identified that would likely
11 result in increased supplier participation, or that
12 would address concerns causing the Commission to
13 reject the results of the prior procurement event, the
14 procurement administrator may implement those changes
15 and rerun the request for proposals process according
16 to a schedule determined by those parties and
17 consistent with Section 1-75 of the Illinois Power
18 Agency Act and this subsection. In any event, a new
19 request for proposals process shall be implemented by
20 the procurement administrator within 90 days after the
21 determination that the procurement process has failed
22 to fully meet the expected load requirement.

23 (iii) In all cases where there is insufficient
24 supply provided under contracts awarded through the
25 procurement process to fully meet the electric
26 utility's load requirement, the utility shall meet the

1 load requirement by procuring power and energy from
2 the applicable regional transmission organization
3 market, including ancillary services, capacity, and
4 day-ahead or real time energy, or both; provided,
5 however, that if a needed product is not available
6 through the regional transmission organization market
7 it shall be purchased from the wholesale market.

8 (6) The procurement processes described in this
9 subsection and in subsection (c-5) of Section 1-75 of the
10 Illinois Power Agency Act are exempt from the requirements
11 of the Illinois Procurement Code, pursuant to Section
12 20-10 of that Code.

13 (f) Within 2 business days after opening the sealed bids,
14 the procurement administrator shall submit a confidential
15 report to the Commission. The report shall contain the results
16 of the bidding for each of the products along with the
17 procurement administrator's recommendation for the acceptance
18 and rejection of bids based on the price benchmark criteria
19 and other factors observed in the process. The procurement
20 monitor also shall submit a confidential report to the
21 Commission within 2 business days after opening the sealed
22 bids. The report shall contain the procurement monitor's
23 assessment of bidder behavior in the process as well as an
24 assessment of the procurement administrator's compliance with
25 the procurement process and rules. The Commission shall review
26 the confidential reports submitted by the procurement

1 administrator and procurement monitor, and shall accept or
2 reject the recommendations of the procurement administrator
3 within 2 business days after receipt of the reports.

4 (g) Within 3 business days after the Commission decision
5 approving the results of a procurement event, the utility
6 shall enter into binding contractual arrangements with the
7 winning suppliers using the standard form contracts; except
8 that the utility shall not be required either directly or
9 indirectly to execute the contracts if a tariff that is
10 consistent with subsection (1) of this Section has not been
11 approved and placed into effect for that utility.

12 (h) For the procurement of standard wholesale products,
13 the names of the successful bidders and the load weighted
14 average of the winning bid prices for each contract type and
15 for each contract term shall be made available to the public at
16 the time of Commission approval of a procurement event. For
17 procurements conducted to meet the requirements of subsection
18 (b) of Section 1-56 or subsection (c) of Section 1-75 of the
19 Illinois Power Agency Act governed by the provisions of this
20 Section, the address and nameplate capacity of the new
21 renewable energy generating facility proposed by a winning
22 bidder shall also be made available to the public at the time
23 of Commission approval of a procurement event, along with the
24 business address and contact information for any winning
25 bidder. An estimate or approximation of the nameplate capacity
26 of the new renewable energy generating facility may be

1 disclosed if necessary to protect the confidentiality of
2 individual bid prices.

3 The Commission, the procurement monitor, the procurement
4 administrator, the Illinois Power Agency, and all participants
5 in the procurement process shall maintain the confidentiality
6 of all other supplier and bidding information in a manner
7 consistent with all applicable laws, rules, regulations, and
8 tariffs. Confidential information, including the confidential
9 reports submitted by the procurement administrator and
10 procurement monitor pursuant to subsection (f) of this
11 Section, shall not be made publicly available and shall not be
12 discoverable by any party in any proceeding, absent a
13 compelling demonstration of need, nor shall those reports be
14 admissible in any proceeding other than one for law
15 enforcement purposes.

16 For procurements conducted to meet the requirements of
17 subsection (b) of Section 1-56 or subsection (c) of Section
18 1-75 of the Illinois Power Agency Act, the Illinois Power
19 Agency may release aggregated information related to
20 participation levels across product types and the basis of
21 rejection for non-accepted bids if the Commission, the
22 procurement monitor, the procurement administrator, and the
23 Illinois Power Agency determine that the release of this
24 information would not result in the disclosure of confidential
25 bid information or negatively impact the competitiveness of
26 future renewable energy credit procurements. The Agency may

1 also release information about the development status of new
2 renewable energy projects under contract and project-specific
3 information about renewable energy credit delivery quantities
4 for projects under contract if the Commission, the procurement
5 monitor, the procurement administrator, and the Illinois Power
6 Agency determine that the release of this information would
7 not result in the disclosure of confidential bid information
8 or negatively impact the competitiveness of future renewable
9 energy credit procurements.

10 (i) Within 2 business days after a Commission decision
11 approving the results of a procurement event or such other
12 date as may be required by the Commission from time to time,
13 the utility shall file for informational purposes with the
14 Commission its actual or estimated retail supply charges, as
15 applicable, by customer supply group reflecting the costs
16 associated with the procurement and computed in accordance
17 with the tariffs filed pursuant to subsection (l) of this
18 Section and approved by the Commission.

19 (j) Within 60 days following August 28, 2007 (the
20 effective date of Public Act 95-481), each electric utility
21 that on December 31, 2005 provided electric service to at
22 least 100,000 customers in Illinois shall prepare and file
23 with the Commission an initial procurement plan, which shall
24 conform in all material respects to the requirements of the
25 procurement plan set forth in subsection (b); provided,
26 however, that the Illinois Power Agency Act shall not apply to

1 the initial procurement plan prepared pursuant to this
2 subsection. The initial procurement plan shall identify the
3 portfolio of power and energy products to be procured and
4 delivered for the period June 2008 through May 2009, and shall
5 identify the proposed procurement administrator, who shall
6 have the same experience and expertise as is required of a
7 procurement administrator hired pursuant to Section 1-75 of
8 the Illinois Power Agency Act. Copies of the procurement plan
9 shall be posted and made publicly available on the
10 Commission's website. The initial procurement plan may include
11 contracts for renewable resources that extend beyond May 2009.

12 (i) Within 14 days following filing of the initial
13 procurement plan, any person may file a detailed objection
14 with the Commission contesting the procurement plan
15 submitted by the electric utility. All objections to the
16 electric utility's plan shall be specific, supported by
17 data or other detailed analyses. The electric utility may
18 file a response to any objections to its procurement plan
19 within 7 days after the date objections are due to be
20 filed. Within 7 days after the date the utility's response
21 is due, the Commission shall determine whether a hearing
22 is necessary. If it determines that a hearing is
23 necessary, it shall require the hearing to be completed
24 and issue an order on the procurement plan within 60 days
25 after the filing of the procurement plan by the electric
26 utility.

1 (ii) The order shall approve or modify the procurement
2 plan, approve an independent procurement administrator,
3 and approve or modify the electric utility's tariffs that
4 are proposed with the initial procurement plan. The
5 Commission shall approve the procurement plan if the
6 Commission determines that it will ensure adequate,
7 reliable, affordable, efficient, and environmentally
8 sustainable electric service at the lowest total cost over
9 time, taking into account any benefits of price stability.

10 (k) (Blank).

11 (k-5) (Blank).

12 (1) An electric utility shall recover its costs incurred
13 under this Section and subsection (c-5) of Section 1-75 of the
14 Illinois Power Agency Act, including, but not limited to, the
15 costs of procuring power and energy demand-response resources
16 under this Section and its costs for purchasing renewable
17 energy credits pursuant to subsection (c-5) of Section 1-75 of
18 the Illinois Power Agency Act. The utility shall file with the
19 initial procurement plan its proposed tariffs through which
20 its costs of procuring power that are incurred pursuant to a
21 Commission-approved procurement plan and those other costs
22 identified in this subsection (1), will be recovered. The
23 tariffs shall include a formula rate or charge designed to
24 pass through both the costs incurred by the utility in
25 procuring a supply of electric power and energy for the
26 applicable customer classes with no mark-up or return on the

1 price paid by the utility for that supply, plus any just and
2 reasonable costs that the utility incurs in arranging and
3 providing for the supply of electric power and energy. The
4 formula rate or charge shall also contain provisions that
5 ensure that its application does not result in over or under
6 recovery due to changes in customer usage and demand patterns,
7 and that provide for the correction, on at least an annual
8 basis, of any accounting errors that may occur. A utility
9 shall recover through the tariff all reasonable costs incurred
10 to implement or comply with any procurement plan that is
11 developed and put into effect pursuant to Section 1-75 of the
12 Illinois Power Agency Act and this Section, and for the
13 procurement of renewable energy credits pursuant to subsection
14 (c-5) of Section 1-75 of the Illinois Power Agency Act,
15 including any fees assessed by the Illinois Power Agency,
16 costs associated with load balancing, and contingency plan
17 costs. The electric utility shall also recover its full costs
18 of procuring electric supply for which it contracted before
19 the effective date of this Section in conjunction with the
20 provision of full requirements service under fixed-price
21 bundled service tariffs subsequent to December 31, 2006. All
22 such costs shall be deemed to have been prudently incurred.
23 The pass-through tariffs that are filed and approved pursuant
24 to this Section shall not be subject to review under, or in any
25 way limited by, Section 16-111(i) of this Act. All of the costs
26 incurred by the electric utility associated with the purchase

1 of zero emission credits in accordance with subsection (d-5)
2 of Section 1-75 of the Illinois Power Agency Act, all costs
3 incurred by the electric utility associated with the purchase
4 of carbon mitigation credits in accordance with subsection
5 (d-10) of Section 1-75 of the Illinois Power Agency Act, and,
6 beginning June 1, 2017, all of the costs incurred by the
7 electric utility associated with the purchase of renewable
8 energy resources in accordance with Sections 1-56 and 1-75 of
9 the Illinois Power Agency Act, and all of the costs incurred by
10 the electric utility in purchasing renewable energy credits in
11 accordance with subsection (c-5) of Section 1-75 of the
12 Illinois Power Agency Act, shall be recovered through the
13 electric utility's tariffed charges applicable to all of its
14 retail customers, as specified in subsection (k) or subsection
15 (i-5), as applicable, of Section 16-108 of this Act, and shall
16 not be recovered through the electric utility's tariffed
17 charges for electric power and energy supply to its eligible
18 retail customers.

19 (m) The Commission has the authority to adopt rules to
20 carry out the provisions of this Section. For the public
21 interest, safety, and welfare, the Commission also has
22 authority to adopt rules to carry out the provisions of this
23 Section on an emergency basis immediately following August 28,
24 2007 (the effective date of Public Act 95-481).

25 (n) Notwithstanding any other provision of this Act, any
26 affiliated electric utilities that submit a single procurement

1 plan covering their combined needs may procure for those
2 combined needs in conjunction with that plan, and may enter
3 jointly into power supply contracts, purchases, and other
4 procurement arrangements, and allocate capacity and energy and
5 cost responsibility therefor among themselves in proportion to
6 their requirements.

7 (o) On or before June 1 of each year, the Commission shall
8 hold an informal hearing for the purpose of receiving comments
9 on the prior year's procurement process and any
10 recommendations for change.

11 (p) An electric utility subject to this Section may
12 propose to invest, lease, own, or operate an electric
13 generation facility as part of its procurement plan, provided
14 the utility demonstrates that such facility is the least-cost
15 option to provide electric service to those retail customers
16 included in the plan's electric supply service requirements.
17 If the facility is shown to be the least-cost option and is
18 included in a procurement plan prepared in accordance with
19 Section 1-75 of the Illinois Power Agency Act and this
20 Section, then the electric utility shall make a filing
21 pursuant to Section 8-406 of this Act, and may request of the
22 Commission any statutory relief required thereunder. If the
23 Commission grants all of the necessary approvals for the
24 proposed facility, such supply shall thereafter be considered
25 as a pre-existing contract under subsection (b) of this
26 Section. The Commission shall in any order approving a

1 proposal under this subsection specify how the utility will
2 recover the prudently incurred costs of investing in, leasing,
3 owning, or operating such generation facility through just and
4 reasonable rates charged to those retail customers included in
5 the plan's electric supply service requirements. Cost recovery
6 for facilities included in the utility's procurement plan
7 pursuant to this subsection shall not be subject to review
8 under or in any way limited by the provisions of Section
9 16-111(i) of this Act. Nothing in this Section is intended to
10 prohibit a utility from filing for a fuel adjustment clause as
11 is otherwise permitted under Section 9-220 of this Act.

12 (q) If the Illinois Power Agency filed with the
13 Commission, under Section 16-111.5 of this Act, its proposed
14 procurement plan for the period commencing June 1, 2017, and
15 the Commission has not yet entered its final order approving
16 the plan on or before the effective date of this amendatory Act
17 of the 99th General Assembly, then the Illinois Power Agency
18 shall file a notice of withdrawal with the Commission, after
19 the effective date of this amendatory Act of the 99th General
20 Assembly, to withdraw the proposed procurement of renewable
21 energy resources to be approved under the plan, other than the
22 procurement of renewable energy credits from distributed
23 renewable energy generation devices using funds previously
24 collected from electric utilities' retail customers that take
25 service pursuant to electric utilities' hourly pricing tariff
26 or tariffs and, for an electric utility that serves less than

1 100,000 retail customers in the State, other than the
2 procurement of renewable energy credits from distributed
3 renewable energy generation devices. Upon receipt of the
4 notice, the Commission shall enter an order that approves the
5 withdrawal of the proposed procurement of renewable energy
6 resources from the plan. The initially proposed procurement of
7 renewable energy resources shall not be approved or be the
8 subject of any further hearing, investigation, proceeding, or
9 order of any kind.

10 This amendatory Act of the 99th General Assembly preempts
11 and supersedes any order entered by the Commission that
12 approved the Illinois Power Agency's procurement plan for the
13 period commencing June 1, 2017, to the extent it is
14 inconsistent with the provisions of this amendatory Act of the
15 99th General Assembly. To the extent any previously entered
16 order approved the procurement of renewable energy resources,
17 the portion of that order approving the procurement shall be
18 void, other than the procurement of renewable energy credits
19 from distributed renewable energy generation devices using
20 funds previously collected from electric utilities' retail
21 customers that take service under electric utilities' hourly
22 pricing tariff or tariffs and, for an electric utility that
23 serves less than 100,000 retail customers in the State, other
24 than the procurement of renewable energy credits for
25 distributed renewable energy generation devices.

26 (Source: P.A. 102-662, eff. 9-15-21.)

1 (220 ILCS 5/16-111.7)

2 Sec. 16-111.7. On-bill financing program; electric
3 utilities.

4 (a) The Illinois General Assembly finds that Illinois
5 homes and businesses have the potential to save energy through
6 conservation and cost-effective energy efficiency measures.
7 Programs created pursuant to this Section will allow utility
8 customers to purchase cost-effective energy efficiency
9 measures, including measures set forth in a
10 Commission-approved energy efficiency and demand-response plan
11 under Section 8-103 or 8-103B of this Act, with no required
12 initial upfront payment, and to pay the cost of those products
13 and services over time on their utility bill.

14 (b) Notwithstanding any other provision of this Act, an
15 electric utility serving more than 100,000 customers on
16 January 1, 2009 shall offer a Commission-approved on-bill
17 financing program ("program") that allows its eligible retail
18 customers, as that term is defined in Section 16-111.5 of this
19 Act, who own a residential single family home, duplex, or
20 other residential building with 4 or less units, or
21 condominium at which the electric service is being provided
22 (i) to borrow funds from a third party lender in order to
23 purchase electric energy efficiency measures approved under
24 the program for installation in such home or condominium
25 without any required upfront payment and (ii) to pay back such

1 funds over time through the electric utility's bill. Based
2 upon the process described in subsection (b-5) of this
3 Section, small commercial customers who own the premises at
4 which electric service is being provided may be included in
5 such program. After receiving a request from an electric
6 utility for approval of a proposed program and tariffs
7 pursuant to this Section, the Commission shall render its
8 decision within 120 days. If no decision is rendered within
9 120 days, then the request shall be deemed to be approved.

10 Beginning no later than December 31, 2013, an electric
11 utility subject to this subsection (b) shall also offer its
12 program to eligible retail customers that own multifamily
13 residential or mixed-use buildings with no more than 50
14 residential units, provided, however, that such customers must
15 either be a residential customer or small commercial customer
16 and may not use the program in such a way that repayment of the
17 cost of energy efficiency measures is made through tenants'
18 utility bills. An electric utility may impose a per site loan
19 limit not to exceed \$150,000. The program, and loans issued
20 thereunder, shall only be offered to customers of the utility
21 that meet the requirements of this Section and that also have
22 an electric service account at the premises where the energy
23 efficiency measures being financed shall be installed.
24 Beginning no later than 2 years after the effective date of
25 this amendatory Act of the 99th General Assembly, the 50
26 residential unit limitation described in this paragraph shall

1 no longer apply, and the utility shall replace the per site
2 loan limit of \$150,000 with a loan limit that correlates to a
3 maximum monthly payment that does not exceed 50% of the
4 customer's average utility bill over the prior 12-month
5 period.

6 Beginning no later than 2 years after the effective date
7 of this amendatory Act of the 99th General Assembly, an
8 electric utility subject to this subsection (b) shall also
9 offer its program to eligible retail customers that are Unit
10 Owners' Associations, as defined in subsection (o) of Section
11 2 of the Condominium Property Act, or Master Associations, as
12 defined in subsection (u) of the Condominium Property Act.
13 However, such customers must either be residential customers
14 or small commercial customers and may not use the program in
15 such a way that repayment of the cost of energy efficiency
16 measures is made through unit owners' utility bills. The
17 program and loans issued under the program shall only be
18 offered to customers of the utility that meet the requirements
19 of this Section and that also have an electric service account
20 at the premises where the energy efficiency measures being
21 financed shall be installed.

22 For purposes of this Section, "small commercial customer"
23 means, for an electric utility serving more than 3,000,000
24 retail customers, those customers having peak demand of less
25 than 100 kilowatts, and, for an electric utility serving less
26 than 3,000,000 retail customers, those customers having peak

1 demand of less than 150 kilowatts; provided, however, that in
2 the event the Commission, after the effective date of this
3 amendatory Act of the 98th General Assembly, approves changes
4 to a utility's tariffs that reflects new or revised demand
5 criteria for the utility's customer rate classifications, then
6 the utility may file a petition with the Commission to revise
7 the applicable definition of a small commercial customer to
8 reflect the new or revised demand criteria for the purposes of
9 this Section. After notice and hearing, the Commission shall
10 enter an order approving, or approving with modification, the
11 revised definition within 60 days after the utility files the
12 petition.

13 (b-5) Within 30 days after the effective date of this
14 amendatory Act of the 96th General Assembly, the Commission
15 shall convene a workshop process during which interested
16 participants may discuss issues related to the program,
17 including program design, eligible electric energy efficiency
18 measures, vendor qualifications, and a methodology for
19 ensuring ongoing compliance with such qualifications,
20 financing, sample documents such as request for proposals,
21 contracts and agreements, dispute resolution, pre-installment
22 and post-installment verification, and evaluation. The
23 workshop process shall be completed within 150 days after the
24 effective date of this amendatory Act of the 96th General
25 Assembly.

26 (c) Not later than 60 days following completion of the

1 workshop process described in subsection (b-5) of this
2 Section, each electric utility subject to subsection (b) of
3 this Section shall submit a proposed program to the Commission
4 that contains the following components:

5 (1) A list of recommended electric energy efficiency
6 measures that will be eligible for on-bill financing. An
7 eligible electric energy efficiency measure ("measure")
8 shall be a product or service for which one or more of the
9 following is true:

10 (A) (blank);

11 (B) the projected electricity savings (determined
12 by rates in effect at the time of purchase) are
13 sufficient to cover the costs of implementing the
14 measures, including finance charges and any program
15 fees not recovered pursuant to subsection (f) of this
16 Section; or

17 (C) the product or service is included in a
18 Commission-approved energy efficiency and
19 demand-response plan under Section 8-103 or 8-103B of
20 this Act.

21 (1.5) Beginning no later than 2 years after the
22 effective date of this amendatory Act of the 99th General
23 Assembly, an eligible electric energy efficiency measure
24 (measure) shall be a product or service that qualifies
25 under subparagraph (B) or (C) of paragraph (1) of this
26 subsection (c) or for which one or more of the following is

1 true:

2 (A) a building energy assessment, performed by an
3 energy auditor who is certified by the Building
4 Performance Institute or who holds a similar
5 certification, has recommended the product or service
6 as likely to be cost effective over the course of its
7 installed life for the building in which the measure
8 is to be installed; or

9 (B) the product or service is necessary to safely
10 or correctly install to code or industry standard an
11 efficiency measure, including, but not limited to,
12 installation work; changes needed to plumbing or
13 electrical connections; upgrades to wiring or
14 fixtures; removal of hazardous materials; correction
15 of leaks; changes to thermostats, controls, or similar
16 devices; and changes to venting or exhaust
17 necessitated by the measure. However, the costs of the
18 product or service described in this subparagraph (B)
19 shall not exceed 25% of the total cost of installing
20 the measure.

21 (2) The electric utility shall issue a request for
22 proposals ("RFP") to lenders for purposes of providing
23 financing to participants to pay for approved measures.
24 The RFP criteria shall include, but not be limited to, the
25 interest rate, origination fees, and credit terms. The
26 utility shall select the winning bidders based on its

1 evaluation of these criteria, with a preference for those
2 bids containing the rates, fees, and terms most favorable
3 to participants;

4 (3) The utility shall work with the lenders selected
5 pursuant to the RFP process, and with vendors, to
6 establish the terms and processes pursuant to which a
7 participant can purchase eligible electric energy
8 efficiency measures using the financing obtained from the
9 lender. The vendor shall explain and offer the approved
10 financing packaging to those customers identified in
11 subsection (b) of this Section and shall assist customers
12 in applying for financing. As part of the process, vendors
13 shall also provide to participants information about any
14 other incentives that may be available for the measures.

15 (4) The lender shall conduct credit checks or
16 undertake other appropriate measures to limit credit risk,
17 and shall review and approve or deny financing
18 applications submitted by customers identified in
19 subsection (b) of this Section. Following the lender's
20 approval of financing and the participant's purchase of
21 the measure or measures, the lender shall forward payment
22 information to the electric utility, and the utility shall
23 add as a separate line item on the participant's utility
24 bill a charge showing the amount due under the program
25 each month.

26 (5) A loan issued to a participant pursuant to the

1 program shall be the sole responsibility of the
2 participant, and any dispute that may arise concerning the
3 loan's terms, conditions, or charges shall be resolved
4 between the participant and lender. Upon transfer of the
5 property title for the premises at which the participant
6 receives electric service from the utility or the
7 participant's request to terminate service at such
8 premises, the participant shall pay in full its electric
9 utility bill, including all amounts due under the program,
10 provided that this obligation may be modified as provided
11 in subsection (g) of this Section. Amounts due under the
12 program shall be deemed amounts owed for residential and,
13 as appropriate, small commercial electric service.

14 (6) The electric utility shall remit payment in full
15 to the lender each month on behalf of the participant. In
16 the event a participant defaults on payment of its
17 electric utility bill, the electric utility shall continue
18 to remit all payments due under the program to the lender,
19 and the utility shall be entitled to recover all costs
20 related to a participant's nonpayment through the
21 automatic adjustment clause tariff established pursuant to
22 Section 16-111.8 of this Act. In addition, the electric
23 utility shall retain a security interest in the measure or
24 measures purchased under the program, and the utility
25 retains its right to disconnect a participant that
26 defaults on the payment of its utility bill.

1 (7) The total outstanding amount financed under the
2 program in this subsection and subsection (c-5) of this
3 Section shall not exceed \$2.5 million for an electric
4 utility or electric utilities under a single holding
5 company, provided that the electric utility or electric
6 utilities may petition the Commission for an increase in
7 such amount. Beginning after the effective date of this
8 amendatory Act of the 99th General Assembly, the total
9 maximum outstanding amount financed under the program in
10 this subsection and subsections (c-5) and (c-10) of this
11 Section shall increase by \$5,000,000 per year until such
12 time as the total maximum outstanding amount financed
13 reaches \$20,000,000. For purposes of this Section,
14 "maximum outstanding amount financed" means the sum of all
15 principal that has been loaned and not yet repaid.

16 (c-5) Within 120 days after the effective date of this
17 amendatory Act of the 98th General Assembly, each electric
18 utility subject to the requirements of this Section shall
19 submit an informational filing to the Commission that
20 describes its plan for implementing the provisions of this
21 amendatory Act of the 98th General Assembly on or before
22 December 31, 2013. Such filing shall also describe how the
23 electric utility shall coordinate its program with any gas
24 utility or utilities that provide gas service to buildings
25 within the electric utility's service territory so that it is
26 practical and feasible for the owner of a multifamily building

1 to make a single application to access loans for both gas and
2 electric energy efficiency measures in any individual
3 building.

4 (c-10) No later than 365 days after the effective date of
5 this amendatory Act of the 99th General Assembly, each
6 electric utility subject to the requirements of this Section
7 shall submit an informational filing to the Commission that
8 describes its plan for implementing the provisions of this
9 amendatory Act of the 99th General Assembly that were
10 incorporated into this Section. Such filing shall also include
11 the criteria to be used by the program for determining if
12 measures to be financed are eligible electric energy
13 efficiency measures, as defined by paragraph (1.5) of
14 subsection (c) of this Section.

15 (d) A program approved by the Commission shall also
16 include the following criteria and guidelines for such
17 program:

18 (1) guidelines for financing of measures installed
19 under a program, including, but not limited to, RFP
20 criteria and limits on both individual loan amounts and
21 the duration of the loans;

22 (2) criteria and standards for identifying and
23 approving measures;

24 (3) qualifications of vendors that will market or
25 install measures, as well as a methodology for ensuring
26 ongoing compliance with such qualifications;

1 (4) sample contracts and agreements necessary to
2 implement the measures and program; and

3 (5) the types of data and information that utilities
4 and vendors participating in the program shall collect for
5 purposes of preparing the reports required under
6 subsection (g) of this Section.

7 (e) The proposed program submitted by each electric
8 utility shall be consistent with the provisions of this
9 Section that define operational, financial and billing
10 arrangements between and among program participants, vendors,
11 lenders, and the electric utility.

12 (f) An electric utility shall recover all of the prudently
13 incurred costs of offering a program approved by the
14 Commission pursuant to this Section, including, but not
15 limited to, all start-up and administrative costs and the
16 costs for program evaluation. All prudently incurred costs
17 under this Section shall be recovered from the residential and
18 small commercial retail customer classes eligible to
19 participate in the program through the automatic adjustment
20 clause tariff established pursuant to Section 8-103 or 8-103B
21 of this Act.

22 (g) An independent evaluation of a program shall be
23 conducted after 3 years of the program's operation. The
24 electric utility shall retain an independent evaluator who
25 shall evaluate the effects of the measures installed under the
26 program and the overall operation of the program, including,

1 but not limited to, customer eligibility criteria and whether
2 the payment obligation for permanent electric energy
3 efficiency measures that will continue to provide benefits of
4 energy savings should attach to the meter location. As part of
5 the evaluation process, the evaluator shall also solicit
6 feedback from participants and interested stakeholders. The
7 evaluator shall issue a report to the Commission on its
8 findings no later than 4 years after the date on which the
9 program commenced, and the Commission shall issue a report to
10 the Governor and General Assembly including a summary of the
11 information described in this Section as well as its
12 recommendations as to whether the program should be
13 discontinued, continued with modification or modifications or
14 continued without modification, provided that any recommended
15 modifications shall only apply prospectively and to measures
16 not yet installed or financed.

17 (h) An electric utility offering a Commission-approved
18 program pursuant to this Section shall not be required to
19 comply with any other statute, order, rule, or regulation of
20 this State that may relate to the offering of such program,
21 provided that nothing in this Section is intended to limit the
22 electric utility's obligation to comply with this Act and the
23 Commission's orders, rules, and regulations, including Part
24 280 of Title 83 of the Illinois Administrative Code.

25 (i) The source of a utility customer's electric supply
26 shall not disqualify a customer from participation in the

1 utility's on-bill financing program. Customers of alternative
2 retail electric suppliers may participate in the program under
3 the same terms and conditions applicable to the utility's
4 supply customers.

5 (j) This Section is repealed on January 1, 2027.

6 (Source: P.A. 98-586, eff. 8-27-13; 99-906, eff. 6-1-17.)

7 (220 ILCS 5/16-115A)

8 Sec. 16-115A. Obligations of alternative retail electric
9 suppliers.

10 (a) An alternative retail electric supplier:

11 (i) shall comply with the requirements imposed on
12 public utilities by Sections 8-201 through 8-207, 8-301,
13 8-505 and 8-507 of this Act, to the extent that these
14 Sections have application to the services being offered by
15 the alternative retail electric supplier;

16 (ii) shall continue to comply with the requirements
17 for certification stated in subsection (d) of Section
18 16-115;

19 (iii) by May 31, 2020 and every June 30 thereafter,
20 shall submit to the Commission and the Office of the
21 Attorney General the rates the retail electric supplier
22 charged to residential customers in the prior year,
23 including each distinct rate charged and whether the rate
24 was a fixed or variable rate, the basis for the variable
25 rate, and any fees charged in addition to the supply rate,

1 including monthly fees, flat fees, or other service
2 charges; ~~and~~

3 (iv) shall make publicly available on its website,
4 without the need for a customer login, rate information
5 for all of its variable, time-of-use, and fixed rate
6 contracts currently available to residential customers,
7 including, but not limited to, fixed monthly charges,
8 early termination fees, and kilowatt-hour charges;~~;~~

9 (v) shall provide to the Commission, in the form and
10 manner requested, the information necessary for the
11 Commission to compile and submit the integrated resource
12 plan required under Section 16-201; and

13 (vi) shall comply with the Commission's determinations
14 made pursuant to subsection (b-10) of Section 16-111.5.

15 (b) An alternative retail electric supplier shall obtain
16 verifiable authorization from a customer, in a form or manner
17 approved by the Commission consistent with Section 2EE of the
18 Consumer Fraud and Deceptive Business Practices Act, before
19 the customer is switched from another supplier.

20 (c) No alternative retail electric supplier, or electric
21 utility other than the electric utility in whose service area
22 a customer is located, shall (i) enter into or employ any
23 arrangements which have the effect of preventing a retail
24 customer with a maximum electrical demand of less than one
25 megawatt from having access to the services of the electric
26 utility in whose service area the customer is located or (ii)

1 charge retail customers for such access. This subsection shall
2 not be construed to prevent an arms-length agreement between a
3 supplier and a retail customer that sets a term of service,
4 notice period for terminating service and provisions governing
5 early termination through a tariff or contract as allowed by
6 Section 16-119.

7 (d) An alternative retail electric supplier that is
8 certified to serve residential or small commercial retail
9 customers shall not:

10 (1) deny service to a customer or group of customers
11 nor establish any differences as to prices, terms,
12 conditions, services, products, facilities, or in any
13 other respect, whereby such denial or differences are
14 based upon race, gender or income, except as provided in
15 Section 16-115E.

16 (2) deny service to a customer or group of customers
17 based on locality nor establish any unreasonable
18 difference as to prices, terms, conditions, services,
19 products, or facilities as between localities.

20 (3) warrant that it has a residential customer or
21 small commercial retail customer's express consent
22 agreement to access interval data as described in
23 subsection (b) of Section 16-122, unless the alternative
24 retail electric supplier has:

25 (A) disclosed to the consumer at the outset of the
26 offer that the alternative retail electric supplier

1 will access the consumer's interval data from the
2 consumer's utility with the consumer's express
3 agreement and the consumer's option to refuse to
4 provide express agreement to access the consumer's
5 interval data; and

6 (B) obtained the consumer's express agreement for
7 the alternative retail electric supplier to access the
8 consumer's interval data from the consumer's utility
9 in a separate letter of agency, a distinct response to
10 a third-party verification, or as a separate
11 affirmative consent during a recorded enrollment
12 initiated by the consumer. The disclosure by the
13 alternative retail electric supplier to the consumer
14 in this Section shall be conducted in, translated
15 into, and provided in a language in which the consumer
16 subject to the disclosure is able to understand and
17 communicate.

18 (4) release, sell, license, or otherwise disclose any
19 customer interval data obtained under Section 16-122 to
20 any third person except as provided for in Section 16-122
21 and paragraphs (1) through (4) of subsection (d-5) of
22 Section 2EE of the Consumer Fraud and Deceptive Business
23 Practices Act.

24 (e) An alternative retail electric supplier shall comply
25 with the following requirements with respect to the marketing,
26 offering and provision of products or services to residential

1 and small commercial retail customers:

2 (i) All marketing materials, including, but not
3 limited to, electronic marketing materials, in-person
4 solicitations, and telephone solicitations, shall contain
5 information that adequately discloses the prices, terms,
6 and conditions of the products or services that the
7 alternative retail electric supplier is offering or
8 selling to the customer and shall disclose the current
9 utility electric supply price to compare applicable at the
10 time the alternative retail electric supplier is offering
11 or selling the products or services to the customer and
12 shall disclose the date on which the utility electric
13 supply price to compare became effective and the date on
14 which it will expire. The utility electric supply price to
15 compare shall be the sum of the electric supply charge and
16 the transmission services charge and shall not include the
17 purchased electricity adjustment. The disclosure shall
18 include a statement that the price to compare does not
19 include the purchased electricity adjustment, and, if
20 applicable, the range of the purchased electricity
21 adjustment. All marketing materials, including, but not
22 limited to, electronic marketing materials, in-person
23 solicitations, and telephone solicitations, shall include
24 the following statement:

25 "(Name of the alternative retail electric
26 supplier) is not the same entity as your electric

1 delivery company. You are not required to enroll with
2 (name of alternative retail electric supplier).
3 Beginning on (effective date), the electric supply
4 price to compare is (price in cents per kilowatt
5 hour). The electric utility electric supply price will
6 expire on (expiration date). The utility electric
7 supply price to compare does not include the purchased
8 electricity adjustment factor. For more information go
9 to the Illinois Commerce Commission's free website at
10 www.pluginillinois.org.

11 If applicable, the statement shall also include the
12 following statement:

13 "The purchased electricity adjustment factor may
14 range between +.5 cents and -.5 cents per kilowatt
15 hour."

16 This paragraph (i) does not apply to goodwill or
17 institutional advertising.

18 (ii) Before any customer is switched from another
19 supplier, the alternative retail electric supplier shall
20 give the customer written information that adequately
21 discloses, in plain language, the prices, terms and
22 conditions of the products and services being offered and
23 sold to the customer. This written information shall be
24 provided in a language in which the customer subject to
25 the marketing or solicitation is able to understand and
26 communicate, and the alternative retail electric supplier

1 shall not switch a customer who is unable to understand
2 and communicate in a language in which the marketing or
3 solicitation was conducted. The alternative retail
4 electric supplier shall comply with Section 2N of the
5 Consumer Fraud and Deceptive Business Practices Act.

6 (iii) An alternative retail electric supplier shall
7 provide documentation to the Commission and to customers
8 that substantiates any claims made by the alternative
9 retail electric supplier regarding the technologies and
10 fuel types used to generate the electricity offered or
11 sold to customers.

12 (iv) The alternative retail electric supplier shall
13 provide to the customer (1) itemized billing statements
14 that describe the products and services provided to the
15 customer and their prices, and (2) an additional
16 statement, at least annually, that adequately discloses
17 the average monthly prices, and the terms and conditions,
18 of the products and services sold to the customer.

19 (v) All in-person and telephone solicitations shall be
20 conducted in, translated into, and provided in a language
21 in which the consumer subject to the marketing or
22 solicitation is able to understand and communicate. An
23 alternative retail electric supplier shall terminate a
24 solicitation if the consumer subject to the marketing or
25 communication is unable to understand and communicate in
26 the language in which the marketing or solicitation is

1 being conducted. An alternative retail electric supplier
2 shall comply with Section 2N of the Consumer Fraud and
3 Deceptive Business Practices Act.

4 (vi) Each alternative retail electric supplier shall
5 conduct training for individual representatives engaged in
6 in-person solicitation and telemarketing to residential
7 customers on behalf of that alternative retail electric
8 supplier prior to conducting any such solicitations on the
9 alternative retail electric supplier's behalf. Each
10 alternative retail electric supplier shall submit a copy
11 of its training material to the Commission on an annual
12 basis and the Commission shall have the right to review
13 and require updates to the material. After initial
14 training, each alternative retail electric supplier shall
15 be required to conduct refresher training for its
16 individual representatives every 6 months.

17 (f) An alternative retail electric supplier may limit the
18 overall size or availability of a service offering by
19 specifying one or more of the following: a maximum number of
20 customers, maximum amount of electric load to be served, time
21 period during which the offering will be available, or other
22 comparable limitation, but not including the geographic
23 locations of customers within the area which the alternative
24 retail electric supplier is certificated to serve. The
25 alternative retail electric supplier shall file the terms and
26 conditions of such service offering including the applicable

1 limitations with the Commission prior to making the service
2 offering available to customers.

3 (g) Nothing in this Section shall be construed as
4 preventing an alternative retail electric supplier, which is
5 an affiliate of, or which contracts with, (i) an industry or
6 trade organization or association, (ii) a membership
7 organization or association that exists for a purpose other
8 than the purchase of electricity, or (iii) another
9 organization that meets criteria established in a rule adopted
10 by the Commission, from offering through the organization or
11 association services at prices, terms and conditions that are
12 available solely to the members of the organization or
13 association.

14 (Source: P.A. 102-459, eff. 8-20-21; 103-237, eff. 6-30-23.)

15 (220 ILCS 5/16-119A)

16 Sec. 16-119A. Functional separation.

17 (a) Within 90 days after the effective date of this
18 amendatory Act of 1997, the Commission shall open a rulemaking
19 proceeding to establish standards of conduct for every
20 electric utility described in subsection (b). To create
21 efficient competition between suppliers of generating services
22 and sellers of such services at retail and wholesale, the
23 rules shall allow all customers of a public utility that
24 distributes electric power and energy to purchase electric
25 power and energy from the supplier of their choice in

1 accordance with the provisions of Section 16-104. In addition,
2 the rules shall address relations between providers of any 2
3 services described in subsection (b) to prevent undue
4 discrimination and promote efficient competition. Provided,
5 however, that a proposed rule shall not be published prior to
6 May 15, 1999.

7 (b) The Commission shall also have the authority to
8 investigate the need for, and adopt rules requiring,
9 functional separation between the generation services and the
10 delivery services of those electric utilities whose principal
11 service area is in Illinois as necessary to meet the objective
12 of creating efficient competition between suppliers of
13 generating services and sellers of such services at retail and
14 wholesale. After January 1, 2003, the Commission shall also
15 have the authority to investigate the need for, and adopt
16 rules requiring, functional separation between an electric
17 utility's competitive and non-competitive services.

18 (b-5) If there is a change in ownership of a majority of
19 the voting capital stock of an electric utility or the
20 ownership or control of any entity that owns or controls a
21 majority of the voting capital stock of an electric utility,
22 the electric utility shall have the right to file with the
23 Commission a new plan. The newly filed plan shall supersede
24 any plan previously approved by the Commission pursuant to
25 this Section for that electric utility, subject to Commission
26 approval. This subsection only applies to the extent that the

1 Commission rules for the functional separation of delivery
2 services and generation services provide an electric utility
3 with the ability to select from 2 or more options to comply
4 with this Section. The electric utility may file its revised
5 plan with the Commission up to one calendar year after the
6 conclusion of the sale, purchase, or any other transfer of
7 ownership described in this subsection. In all other respects,
8 an electric utility must comply with the Commission rules in
9 effect under this Section. The Commission may promulgate rules
10 to implement this subsection. This subsection shall have no
11 legal effect after January 1, 2005.

12 (c) In establishing or considering the need for rules
13 under subsections (a) and (b), the Commission shall take into
14 account the effects on the cost and reliability of service and
15 the obligation of the utility to provide bundled service under
16 this Act. The Commission shall adopt rules that are a cost
17 effective means to ensure compliance with this Section.

18 (d) Nothing in this Section shall be construed as imposing
19 any requirements or obligations that are in conflict with
20 federal law.

21 (e) Notwithstanding anything to the contrary, an electric
22 utility may market and promote the services, rates and
23 programs authorized by Sections 16-107, 16-107.8, and 16-108.6
24 of this Act.

25 (Source: P.A. 99-906, eff. 6-1-17.)

1 (220 ILCS 5/16-126.2 new)

2 Sec. 16-126.2. Energy Reliability Corporation of Illinois.

3 (a) The General Assembly finds that:

4 (1) When Illinois restructured its electric market in
5 1997, Illinois' largest 2 electric utilities unexpectedly
6 elected to join 2 different regional transmission
7 organizations (RTO), which effectively split the State
8 into 2 zones.

9 (2) Illinois' bifurcated, existing RTO membership
10 structure has created significant concerns related to
11 delays in transmission build out, excessively long
12 interconnection queue processes, favoring polluting
13 generation resources over more cost-effective clean
14 sources, inhibiting State policies, and inexplicably
15 frustrating State efforts to address its resource adequacy
16 needs through the development of new generation.

17 (3) The governance structures of PJM Interconnection,
18 LLC (PJM) and the Midcontinent Independent System
19 Operator, Inc. (MISO) have consistently failed to
20 represent Illinois' interests.

21 (4) The Illinois Commerce Commission and the Illinois
22 Power Agency have the expertise to evaluate and present
23 findings related to the costs and benefits of Illinois
24 pursuing any one of the following 3 options: (1)
25 establishing a single, State-specific Independent System
26 Operator (ISO); (2) consolidating Illinois' existing

1 bifurcated RTO membership structure into one existing RTO;
2 or (3) maintaining the existing bifurcated RTO structure.

3 (b) The Commission and the Illinois Power Agency shall
4 conduct a joint study and publish the findings of the study to
5 evaluate whether (1) establishing a single State-operated ISO;
6 (2) consolidating this State's bifurcated RTO membership into
7 an existing RTO; or (3) maintaining the existing bifurcated
8 RTO structure, would be consistent with the State's goals and
9 would maximize benefits to State businesses and residents. As
10 a part of this evaluation, the Commission and the Illinois
11 Power Agency shall analyze whether it would be feasible and
12 practical for this State to pursue any of the options
13 described in this subsection (b).

14 (c) The Commission and the Illinois Power Agency shall
15 examine the costs and benefits, over a 20-year period, of this
16 State pursuing any of the options described in subsection (b).
17 The study shall examine the costs and benefits of such
18 participation over 20 years. The study shall examine the costs
19 and benefits to State ratepayers, including, but not limited
20 to, consideration of the regulatory, reliability, operational,
21 and competitive benefits of this State participating in one
22 existing RTO, as compared to participating in a State-specific
23 ISO, or continuing to participate in the current bifurcated
24 RTO structure. The costs and benefits evaluated should include
25 resource adequacy benefits, resilience, affordability, equity,
26 the impact on the environment, and the general health, safety,

1 and welfare of the People of this State.

2 The study shall, at a minimum, include the following, and
3 it may consider or suggest additional or alternative items:

4 (1) the appropriate timetable to (i) establish and
5 effectively transition to a State-specific ISO, or (ii)
6 consolidate into an existing RTO, taking into account how
7 that schedule could support the emission reduction
8 timeline established in Section 9.15 of the Environmental
9 Protection Act; and

10 (2) the appropriate benefits and costs to consider,
11 such as the regulatory, reliability, operational, and
12 competitive benefits, including, but not limited to:

13 (i) capacity market benefits and costs of
14 separating from the PJM and MISO territories versus
15 those of the status quo;

16 (ii) transmission benefits and costs of separating
17 from the PJM and MISO territories versus those of a
18 State-specific ISO;

19 (iii) the legal, correct, and appropriate exit
20 fees for leaving regional transmission organizations;

21 (iv) managing the State's energy resources to
22 supply electricity throughout the State versus the
23 existing bifurcated structure;

24 (v) the potential improvements in interconnection
25 queue speed versus the current lengthy delays in the
26 PJM and MISO processes;

1 (vi) the potential for a State-specific ISO to
2 more effectively value and enable resources, such as
3 storage of renewable resources, demand response,
4 energy efficiency, and the adoption of new
5 technologies and applications, versus the current PJM
6 and MISO structures; and

7 (vii) an evaluation of any improved ability for
8 the State to meet its goals and objectives in a new
9 State-specific ISO versus the existing structure.

10 After the completion of the study, if the Commission
11 and the Illinois Power Agency find that the results of the
12 study were overall beneficial to the citizens of this
13 State, then the Commission and the Illinois Power Agency
14 may conduct and publish an additional ISO policy study
15 that explores the steps required to establish a
16 State-specific ISO. The Governor and members of the
17 General Assembly may request an additional ISO policy
18 study, or any other follow-up study, regardless of the
19 outcome of the original study. An additional study may,
20 for example, investigate the steps required for this State
21 to consolidate into one existing RTO.

22 The additional ISO policy study shall investigate a
23 governance structure and design that would enable State
24 policy independence and more fully support State resource
25 adequacy and reliability while also complying with FERC
26 Order 2000. The additional ISO study may investigate how a

1 State-specific ISO would be able to demonstrate the
2 following issues, including, but not limited to:

3 (i) independence from market participants;

4 (ii) an appropriate scope and regional configuration;

5 (iii) possession of operational authority for all
6 transmission facilities under the control of the
7 State-specific ISO;

8 (iv) exclusive authority to maintain short-term
9 reliability of the grid;

10 (v) tariff administration and design;

11 (vi) congestion management;

12 (vii) management of parallel path flows;

13 (viii) provision of last resort for ancillary
14 services;

15 (ix) development of an Open Access Same-time
16 Information System (OASIS);

17 (x) market monitoring; and

18 (xi) responsibility for planning and expanding
19 facilities under its control.

20 (d) The Commission and the Illinois Power Agency shall
21 retain the services of technical and policy experts with
22 relevant fields of expertise. Given the critical and rapid
23 actions required under this Section, the Commission and the
24 Illinois Power Agency may procure the services of any
25 facilitator, expert, or consultant to assist with the
26 implementation of this Section. Such procurement is exempt

1 from the requirements of the Illinois Procurement Code under
2 Section 20-10 of the Illinois Procurement Code. The Commission
3 and the Illinois Power Agency may jointly determine that the
4 cost of any contract pursuant to this Section may be borne
5 initially by the relevant electric public utilities, but shall
6 be recovered as an expense through normal ratemaking
7 procedures. The Illinois Finance Authority, the Illinois
8 Environmental Protection Agency, and the Department of
9 Commerce and Economic Opportunity shall provide support to and
10 consult with the Commission and the Illinois Power Agency when
11 requested. The Commission and the Illinois Power Agency may
12 consult with other State agencies, commissions, or task forces
13 as needed.

14 (e) The Commission and the Illinois Power Agency may
15 solicit information, including confidential or proprietary
16 information, from entities likely to be impacted by the
17 creation of a State-specific ISO. The Commission and the
18 Illinois Power Agency may consult with and seek assistance
19 from (i) Independent System Operators in other states, such as
20 Texas, California, and New York, (ii) federal agencies, such
21 as the Federal Energy Regulatory Commission, and (iii) the
22 regional transmission organizations PJM and MISO. Any
23 information designated as confidential or proprietary
24 information by the entity providing the information shall be
25 kept confidential by the Commission, its consultants, and its
26 contractors, and the Illinois Power Agency, its consultants,

1 and its contractors, and is not subject to disclosure under
2 the Freedom of Information Act. The Office of the Attorney
3 General shall have access to, and maintain the confidentiality
4 of, such information pursuant to Section 6.5 of the Attorney
5 General Act.

6 (f) The Commission and the Illinois Power Agency shall
7 publish the joint final policy study no later than December 1,
8 2026 and suitable copies shall be delivered to the Governor
9 and members of the General Assembly.

10 (220 ILCS 5/16-145 new)

11 Sec. 16-145. Powering Up Illinois.

12 (a) For the purposes of this Section:

13 "Electric utility" means an electric utility serving more
14 than 500,000 customers in this State.

15 "Energization" and "energize" means the connection of new
16 electric vehicle charging infrastructure projects over 5
17 megawatts to the electrical grid or upgrading electrical
18 capacity to provide adequate service to such electric vehicle
19 charging infrastructure projects. "Energization" and
20 "energize" do not include activities related to connecting
21 electricity supply resources.

22 "Energization time period" means the period of time that
23 begins when the electric utility receives a substantially
24 complete energization project application and ends when the
25 electric service associated with the project is installed and

1 energized, consistent with the service obligations set forth
2 in the Section 8-101 of the Public Utilities Act.

3 (b) The Commission shall adopt rules to establish and
4 track reasonable average and maximum target energization time
5 periods for energization projects. Such rules shall, at a
6 minimum, establish the following:

7 (1) reasonable average and maximum target energization
8 time periods. The targets shall ensure that work is
9 completed in a safe and reliable manner that minimizes
10 delay in meeting the date requested by a customer for
11 completion of the energization project to the greatest
12 extent possible. The targets may vary based on factors,
13 including, but not limited to, customer class, size of the
14 project, the complexity and magnitude of the work
15 required, and uncertainties regarding the readiness of the
16 customer project needing energization. The targets may
17 also recognize any factors beyond the electric utility's
18 control;

19 (2) requirements for an electric utility to report to
20 the Commission, at least annually, in order to track and
21 improve electric utility performance. The report shall, at
22 a minimum, include the average, median, and standard
23 deviation time between receiving an application for
24 electrical service and energizing the electrical service,
25 and detailed explanations for energization time periods
26 that exceed the target maximum for energization projects,

1 constraints and obstacles to each type of energization,
2 including, but not limited to, funding limitations,
3 qualified staffing availability, or equipment
4 availability, and any other information that the
5 Commission, in its discretion, concludes that such reports
6 should contain; and

7 (3) procedures for customers to report energization
8 delays to the Commission.

9 (c) If an electric utility's average time period for
10 energization in a calendar year exceeds the Commission's
11 target averages or if an electric utility has exceeded the
12 Commission's target maximums as established by rule, the
13 electric utility shall include in its report pursuant to rules
14 adopted under paragraph (2) of subsection (b) a detailed
15 remedial plan for meeting the targets in the future. The
16 Commission may require modification to the electric utility's
17 remedial plan to ensure that the electric utility meets
18 targets promptly.

19 (d) Data reported by electric utilities shall be
20 anonymized or aggregated to the extent necessary to prevent
21 identifying individual customers. The Commission shall make
22 all such reports publicly available.

23 (e) In addition to requiring remedial plans pursuant to
24 subsection (c) of this Section, the Commission may require an
25 electric utility to take any remedial actions necessary to
26 achieve the Commission's targets.

1 (220 ILCS 5/16-201 new)

2 Sec. 16-201. Integrated resource plan development.

3 (a) The General Assembly hereby finds that:

4 (1) In 2021, Illinois set itself on the path to a clean
5 energy future that would produce the least amount of
6 carbon and copollutant emissions while ensuring adequate,
7 reliable, affordable, efficient, and environmentally
8 sustainable electric service at the lowest total cost over
9 time and in a manner that benefits the Illinois economy
10 and workforce and improves the quality of life, including
11 environmental health, for all its citizens.

12 (2) In the ensuing years, Illinois has created a
13 strong economic environment that has led to the
14 revitalization and expansion of its manufacturing sector
15 and has made Illinois an attractive place for the
16 technology industry to locate new data and quantum
17 computing centers. These developments have led to the
18 creation of good-paying jobs for working families.

19 (3) The unforeseen growth in the manufacturing and
20 technology sectors will likely lead to a dramatic increase
21 in electricity demand over time.

22 (4) The long interconnection times and the capacity
23 market structures enacted by the 2 regional transmission
24 organizations that Illinois is split between further
25 exacerbate the potential for an imbalance between

1 electricity supply and demand.

2 (5) The new sources of load growth from the
3 manufacturing and technology sectors combined with
4 external challenges require a more nimble and responsive
5 administrative approach to effectively address future
6 resource adequacy challenges.

7 (6) The Illinois agencies that oversee and implement
8 Illinois energy policy must have the ability to (i) fully
9 understand current and future resource adequacy needs,
10 (ii) plan for what resources could be utilized to address
11 such needs, (iii) be able to coordinate, modify, expand,
12 and direct all of Illinois' existing energy programs and
13 policies so as to address any resource adequacy or
14 reliability concerns, and (iv) direct the development of
15 new energy programs and policies in order meet resource
16 adequacy and reliability needs without the need for
17 additional legislative action.

18 (b) The purpose of this Section is to ensure that the
19 Commission, the agencies, electric utilities supplying
20 electric service in Illinois, stakeholders, market
21 participants, and policymakers have a common set of data and
22 information regarding the State's electricity resource needs
23 in order to plan for sufficient electricity resources to serve
24 Illinois customers in a manner that is adequate, safe,
25 reliable, affordable, efficient, environmentally sustainable,
26 at the lowest cost over time, and consistent with the energy

1 policy goals of the State, including, but not limited to, the
2 clean energy policy established by Public Act 102-662. To that
3 end, this Section establishes a requirement that the agencies
4 prepare an integrated resource plan and submit such plan to
5 the Commission consistent with this Section for the
6 Commission's review and approval after an opportunity for
7 notice and hearing.

8 (c) Unless otherwise specified, as used in this Section,
9 the following terms shall have the following meanings:

10 (1) "Advanced transmission technologies" means
11 technologies, tools, and software that improve power flows
12 over transmission systems and lines. "Advanced
13 transmission technologies" includes, but is not limited
14 to, the following:

15 (i) technology that dynamically adjusts the rated
16 capacity of transmission lines based on real-time
17 conditions;

18 (ii) advanced power flow controls used to actively
19 control the flow of electricity across transmission
20 lines to optimize usage or relieve congestion;

21 (iii) software or hardware used to identify
22 optimal transmission grid configurations or enable
23 routing power flows around congestion points; and

24 (iv) advanced transmission line conductors that
25 have a direct current electrical resistance at least
26 10% lower than existing conductors of a similar

1 diameter on the transmission system.

2 (2) "Agencies" means the Illinois Commerce Commission
3 Staff, the Illinois Power Agency, the Illinois Finance
4 Authority, the Illinois Environmental Protection Agency,
5 and any consultants those agencies retain, including, but
6 not limited to, the consultant retained by the Commission
7 pursuant to subsection (j) of this Section and the
8 consultant retained by the Illinois Power Agency pursuant
9 to paragraph (1) of subsection (a) of Section 1-75 of the
10 Illinois Power Agency Act.

11 (3) "Clean energy" means energy generation that
12 either:

13 (A) emits no on-site SO₂, NO_x, mercury, or any
14 other regulated pollutants; or

15 (B) as shown through pollution control
16 technologies, has reduced a generator's CO₂ emissions
17 by 90% compared to what the generator would have
18 otherwise emitted and that has CO₂ emissions less than
19 130 lb/MWh.

20 (4) "Regional transmission organization" or "RTO"
21 means PJM Interconnection, LLC (PJM) and the Midcontinent
22 Independent System Operator, Inc. (MISO) or the regional
23 transmission organization or independent system operator
24 of which the electric utility is a member or would be a
25 member, given the location of the electric utility's
26 customers, if it were required to be a member.

1 (d) The agencies, coordinated by Commission staff, shall
2 compile and propose an integrated resource plan in compliance
3 with this Section. The agencies may consult with each electric
4 utility that has more than 500,000 electric retail customers
5 in developing the plan and the plan shall consider any
6 necessary interactions between RTO zones in the State.
7 Commission staff shall submit the initial integrated resource
8 plan to the Commission no later than November 15, 2026, the
9 second integrated resource plan to the Commission no later
10 than September 30, 2029, and each subsequent plan to the
11 Commission every 4 years thereafter no later than September 30
12 of the applicable year. For the first integrated resource plan
13 due on November 15, 2026, the agencies shall take into account
14 the resource adequacy report prepared pursuant to subsection
15 (o) of Section 9.15 of the Environmental Protection Act and
16 shall specifically address any and all divergences from the
17 analysis and conclusions in the report. At any time after the
18 submission of a plan, the agencies may submit an update to the
19 plan if the agencies believe that a material change in the
20 inputs or conclusions of the plan is warranted. The agencies
21 shall notify the Commission as soon as practicable of the
22 material change and the potential update to the plan. The
23 Commission shall publish the integrated resource plan on its
24 website.

25 (e) An alternative retail electric supplier shall provide
26 information related to the resource needs of its customers

1 located in an electric utility's service territory as
2 requested by the agencies or the Commission to compile and
3 develop the plan required by this Section.

4 (f) Commission staff shall lead the agencies in the
5 development of the integrated resource plan to ensure that a
6 plan submitted pursuant to this Section includes a detailed
7 analysis of the following:

8 (1) an evaluation of the future electric resource
9 needs in each electric utility's service area for periods
10 of at least 5, 10, 15, and 20 years such that the plan
11 coincides with the timelines established in Section 9.15
12 of Title II of the Environmental Protection Act and is
13 designed to support those standards to the maximum extent
14 practicable on the schedule established therein;

15 (2) peak demand and energy usage forecasts, such that
16 the plan:

17 (i) contains no fewer than 3 scenarios of (i)
18 forecasted peak demand, (ii) net peak demand if
19 different from peak demand, (iii) non-coincidental
20 peak demand, and (iv) energy usage, to capture a
21 reasonable range of forecasts based on historic trends
22 and a diverse range of more conservative to high load
23 growth based on reasonable projections. The scenarios
24 should consider estimates of peak demand corresponding
25 to seasons or other applicable time periods as defined
26 by the regional transmission organization in which

1 this State's electric utilities are a member;

2 (ii) reflects known changes in facility and
3 appliance codes and standards;

4 (iii) reflects load reductions from
5 State-sponsored programs;

6 (iv) reflects load reductions from programs
7 sponsored by electric utilities;

8 (v) reflects load reductions from aggregators of
9 retail customers that can be applied to the host
10 load-serving entity's resource adequacy requirement;

11 (vi) reflects load reductions from any other
12 sources including out-of-state programs that could
13 influence load;

14 (vii) reflects expected adoption of other
15 distributed energy resources, including
16 behind-the-meter generation; and

17 (viii) includes any additional sensitivities as
18 determined by the agencies;

19 (3) an analysis of all generation and energy resource
20 options available to meet the range of load forecasts with
21 a focus on the first period of at least 5 years covered by
22 the plan, including an analysis of existing supply found
23 within each electric utility's service area and new supply
24 expected to come online across that period of at least 5
25 years, such that the plan shall consider the following:

26 (i) the current and projected status of electric

1 resource adequacy throughout the State from sources
2 the agencies deem reasonable;

3 (ii) a range of resource options that can be
4 deployed at a reasonable scale, that provide clean
5 energy to the maximum extent practicable, and that
6 include generation and energy resources on both the
7 demand-side and supply-side;

8 (iii) developing technologies that will be
9 commercially viable during the period of analysis;

10 (iv) reflect reasonable assumptions for capital
11 and operating costs and the performance of resource
12 technologies. The calculation of resource costs shall
13 include reasonable expected costs for transmission
14 interconnection and network upgrades made necessary by
15 the addition of each resource; and

16 (v) appropriate considerations for implementation,
17 such as:

18 (A) timelines for implementation, including,
19 but not limited to, siting, permitting,
20 engineering, transmission interconnection, and the
21 time it takes to modify existing programs or
22 create new programs and put them into operation;

23 (B) recommendations for how new clean
24 resources should be developed to respond to
25 resource adequacy challenges; and

26 (C) any other requirements for implementation;

1 (4) confirmation that the resource adequacy and
2 reliability requirements employed in the plan meet the
3 following conditions:

4 (i) the plan must reflect planning reserve margin
5 requirements established by the corresponding RTO,
6 other resource adequacy requirements set by an
7 applicable authority as authorized by the State, or
8 another standard chosen by the Commission; and

9 (ii) the integrated resource plan may reflect a
10 supplemental reliability analysis, including the
11 evaluation of reliability metrics not prescribed by an
12 RTO or other applicable authority as authorized by the
13 State;

14 (5) consistency with existing State and federal
15 environmental laws and policies, including, but not
16 limited to, the decarbonization goals set forth in Section
17 9.15 of the Illinois Environmental Protection Act. The
18 plan may consider potential changes in State and federal
19 environmental laws and policies. The plan must provide
20 expected emissions for CO₂, SO₂, NO_x, mercury, and any
21 other regulated pollutants in order to analyze the impact
22 of retirement timelines on emissions reductions. The plan
23 must be consistent with the State's other clean energy
24 goals and targets, including, but not limited to, its
25 renewable portfolio standard, its energy efficiency
26 portfolio standard, the carbon mitigation credit program,

1 and its energy storage system portfolio standard. The plan
2 shall include an analysis of the following:

3 (i) the State's current progress toward its
4 renewable energy resource development goals, its
5 storage development goals, and its energy efficiency
6 and demand-response goals, as well as the pace of the
7 development of renewables, energy storage, including
8 distributed storage, the deployment of virtual power
9 plants, and demand-response utilization; and

10 (ii) the status of the State's CO₂e and copollutant
11 emissions reductions and its current status and
12 progress toward developing emerging clean energy
13 technologies;

14 (6) consideration of the following additional issues:

15 (i) an integrated resource plan shall be designed
16 to collectively meet all of Illinois' energy policy
17 goals and shall describe:

18 (A) how the plan complies with the various
19 requirements of State energy policy;

20 (B) the assumptions and analytical methods
21 used in the plan;

22 (C) recommendations for how State policy
23 should serve to facilitate the development of new
24 resources;

25 (D) the impacts of the plan on customer costs,
26 including net present value costs relative to

1 alternatives; and

2 (E) how the plan improves energy equity within
3 environmental justice and equity investment
4 eligible communities, as defined by the Energy
5 Transition Act, including, but not limited to,
6 reducing energy burden, ensuring affordability of
7 electric utility bills and uninterruptible
8 essential utility service, and reducing barriers
9 to accessing renewable energy;

10 (ii) an integrated resource plan shall include a
11 discussion of the steps needed to implement the plan,
12 including, but not limited to, options and steps to
13 bring on new or increased energy generated from any
14 recommended resources for the 5 years after the plan
15 would be implemented, that align with State clean
16 energy policy;

17 (iii) an integrated resource plan shall consider
18 the information and conclusions set forth in the
19 renewable energy access plan developed in accordance
20 with Section 8-512, including, but not limited to,
21 information concerning the locations of renewable
22 energy access plan zones, considerations of advanced
23 transmission technologies to increase efficiencies,
24 and different transmission planning options and cost
25 allocations;

26 (iv) an integrated resource plan may consider the

1 impacts of future or anticipated changes in State and
2 federal energy laws and policies; and
3 (v) any solutions for any additional conclusions;
4 (7) if the agencies choose, portfolio-optimization
5 results based on the following:

6 (i) capacity expansion and production cost
7 modeling consistent with the conditions and
8 constraints set forth in this Section;

9 (ii) optimized candidate portfolios that align
10 with the load-growth scenarios described in paragraph
11 (2) of subsection (f) of this Section and any
12 additional portfolios chosen by the agencies to
13 reflect alternative policy or technology assumptions;

14 (iii) a comparison of total system cost on a
15 net-present-value basis, customer rate and bill
16 impacts, risk metrics, including, but not limited to,
17 cost variability under fuel-price and load shocks,
18 emissions trajectories, and key reliability
19 indicators; and

20 (iv) an identification of a preferred portfolio or
21 portfolios that best satisfy the objectives of
22 affordability, reliability, equity, and emission
23 reduction and a narrative explanation of why the
24 portfolio is recommended; and

25 The agencies may request that PJM and MISO, or their
26 respective successor organizations, conduct a resource

1 adequacy and reliability study. The study shall include the
2 megawatt amount of energy storage capacity that would maintain
3 resource adequacy during the study period to fully meet the
4 requirements for CO_{2e} and copollutant emissions reductions
5 under Public Act 102-662 that would not otherwise be met by the
6 interconnection queue and without large transmission upgrades,
7 including maintaining sufficient in-State capacity to meet the
8 zonal requirements of MISO Zone 4 or the PJM ComEd Zone. The
9 study shall also identify recommended geographic locations for
10 new storage and clean energy to mitigate local reliability
11 risks, including at or near the sites of any generator
12 deactivations to maximize the efficient utilization of
13 existing infrastructure.

14 (220 ILCS 5/16-202 new)

15 Sec. 16-202. Integrated resource plan review and approval.

16 (a) The Commission shall enter its order approving or
17 approving with modifications an integrated resource plan
18 within 180 days after the agencies filing the plan and any
19 companion reports or other information. The Commission may
20 extend the period of review of the plan for no more than an
21 additional 180 days.

22 (b) The Commission may approve a plan or a modified plan
23 and authorize its implementation only if, after notice and
24 hearing, including the conduct of discovery and taking of
25 evidence, it finds that the plan:

1 (1) addresses any resource adequacy challenges in the
2 5 years immediately following approval of the plan, while
3 also taking into account the 10 years following the plan;

4 (2) prepares the State to best address issues of
5 resource adequacy at the least amount of CO_{2e} and
6 copollutant emissions;

7 (3) considers the emissions' impacts on environmental
8 justice communities while taking into account all
9 applicable labor and equity standards;

10 (4) supports the provisioning of adequate, reliable,
11 affordable, efficient, and environmentally sustainable
12 electric service at the lowest total cost over time; and

13 (5) utilizes the expansion of renewable energy, energy
14 storage, virtual power plants and distributed energy
15 storage, energy efficiency, demand response, time-of-use
16 rates or other mechanisms designed to manage peak load,
17 transmission development, carbon mitigation credits or any
18 other clean energy strategies to the maximum extent
19 practicable to resolve any identified resource adequacy
20 shortfall or reliability violation in a cost-effective,
21 affordable, timely, and clean manner.

22 (c) The Commission may, as a part of its decision to
23 approve a plan or modified plan and to the extent consistent
24 with the uniform allocation of costs required under subsection
25 (k) of Section 16-108, order changes to existing programs,
26 direct specific actions within existing programs including the

1 authorization to support the expansion of an existing program,
2 including, but not limited to:

3 (1) any of the following plans or programs designed to
4 increase the amount of generation and capacity available:

5 (i) the Long-Term Renewable Resources Procurement
6 Plan, including programs and procurements authorized
7 through that Plan, and to increase the limitations
8 placed on the procurement of renewable energy
9 resources established pursuant to subparagraph (E) of
10 paragraph (1) of subsection (c) of Section 1-75 of the
11 Illinois Power Agency Act in order to increase,
12 direct, or adjust procurements of renewable energy
13 resources to support new renewable energy projects;

14 (ii) the Energy Storage Resources Procurement
15 Plan, including programs and procurements authorized
16 through that Plan, and to increase the procurement of
17 energy storage established pursuant to subsection
18 (d-20) of Section 1-75 of the Illinois Power Agency
19 Act in order to increase or adjust procurements for
20 new energy storage;

21 (iii) the carbon mitigation credit procurement
22 plans established pursuant to subsection (d-10) of
23 Section 1-75 of the Illinois Power Agency Act in order
24 to preserve existing carbon-free energy resources,
25 including extending or expanding carbon mitigation
26 credit contract awards in accordance with a new

1 schedule of baseline costs;

2 (iv) the Illinois Power Agency's annual
3 electricity procurement plans established pursuant to
4 paragraph (2) of subsection (d) of Section 16-111.5,
5 including modification of the products to be procured
6 and allowing for costs associated with the purchase of
7 new or additional products to be socialized across all
8 retail customers or all load-serving entities, as
9 applicable; and

10 (v) any additional programs designed to procure
11 appropriate sources of new clean energy and capacity
12 resources, including any associated clean attribute
13 credits; and

14 (2) any of the following designed to manage energy
15 demand, including, but not limited to:

16 (i) extending or expanding the energy efficiency
17 programs implemented by electric utilities and the
18 limitation on the amount of energy efficiency and
19 demand-response measures implemented pursuant to
20 Section 8-103B in order to gain increased load
21 reductions; and

22 (ii) the Multi-Year Integrated Grid Plans
23 implemented by electric utilities pursuant to Section
24 16-105.17 in order to extend or expand programs
25 related to peak load management and reduction,
26 including, but not limited to, virtual power plants,

1 front of the meter distributed storage, demand
2 response, and time-of-use rates.

3 (d) If all of the changes made to the programs pursuant to
4 this Section would reasonably be insufficient to balance
5 supply and demand and avoid a resource adequacy shortfall,
6 then the Commission may delay, in whole or in part, the CO_{2e}
7 and copollutant emissions reductions requirements found in
8 Section 9.15 of the Environmental Protection Act but only to
9 the minimum extent and duration necessary to address the
10 resource adequacy shortfall needs of the State. If the
11 Commission finds that reducing or delaying the emissions
12 reductions requirements is necessary, despite any or all of
13 the changes made pursuant to this Section, then it shall also
14 include in its final order recommendations to the General
15 Assembly on what additional policies may be adopted that could
16 avoid future modifications to the emissions reductions.

17 (e) Unless otherwise specified by the Commission, the
18 order approving the plan or modified plan shall become
19 effective January 1 of the calendar year immediately following
20 the issuance of the order. The agencies, electric utilities,
21 and any other impacted entities shall comply with any of the
22 Commission's orders, and when required seek approval from the
23 Commission and make any required modifications to their plans,
24 programs, or related initiatives in a manner consistent with
25 the process and timing for those changes as outlined in the
26 approved plans or, if none is specified, as soon as

1 practicable. If the integrated resource plan approved by the
2 Commission contains recommendations that are outside the
3 Commission's authority, the Commission shall communicate any
4 such recommendations to the Governor and the General Assembly.

5 (f) Given the critical and rapid actions required under
6 this Section, the Commission may procure the services of any
7 facilitator, expert, or consultant, including the procurement
8 monitor retained by the Commission pursuant to paragraph (2)
9 of subsection (c) of Section 16-111.5. Such procurement is
10 exempt from the requirements of the Illinois Procurement Code,
11 pursuant to Section 20-10 of that Code.

12 (g) Costs that are prudently and reasonably incurred by
13 electric utilities to comply with the requirements of this
14 Section shall be recovered and shall be excluded from the
15 calculation performed under paragraph (6) of subsection (f) of
16 Section 16-108.18. Nothing in the Commission's order directing
17 changes to a prior approved plan as enumerated in this Section
18 shall be the sole basis for a finding of imprudence or
19 unreasonableness or the lack of use or usefulness of any
20 investment or expenditure.

21 (h) If the Commission's final order under this Section
22 includes the approval of rate increases through the expansion
23 of existing programs, the creation of new programs, or the
24 increase of limitations placed on procurements as described
25 under paragraphs (1) and (2) of subsection (c), the Commission
26 shall submit notice to the General Assembly of the increases

1 included in the final order, including the estimated monthly
2 cost impact on customers and the expected costs savings or
3 benefits of such actions. After receipt of a notice, any
4 member of the General Assembly may introduce in the General
5 Assembly a joint resolution stating that the General Assembly
6 desires to suspend the rate increases, or suspend a portion of
7 the rate increases, identified in the final order and
8 specifying the rationale for the General Assembly's
9 determination.

10 (1) If the General Assembly passes a joint resolution
11 under this subsection (h) that takes effect prior to the
12 effective date of the Commission's final order, the
13 General Assembly shall send notice to the Commission of
14 the resolution, and the Commission shall suspend its final
15 order. Within 30 days of receipt of the General Assembly's
16 notice, the Commission shall reopen the docket approving
17 the plan or modified plan in order to take into account the
18 General Assembly's reduction or elimination of the rate
19 increases. The Commission shall approve the modified plan
20 within 120 days of reopening the docket, including the
21 conduct of discovery and the taking of evidence, and send
22 notice to the General Assembly of its modified plan. The
23 General Assembly may rescind its desire to suspend the
24 rate increases, or suspend a portion of the rate
25 increases, by adoption of a subsequent joint resolution by
26 each chamber of the General Assembly within 30 days of

1 receipt of the Commission's notice that would put into
2 effect the Commission's original final order.

3 (2) If the General Assembly fails to pass a joint
4 resolution under this subsection (h) prior to the
5 effective date of the Commission's final order, the
6 associated rate increases shall go into effect pursuant to
7 the schedule specified in the Commission's final order
8 approving the plan or modified plan.

9 (i) The Commission may adopt rules to implement the
10 requirements of this Section.

11 (220 ILCS 5/17-900)

12 Sec. 17-900. Customer self-generation of electricity.

13 (a) The General Assembly finds and declares that municipal
14 systems and electric cooperatives shall continue to be
15 governed by their respective governing bodies, but that such
16 governing bodies should recognize and implement policies to
17 provide the opportunity for their residential and small
18 commercial customers who wish to self-generate electricity and
19 for reasonable credits to customers for excess electricity,
20 balanced against the rights of the other non-self-generating
21 customers. This includes creating consistent, fair policies
22 that are accessible to all customers and transparent, fair
23 processes for raising and addressing any concerns.

24 (b) Customers have the right to install renewable
25 generating facilities to be located on the customer's premises

1 or customer's side of the billing meter and that are intended
2 primarily to offset the customer's own electrical requirements
3 and produce, consume, and store their own renewable energy
4 without discriminatory repercussions from an electric
5 cooperative or municipal system. This includes a customer's
6 rights to:

7 (1) generate, consume, and deliver excess renewable
8 energy to the distribution grid and reduce his or her use
9 of electricity obtained from the grid;

10 (2) use technology to store energy ~~at his or her~~
11 ~~residence;~~

12 (3) interconnect his or her electrical system that
13 generates renewable energy, stores energy, or any
14 combination thereof, with the electricity meter on the
15 customer's premises that is provided by an electric
16 cooperative or municipal system:

17 (A) in a timely manner;

18 (B) in accordance with requirements established by
19 the electric cooperative or municipal utility to
20 ensure the safety of utility workers; and

21 (C) after providing written notice to the electric
22 cooperative or municipal utility system providing
23 service in the service territory, installing a
24 nomenclature plate on the electrical meter panel and
25 meeting all applicable State and local safety and
26 electrical code requirements associated with

1 installing a parallel distributed generation system;

2 ~~and~~

3 (4) receive fair credit for excess energy delivered to
4 the distribution grid; and

5 (5) for residential and small commercial customers,
6 interconnect renewable energy systems sized up to and
7 including 25 kW AC.

8 (c) The policies of municipal systems and electric
9 cooperatives regarding self-generation and credits for excess
10 electricity may reasonably differ from those required of other
11 entities by Article XVI of the Public Utilities Act or other
12 Acts. The credits must recognize the value of self-generation
13 to the distribution grid and benefits to other customers.

14 (c-5) The policies of municipal systems and electric
15 cooperatives regarding self-generation and credits for excess
16 electricity shall not require customers to name the municipal
17 system or electric cooperative as an additional insured on the
18 customer's insurance policies or have any minimum liability
19 limit requirement in connection with the installation and
20 operation of renewable generating facilities if the renewable
21 generating facilities meet the safety standards listed in the
22 applicable interconnection agreement and the contractor used
23 to install the renewable generating facilities is licensed and
24 possesses commercial general liability insurance coverage of
25 at least \$1,000,000 per occurrence and \$2,000,000 in the
26 aggregate per year.

1 (d) Within 180 days after this amendatory Act of the 102nd
2 General Assembly, each electric cooperative and municipal
3 system shall update its policies for the interconnection and
4 fair crediting of customer self-generation and storage if
5 necessary, to comply with the standards of subsection (b) of
6 this Section. Each electric cooperative and municipal system
7 shall post its updated policies to a public-facing area of its
8 website.

9 (e) An electric cooperative or municipal system customer
10 who produces, consumes, and stores his or her own renewable
11 energy shall not face discriminatory rate design, fees or
12 charges, treatment, or excessive compliance requirements that
13 would unreasonably affect that customer's right to
14 self-generate electricity as provided for in this Section.

15 (f) An electric cooperative or municipal utility system
16 customer shall have a right to appeal any decision related to
17 self-generation and storage that violates these rights to
18 self-generation and non-discrimination pursuant to the
19 provisions of this Section through a complaint under the
20 Administrative Review Law or similar legal process.

21 (Source: P.A. 102-662, eff. 9-15-21.)

22 (220 ILCS 5/20-140 new)

23 Sec. 20-140. Interconnection Working Group.

24 (a) The Commission shall establish an Interconnection
25 Working Group. The Working Group shall include representatives

1 from electric utilities, developers of renewable electric
2 generating facilities, representatives of new large loads
3 seeking grid interconnection, other industries that regularly
4 apply for interconnection with the electric utilities as
5 appropriate, representatives of distributed generation
6 customers, the Commission staff, and other stakeholders with a
7 substantial interest in the topics addressed by the
8 Interconnection Working Group.

9 (b) The Interconnection Working Group shall address at
10 least the following issues in relation to new generation and
11 new large loads:

12 (1) the cost of and the best available technology for
13 interconnection and metering, including the
14 standardization and publication of standard costs;

15 (2) transparency, accuracy, and use of the
16 distribution interconnection queue and hosting capacity
17 maps;

18 (3) distribution system upgrade cost avoidance through
19 use of advanced inverter functions, energy storage, and
20 load management;

21 (4) predictability of the queue management process and
22 enforcement of timelines;

23 (5) benefits and challenges associated with group
24 studies and cost sharing;

25 (6) minimum requirements for application to the
26 interconnection process and throughout the interconnection

1 process to avoid queue clogging behavior;

2 (7) the process and customer service for
3 interconnecting customers adopting distributed energy
4 resources, including energy storage;

5 (8) options for metering distributed energy resources,
6 including energy storage;

7 (9) interconnection of new technologies, including
8 smart inverters and energy storage;

9 (10) collection, examination, and sharing of data on
10 Level 1 interconnection costs, including cost and type of
11 upgrades required for interconnection, and the use of this
12 data to inform the final standardized cost of Level 1
13 interconnection;

14 (11) determination of a single standardized cost for
15 Level 1 interconnections, which shall not exceed \$200; and

16 (12) such other technical, policy, and tariff issues
17 related to and affecting interconnection performance and
18 customer service as determined by the Interconnection
19 Working Group.

20 (c) The Commission may create subcommittees of the
21 Interconnection Working Group to focus on specific issues of
22 importance, as appropriate.

23 (d) The Interconnection Working Group shall report to the
24 Commission on recommended improvements to interconnection
25 rules, tariffs, and policies as determined by the
26 Interconnection Working Group at least every year. A report

1 shall include consensus recommendations of the Interconnection
2 Working Group and, if applicable, additional recommendations
3 for which consensus was not reached. Non-consensus shall not
4 be a basis for excluding recommendations that are majority or
5 minority recommendations. The Commission shall use the report
6 from the Interconnection Working Group to determine whether
7 processes should be commenced to formally codify or implement
8 the recommendations. The Interconnection Working Group shall
9 provide the reports under this subsection (d) to the
10 Commission on at least the following topics in the order
11 listed below within a reasonable time, but no later than 12
12 months, after the effective date of this amendatory Act of the
13 104th General Assembly: (A) a mechanism for good cause
14 extensions to construction timelines as long as the
15 interconnection customer reasonably demonstrates progress; (B)
16 a mechanism for all electric utilities to accept cash, letters
17 of credit, or bonds for any deposits required under the
18 interconnection agreement; (C) cost sharing for distribution
19 system upgrades and interconnection facilities for multiple
20 interconnection customers attempting to interconnect on the
21 same feeder or substation; (D) requirements that
22 interconnection studies process without delay based on queue
23 position or status of applications ahead in the queue, and
24 associated requirements for disclosure of contingent upgrades;
25 (E) provisions allowing for queue reservation for the
26 interconnection of projects installed on public school land to

1 accommodate timing constraints of school board approval and
2 budgeting; and (F) if feasible within the time allotted for
3 the initial report, parameters for utility interconnection
4 studies of energy storage systems not paired with distributed
5 generation that are based on the proposed operational profile
6 of the energy storage systems.

7 (d-5) Within 12 months after the report directed by
8 subsection (d) has been submitted, the Working Group shall
9 report to the Commission on the following: (A) mandatory
10 disclosures on the hosting capacity map and studies for
11 contingent upgrades including timelines for notice of
12 responsibility and payment; (B) a framework for concurrent
13 study on multiple feeders for a distributed energy resource;
14 and (C) if not provided in the initial report required under
15 subsection (d), parameters for utility interconnection studies
16 of energy storage systems not paired with distributed
17 generation that are based on the proposed operational profile
18 of the energy storage systems.

19 (d-10) Within 12 months after the report directed by
20 subsection (d-5) has been submitted, the Working Group shall
21 report to the Commission on the following: (A) dynamic hosting
22 capacity maps; (B) standards for public queue and hosting
23 capacity map information regarding individual projects in
24 queue, including (i) distributed generation nameplate
25 capacity, (ii) paired or stand-alone energy storage system
26 nameplate capacity, (iii) detailed estimated upgrade costs,

1 and (iv) systems that have completed upgrades and withdrawn
2 projects; and (C) timelines for refund of deposits if the
3 interconnection agreement is terminated. Within the same time
4 period, utilities shall publish all final interconnection
5 agreements, facilities studies, and system impact studies.

6 (d-15) Within 12 months after the report directed by
7 subsection (d-10) has been submitted, the Working Group shall
8 report to the Commission on the following: (A) level of detail
9 of costs in system impact and facilities studies and level 2
10 studies; and (B) a cap on charges to the interconnection
11 customer based on a percentage of the non-binding cost
12 estimate in the facilities study, system impact study, or
13 level 2 study.

14 (e) In collaboration with the General Counsel of the
15 Commission, the Office of Retail Market Development shall
16 develop policies and procedures to facilitate employees of the
17 Office in leading the Interconnection Working Group without
18 interference with docketed proceedings. The policies and
19 procedures developed under this subsection (e) shall be
20 designed to allow the Interconnection Working Group to work
21 without interruption.

22 (220 ILCS 5/20-145 new)

23 Sec. 20-145. Interconnection Monitor.

24 (a) The Office of Retail Market Development may employ,
25 designate, or otherwise retain the services of an Ombudsperson

1 who, in addition to the roles described in this Act, is
2 responsible for overseeing electric utility compliance with
3 the standards established by this Section and other regulatory
4 or statutory obligations regarding interconnections.

5 (b) The Ombudsperson may from time to time request, and
6 each electric utility shall timely provide records and
7 information to carry out his or her duties under this Section.

8 (c) The Office shall monitor interconnection between
9 electric utilities and applicants for interconnection and
10 interconnection customers. The Office may request, and
11 electric utilities shall promptly provide, information and
12 records related to pending, successful, and terminated
13 interconnections.

14 (d) The Office may require electric utilities to provide a
15 detailed breakdown of the non-binding costs of operation and
16 an estimate that transparently itemizes operational costs,
17 including equipment by type or model, labor, operation and
18 maintenance, engineering and design, permitting, easements and
19 rights-of-way, direct overhead, and indirect overhead.

20 (e) The Office may establish an informal interconnection
21 dispute resolution process that may supersede 83 Ill. Adm.
22 Code 466.130, 83 Ill. Adm. Code 467.80, and interconnection
23 agreements to the extent described in this subsection (e).
24 Following the informal process described in this Section,
25 including any extensions agreed upon by the parties, an
26 electric utility, an interconnection customer, or an

1 interconnection applicant may submit the interconnection
2 dispute to the Ombudsperson, or his or her designee. The
3 Ombudsperson, or his or her designee, shall provide a
4 recommended resolution of such dispute within 30 days after
5 the Ombudsperson determines that full information from all
6 parties to the dispute has been received. The electric
7 utility, the interconnection customer, the interconnection
8 applicant, or any other party authorized to initiate dispute
9 resolution under the Commission's rules authorized by this Act
10 may include the Ombudsperson's recommendation in any formal
11 complaint before the Commission.

12 (f) The Office is encouraged to include at least one
13 employee, at the Bureau Chief's discretion, with a background
14 in engineering of renewable resources and distribution
15 interconnections.

16 (220 ILCS 5/Art. XXIII heading new)

17 ARTICLE XXIII. SITING OF QUALIFIED ENERGY FACILITIES

18 (220 ILCS 5/23-105 new)

19 Sec. 23-105. Findings. The General Assembly finds that the
20 timely siting and development of commercial wind energy
21 facilities, commercial solar energy facilities and energy
22 storage system facilities is critical to the State's energy
23 security and that it is the policy of the State that:

24 (1) the General Assembly has adopted state-wide county

1 siting regulations to establish uniform standards for
2 commercial wind energy facilities, commercial solar energy
3 facilities, and energy storage system facilities
4 throughout this State;

5 (2) a consistent dispute resolution process, with
6 respect to the siting and development of commercial wind
7 energy facilities, commercial solar energy facilities and
8 energy storage system facilities is necessary to provide
9 fair and expeditious decisions on siting disputes to
10 parties affected by the development and siting of a
11 renewable energy project;

12 (3) empowering the Commission to resolve siting
13 disputes and issue siting certificates would allow parties
14 to avoid time-consuming and costly litigation and would
15 provide consistency and certainty to the renewable energy
16 siting and development process in the State; and

17 (4) the Commission has the relevant expertise to
18 establish and govern a renewable energy siting certificate
19 issuance and dispute resolution process.

20 (220 ILCS 5/23-110 new)

21 Sec. 23-110. Definitions. In this Article:

22 "Applicable State siting law" means Section 5-12020 of the
23 Counties Code for commercial wind energy facilities and
24 commercial solar energy facilities and means Section 5-12024
25 of the Counties Code for energy storage system facilities

1 "Commercial solar energy facility" has the meaning given
2 to that term in subsection (a) of Section 5-12020 of the
3 Counties Code. "Commercial solar energy facility" includes
4 supporting facilities, as defined in subsection (a) of Section
5 5-12020 of the Counties Code.

6 "Commercial wind energy facility" has the meaning given to
7 that term in subsection (a) of Section 5-12020 of the Counties
8 Code. "Commercial wind energy facility" includes supporting
9 facilities, as defined in subsection (a) of Section 5-12020 of
10 the Counties Code.

11 "Energy storage system facility" has the meaning given to
12 that term in Section 5-12024 of the Counties Code. "Energy
13 storage system facility" includes supporting facilities, as
14 defined in subsection (a) of Section 5-12024 of the Counties
15 Code.

16 "Facility owner" means the owner of or an applicant for a
17 qualified energy facility.

18 "Qualified energy facility" means any one or more of the
19 following that has a nameplate capacity of 50 megawatts or
20 greater and is located in an unincorporated area not within
21 the zoning jurisdiction of an incorporated municipality: a
22 commercial wind energy facility, a commercial solar energy
23 facility, or an energy storage system facility.

24 "Respondent" means the county, municipality, township,
25 road district, or other unit of local government whose action
26 or inaction is the subject of the dispute.

1 (220 ILCS 5/23-115 new)

2 Sec. 23-115. Resolution of disputes between facility
3 owners and units of local government related to the siting of
4 qualified energy facilities.

5 (a) The expedited procedures in this Section shall be used
6 to enforce the provisions of the applicable State siting law.

7 (b) No petition may be filed under this Section until the
8 facility owner that intends to file the petition has first
9 notified the respondent of the alleged violation of the
10 applicable State siting law and offered the respondent 7 days
11 to correct or take substantial steps to begin and diligently
12 pursue curing the alleged violation. Provision of notice and
13 the opportunity to correct the situation creates a rebuttable
14 presumption of knowledge under this Section. After the filing
15 of a petition under this Section, the parties may agree to
16 follow the mediation process under Section 10-101.1 of this
17 Act. The time periods specified in subdivision (c)(7) of this
18 Section shall be tolled during the time spent in mediation
19 under Section 10-101.1.

20 (c) A facility owner may file a petition with the
21 Commission alleging a violation of the applicable State siting
22 law in accordance with this subsection. The following
23 procedures shall govern the dispute resolution process:

24 (1) The petition shall be filed with the Chief Clerk
25 of the Commission and shall be served in hand upon the

1 respondent, the executive director, and the general
2 counsel of the Commission at the time of the filing.

3 (2) A petition filed under this subsection shall
4 include a statement that the requirements of subsection
5 (b) have been fulfilled and that the respondent did not
6 correct the situation as requested.

7 (3) Reasonable discovery specific to the issue of the
8 petition may commence upon filing of the petition.

9 (4) An answer and any other responsive pleading to the
10 petition shall be filed with the Commission and served at
11 the same time upon the complainant, the executive
12 director, and the general counsel of the Commission within
13 7 days after the date on which the petition is filed.

14 (5) If the answer or responsive pleading raises the
15 issue that the petition violates subsection (f) of this
16 Section, the complainant may file a reply to such
17 allegation within 3 days after actual service of such
18 answer or responsive pleading. Within 4 days after the
19 time for filing a reply has expired, the administrative
20 law judge shall either issue a written decision dismissing
21 the petition as frivolous in violation of subsection (f)
22 of this Section including the reasons for such disposition
23 or shall issue an order directing that the petition shall
24 proceed.

25 (6) A pre-hearing conference shall be held within 14
26 days after the date on which the petition is filed.

1 (7) The hearing shall commence within 45 days of the
2 date on which the petition is filed and shall be conducted
3 by an administrative law judge. Parties and the Commission
4 staff shall be entitled to present evidence and legal
5 argument in oral or written form as deemed appropriate by
6 the administrative law judge. The administrative law judge
7 shall issue a proposed order within 90 days after the date
8 on which the petition is filed. The proposed order shall
9 include reasons for the disposition of the petition and,
10 if a violation of the applicable State siting law is
11 found, directions and a deadline for correction of the
12 violation.

13 (8) Any party may file a petition requesting the
14 Commission to review the proposed order of the
15 administrative law judge or arbitrator within 5 days after
16 the proposed order is issued and file exceptions to the
17 proposed order. Any party may file a response to a
18 petition for review within 3 business days after actual
19 service of the petition. After the time for filing of the
20 petition for review, but no later than 60 days after the
21 proposed order of the administrative law judge, the
22 Commission shall decide to adopt the proposed order of the
23 administrative law judge or shall issue its own final
24 order.

25 (d) In resolving disputes filed under this Section, the
26 administrative law judge and the Commission shall make

1 determinations based on the requirements and intent of the
2 applicable State siting law.

3 (e) In resolving disputes under this Section, the
4 Commission shall have authority to issue a siting certificate
5 for a qualified energy facility if the Commission determines
6 that:

7 (1) the respondent denied the qualified energy
8 facility a siting certificate; and

9 (2) the qualified energy facility is in compliance
10 with the applicable State siting laws for a qualified
11 energy facility.

12 For the purposes of this Section, a commercial wind energy
13 facility and commercial solar energy facility shall be in
14 compliance with Section 5-12020 of the Counties Code and an
15 energy storage system shall be in compliance with Section
16 5-12024 of the Counties Code. If the Commission determines
17 that there is substantial harm to the facility owner, the
18 Commission may, notwithstanding any other provision of this
19 Act, seek temporary, preliminary, or permanent injunctive
20 relief from a court of competent jurisdiction either before or
21 after the hearing.

22 (f) A party shall not bring or defend a proceeding brought
23 under this Section or assert or controvert an issue in a
24 proceeding brought under this Section, unless there is a
25 non-frivolous basis for doing so. By presenting a pleading,
26 written motion, or other paper in petition or defense of the

1 actions or inaction of a party under this Section, a party is
2 certifying to the Commission that to the best of that party's
3 knowledge, information, and belief, formed after a reasonable
4 inquiry of the subject matter of the petition or defense, that
5 the petition or defense is well grounded in law and fact, and
6 under the circumstances:

7 (1) it is not being presented to harass the other
8 party, cause unnecessary delay, or create needless
9 increases in the cost of litigation; and

10 (2) the allegations and other factual contentions have
11 evidentiary support or, if specifically so identified, are
12 likely to have evidentiary support after reasonable
13 opportunity for further investigation or discovery as
14 defined herein.

15 (g) If, after notice and a reasonable opportunity to
16 respond, the Commission determines that subsection (f) has
17 been violated, the Commission shall impose appropriate
18 sanctions upon the party or parties that have violated
19 subsection (i) or are responsible for the violation.

20 (h) An appeal of a Commission order made pursuant to this
21 Section shall not effectuate a stay of the order unless a court
22 of competent jurisdiction specifically finds that the party
23 seeking the stay will likely succeed on the merits, that the
24 party will suffer irreparable harm without the stay, and that
25 the stay is in the public interest.

26 (i) The Commission shall assess the parties under this

1 subsection for all of the Commission's costs of investigation
2 and conduct of the proceedings brought under this Section
3 including, but not limited to, the prorated salaries of staff,
4 attorneys, administrative law judges, and support personnel
5 and including any travel and per diem, directly attributable
6 to the petition brought pursuant to this Section, but
7 excluding those costs provided for in subsection (g), dividing
8 the costs according to the resolution of the petition brought
9 under this Section. All assessments made under this subsection
10 shall be paid into the Public Utility Fund within 60 days after
11 receiving notice of the assessments from the Commission.
12 Interest at the statutory rate shall accrue after the
13 expiration of the 60-day period. The Commission is authorized
14 to apply to a court of competent jurisdiction for an order
15 requiring payment.

16 (220 ILCS 5/23-120 new)

17 Sec. 23-120. Effect of siting certificate. A siting
18 approval certificate authorizes the facility owner receiving
19 the certificate to construct, maintain, and decommission the
20 qualified energy facility.

21 (220 ILCS 5/23-125 new)

22 Sec. 23-125. Rulemaking. The Commission may adopt rules to
23 implement the requirements of this Article.

1 Section 90-40. The Electric Transmission Systems
2 Construction Standards Act is amended by changing Sections 5
3 and 15 as follows:

4 (220 ILCS 32/5)

5 Sec. 5. Definitions. For the purposes of this Act:

6 "Commission" means the Illinois Commerce Commission.

7 "Construction contractor" means any nonutility entity
8 responsible for the construction, installation, maintenance,
9 or repair of electric transmission systems subject to this
10 Act.

11 "Electric transmission systems" means an electrical
12 transmission system designed and constructed with the
13 capability of being safely and reliably energized at 69
14 kilovolts or more, including transmission lines, transmission
15 towers, conductors, insulators, foundations, grounding
16 systems, access roads, and all associated transmission
17 facilities, including transmission substations. "Electric
18 transmission systems" does not include projects located on the
19 electric generating facility's side of the facility's point of
20 interconnection or facilities not functionally classified as
21 transmission systems, regardless of voltage.

22 "OSHA" means Occupational Safety and Health
23 Administration.

24 "Utility" means an entity that is a public utility, as
25 defined in Section 3-105 of the Public Utilities Act, and that

1 ~~serves residential customers. has the meaning given to that~~
2 ~~term in Section 3-105 of the Public Utilities Act.~~

3 (Source: P.A. 103-1066, eff. 2-20-25.)

4 (220 ILCS 32/15)

5 Sec. 15. Requirements for construction contractors.

6 (a) Prevailing wage compliance. All ~~utilities and~~
7 construction contractors responsible for the construction,
8 installation, maintenance, or repair of electric transmission
9 systems shall pay employees performing the construction,
10 installation, maintenance, or repair work of such systems
11 wages and benefits consistent with the Prevailing Wage Act.

12 (b) Training and competence requirement. To ensure safety
13 and reliability in the construction, installation,
14 maintenance, and repair of electric transmission systems, each
15 ~~electric utility and~~ construction contractor must demonstrate
16 the competence of their employees who are performing the work
17 of construction, installation, maintenance, or repair of
18 electric transmission systems, which shall be consistent with
19 the standards required by Illinois utilities as of January 1,
20 2007, or greater. Competence must include, at a minimum: (1)
21 completion, or active participation with ultimate completion,
22 in an accredited or recognized apprenticeship program for the
23 relevant craft, trade, or skill; or (2) a minimum of 2 years of
24 direct employment in the specific work function.

25 The Commission shall oversee compliance to ensure

1 employees meet these standards.

2 (c) Safety training. All employees engaged in the
3 construction, installation, maintenance, or repair of electric
4 transmission systems must successfully complete OSHA-certified
5 safety training required for their specific roles on the
6 project site.

7 (d) Diversity Plan.

8 (1) All construction contractors engaged in the
9 construction, installation, maintenance, or repair of
10 electric transmission systems shall develop a Diversity
11 Plan that sets forth:

12 (A) the goals for apprenticeship hours to be
13 performed by minorities and women;

14 (B) the goals for total hours to be performed by
15 underrepresented minorities and women; and

16 (C) spending for women-owned, minority-owned,
17 veteran-owned, and small business enterprises in the
18 previous calendar year.

19 (2) These goals shall be expressed as a percentage of
20 the total work performed by the construction contractor
21 submitting the plan and the actual spending for all
22 women-owned, minority-owned, veteran-owned, and small
23 business enterprises shall also be expressed as a
24 percentage of the total work performed by the construction
25 contractor submitting the Diversity Plan.

26 (3) For purposes of the Diversity Plan, minorities and

1 women shall have the same definition as defined in the
2 Business Enterprise for Minorities, Women, and Persons
3 with Disabilities Act.

4 (4) The construction contractor shall submit the
5 Diversity Plan to the Commission.

6 (Source: P.A. 103-1066, eff. 2-20-25.)

7 Section 90-45. The Environmental Protection Act is amended
8 by changing Sections 9.15, 25, and 39 as follows:

9 (415 ILCS 5/9.15)

10 Sec. 9.15. Greenhouse gases.

11 (a) An air pollution construction permit shall not be
12 required due to emissions of greenhouse gases if the
13 equipment, site, or source is not subject to regulation, as
14 defined by 40 CFR 52.21, as now or hereafter amended, for
15 greenhouse gases or is otherwise not addressed in this Section
16 or by the Board in regulations for greenhouse gases. These
17 exemptions do not relieve an owner or operator from the
18 obligation to comply with other applicable rules or
19 regulations.

20 (b) An air pollution operating permit shall not be
21 required due to emissions of greenhouse gases if the
22 equipment, site, or source is not subject to regulation, as
23 defined by Section 39.5 of this Act, for greenhouse gases or is
24 otherwise not addressed in this Section or by the Board in

1 regulations for greenhouse gases. These exemptions do not
2 relieve an owner or operator from the obligation to comply
3 with other applicable rules or regulations.

4 (c) (Blank).

5 (d) (Blank).

6 (e) (Blank).

7 (f) As used in this Section:

8 "Carbon dioxide emission" means the plant annual CO₂ total
9 output emission as measured by the United States Environmental
10 Protection Agency in its Emissions & Generation Resource
11 Integrated Database (eGrid), or its successor.

12 "Carbon dioxide equivalent emissions" or "CO₂e" means the
13 sum total of the mass amount of emissions in tons per year,
14 calculated by multiplying the mass amount of each of the 6
15 greenhouse gases specified in Section 3.207, in tons per year,
16 by its associated global warming potential as set forth in 40
17 CFR 98, subpart A, table A-1 or its successor, and then adding
18 them all together.

19 "Cogeneration" or "combined heat and power" refers to any
20 system that, either simultaneously or sequentially, produces
21 electricity and useful thermal energy from a single fuel
22 source.

23 "Copollutants" refers to the 6 criteria pollutants that
24 have been identified by the United States Environmental
25 Protection Agency pursuant to the Clean Air Act.

26 "Electric generating unit" or "EGU" means a fossil

1 fuel-fired stationary boiler, combustion turbine, or combined
2 cycle system that serves a generator that has a nameplate
3 capacity greater than 25 MWe and produces electricity for
4 sale.

5 "Environmental justice community" means the definition of
6 that term based on existing methodologies and findings, used
7 and as may be updated by the Illinois Power Agency and its
8 program administrator in the Illinois Solar for All Program.

9 "Equity investment eligible community" or "eligible
10 community" means the geographic areas throughout Illinois that
11 would most benefit from equitable investments by the State
12 designed to combat discrimination and foster sustainable
13 economic growth. Specifically, eligible community means the
14 following areas:

15 (1) areas where residents have been historically
16 excluded from economic opportunities, including
17 opportunities in the energy sector, as defined as R3 areas
18 pursuant to Section 10-40 of the Cannabis Regulation and
19 Tax Act; and

20 (2) areas where residents have been historically
21 subject to disproportionate burdens of pollution,
22 including pollution from the energy sector, as established
23 by environmental justice communities as defined by the
24 Illinois Power Agency pursuant to the Illinois Power
25 Agency Act, excluding any racial or ethnic indicators.

26 "Equity investment eligible person" or "eligible person"

1 means the persons who would most benefit from equitable
2 investments by the State designed to combat discrimination and
3 foster sustainable economic growth. Specifically, eligible
4 person means the following people:

5 (1) persons whose primary residence is in an equity
6 investment eligible community;

7 (2) persons whose primary residence is in a
8 municipality, or a county with a population under 100,000,
9 where the closure of an electric generating unit or mine
10 has been publicly announced or the electric generating
11 unit or mine is in the process of closing or closed within
12 the last 5 years;

13 (3) persons who are graduates of or currently enrolled
14 in the foster care system; or

15 (4) persons who were formerly incarcerated.

16 "Existing emissions" means:

17 (1) for CO₂e, the total average tons-per-year of CO₂e
18 emitted by the EGU or large GHG-emitting unit either in
19 the years 2018 through 2020 or, if the unit was not yet in
20 operation by January 1, 2018, in the first 3 full years of
21 that unit's operation; and

22 (2) for any copollutant, the total average
23 tons-per-year of that copollutant emitted by the EGU or
24 large GHG-emitting unit either in the years 2018 through
25 2020 or, if the unit was not yet in operation by January 1,
26 2018, in the first 3 full years of that unit's operation.

1 "Green hydrogen" means a power plant technology in which
2 an EGU creates electric power exclusively from electrolytic
3 hydrogen, in a manner that produces zero carbon and
4 copollutant emissions, using hydrogen fuel that is
5 electrolyzed using a 100% renewable zero carbon emission
6 energy source.

7 "Large greenhouse gas-emitting unit" or "large
8 GHG-emitting unit" means a unit that is an electric generating
9 unit or other fossil fuel-fired unit that itself has a
10 nameplate capacity or serves a generator that has a nameplate
11 capacity greater than 25 MWe and that produces electricity,
12 including, but not limited to, coal-fired, coal-derived,
13 oil-fired, natural gas-fired, and cogeneration units.

14 "NO_x emission rate" means the plant annual NO_x total output
15 emission rate as measured by the United States Environmental
16 Protection Agency in its Emissions & Generation Resource
17 Integrated Database (eGrid), or its successor, in the most
18 recent year for which data is available.

19 "Public greenhouse gas-emitting units" or "public
20 GHG-emitting unit" means large greenhouse gas-emitting units,
21 including EGUs, that are wholly owned, directly or indirectly,
22 by one or more municipalities, municipal corporations, joint
23 municipal electric power agencies, electric cooperatives, or
24 other governmental or nonprofit entities, whether organized
25 and created under the laws of Illinois or another state.

26 "SO₂ emission rate" means the "plant annual SO₂ total

1 output emission rate" as measured by the United States
2 Environmental Protection Agency in its Emissions & Generation
3 Resource Integrated Database (eGrid), or its successor, in the
4 most recent year for which data is available.

5 (g) All EGUs and large greenhouse gas-emitting units that
6 use coal or oil as a fuel and are not public GHG-emitting units
7 shall permanently reduce all CO₂e and copollutant emissions to
8 zero no later than January 1, 2030.

9 (h) All EGUs and large greenhouse gas-emitting units that
10 use coal as a fuel and are public GHG-emitting units shall
11 permanently reduce CO₂e emissions to zero no later than
12 December 31, 2045. Any source or plant with such units must
13 also reduce their CO₂e emissions by 45% from existing
14 emissions by no later than January 1, 2035. If the emissions
15 reduction requirement is not achieved by December 31, 2035,
16 the plant shall retire one or more units or otherwise reduce
17 its CO₂e emissions by 45% from existing emissions by June 30,
18 2038.

19 (i) All EGUs and large greenhouse gas-emitting units that
20 use gas as a fuel and are not public GHG-emitting units shall
21 permanently reduce all CO₂e and copollutant emissions to zero,
22 including through unit retirement or the use of 100% green
23 hydrogen or other similar technology that is commercially
24 proven to achieve zero carbon emissions, according to the
25 following:

26 (1) No later than January 1, 2030: all EGUs and large

1 greenhouse gas-emitting units that have a NO_x emissions
2 rate of greater than 0.12 lbs/MWh or a SO₂ emission rate of
3 greater than 0.006 lb/MWh, and are located in or within 3
4 miles of an environmental justice community designated as
5 of January 1, 2021 or an equity investment eligible
6 community.

7 (2) No later than January 1, 2040: all EGUs and large
8 greenhouse gas-emitting units that have a NO_x emission
9 rate of greater than 0.12 lbs/MWh or a SO₂ emission rate
10 greater than 0.006 lb/MWh, and are not located in or
11 within 3 miles of an environmental justice community
12 designated as of January 1, 2021 or an equity investment
13 eligible community. After January 1, 2035, each such EGU
14 and large greenhouse gas-emitting unit shall reduce its
15 CO₂e emissions by at least 50% from its existing emissions
16 for CO₂e, and shall be limited in operation to, on average,
17 6 hours or less per day, measured over a calendar year, and
18 shall not run for more than 24 consecutive hours except in
19 emergency conditions, as designated by a Regional
20 Transmission Organization or Independent System Operator.

21 (3) No later than January 1, 2035: all EGUs and large
22 greenhouse gas-emitting units that began operation prior
23 to the effective date of this amendatory Act of the 102nd
24 General Assembly and have a NO_x emission rate of less than
25 or equal to 0.12 lb/MWh and a SO₂ emission rate less than
26 or equal to 0.006 lb/MWh, and are located in or within 3

1 miles of an environmental justice community designated as
2 of January 1, 2021 or an equity investment eligible
3 community. Each such EGU and large greenhouse gas-emitting
4 unit shall reduce its CO₂e emissions by at least 50% from
5 its existing emissions for CO₂e no later than January 1,
6 2030.

7 (4) No later than January 1, 2040: All remaining EGUs
8 and large greenhouse gas-emitting units that have a heat
9 rate greater than or equal to 7000 BTU/kWh. Each such EGU
10 and Large greenhouse gas-emitting unit shall reduce its
11 CO₂e emissions by at least 50% from its existing emissions
12 for CO₂e no later than January 1, 2035.

13 (5) No later than January 1, 2045: all remaining EGUs
14 and large greenhouse gas-emitting units.

15 (j) All EGUs and large greenhouse gas-emitting units that
16 use gas as a fuel and are public GHG-emitting units shall
17 permanently reduce all CO₂e and copollutant emissions to zero,
18 including through unit retirement or the use of 100% green
19 hydrogen or other similar technology that is commercially
20 proven to achieve zero carbon emissions by January 1, 2045.

21 (k) All EGUs and large greenhouse gas-emitting units that
22 utilize combined heat and power or cogeneration technology
23 shall permanently reduce all CO₂e and copollutant emissions to
24 zero, including through unit retirement or the use of 100%
25 green hydrogen or other similar technology that is
26 commercially proven to achieve zero carbon emissions by

1 January 1, 2045.

2 (k-5) No EGU or large greenhouse gas-emitting unit that
3 uses gas as a fuel and is not a public GHG-emitting unit may
4 emit, in any 12-month period, CO₂e or copollutants in excess of
5 that unit's existing emissions for those pollutants.

6 (1) Notwithstanding subsections (g) through (k-5), large
7 GHG-emitting units including EGUs may temporarily continue
8 emitting CO₂e and copollutants after any applicable deadline
9 specified in any of subsections (g) through (k-5) if it has
10 been determined, as described in paragraphs (1) and (2) of
11 this subsection, that ongoing operation of the EGU is
12 necessary to maintain power grid supply and reliability or
13 ongoing operation of large GHG-emitting unit that is not an
14 EGU is necessary to serve as an emergency backup to
15 operations. Up to and including the occurrence of an emission
16 reduction deadline under subsection (i), all EGUs and large
17 GHG-emitting units must comply with the following terms:

18 (1) if an EGU or large GHG-emitting unit that is a
19 participant in a regional transmission organization
20 intends to retire, it must submit documentation to the
21 appropriate regional transmission organization by the
22 appropriate deadline that meets all applicable regulatory
23 requirements necessary to obtain approval to permanently
24 cease operating the large GHG-emitting unit;

25 (2) if any EGU or large GHG-emitting unit that is a
26 participant in a regional transmission organization

1 receives notice that the regional transmission
2 organization has determined that continued operation of
3 the unit is required, the unit may continue operating
4 until the issue identified by the regional transmission
5 organization is resolved. The owner or operator of the
6 unit must cooperate with the regional transmission
7 organization in resolving the issue and must reduce its
8 emissions to zero, consistent with the requirements under
9 subsection (g), (h), (i), (j), (k), or (k-5), as
10 applicable, as soon as practicable when the issue
11 identified by the regional transmission organization is
12 resolved; and

13 (3) any large GHG-emitting unit that is not a
14 participant in a regional transmission organization shall
15 be allowed to continue emitting CO₂e and copollutants
16 after the zero-emission date specified in subsection (g),
17 (h), (i), (j), (k), or (k-5), as applicable, in the
18 capacity of an emergency backup unit if approved by the
19 Illinois Commerce Commission.

20 (m) No variance, adjusted standard, or other regulatory
21 relief otherwise available in this Act may be granted to the
22 emissions reduction and elimination obligations in this
23 Section.

24 (n) By June 30 of each year, beginning in 2025, the Agency
25 shall prepare and publish on its website a report setting
26 forth the actual greenhouse gas emissions from individual

1 units and the aggregate statewide emissions from all units for
2 the prior year.

3 (o) ~~The Every 5 years beginning in 2025, the~~ Environmental
4 Protection Agency, Illinois Power Agency, and Illinois
5 Commerce Commission shall jointly prepare, and release
6 publicly, a report to the General Assembly that examines the
7 State's current progress toward its renewable energy resource
8 development goals, the status of CO₂e and copollutant
9 emissions reductions, the current status and progress toward
10 developing and implementing green hydrogen technologies, the
11 current and projected status of electric resource adequacy and
12 reliability throughout the State for the period beginning 5
13 years ahead, and proposed solutions for any findings. The
14 Environmental Protection Agency, Illinois Power Agency, and
15 Illinois Commerce Commission shall consult PJM
16 Interconnection, LLC and Midcontinent Independent System
17 Operator, Inc., or their respective successor organizations
18 regarding forecasted resource adequacy and reliability needs,
19 anticipated new generation interconnection, new transmission
20 development or upgrades, and any announced large GHG-emitting
21 unit closure dates and include this information in the report.
22 The report shall be released publicly by no later than
23 December 15 of the year it is prepared. If the Environmental
24 Protection Agency, Illinois Power Agency, and Illinois
25 Commerce Commission jointly conclude in the report that the
26 data from the regional grid operators, the pace of renewable

1 energy development, the pace of development of energy storage
2 and demand response utilization, transmission capacity, and
3 the CO₂e and copollutant emissions reductions required by
4 subsection (i) or (k-5) reasonably demonstrate that a resource
5 adequacy shortfall will occur, including whether there will be
6 sufficient in-state capacity to meet the zonal requirements of
7 MISO Zone 4 or the PJM ComEd Zone, per the requirements of the
8 regional transmission organizations, or that the regional
9 transmission operators determine that a reliability violation
10 will occur during the time frame the study is evaluating, then
11 the Illinois Power Agency, in conjunction with the
12 Environmental Protection Agency shall develop a plan to reduce
13 or delay CO₂e and copollutant emissions reductions
14 requirements only to the extent and for the duration necessary
15 to meet the resource adequacy and reliability needs of the
16 State, including allowing any plants whose emission reduction
17 deadline has been identified in the plan as creating a
18 reliability concern to continue operating, including operating
19 with reduced emissions or as emergency backup where
20 appropriate. The plan shall also consider the use of renewable
21 energy, energy storage, demand response, transmission
22 development, or other strategies to resolve the identified
23 resource adequacy shortfall or reliability violation.

24 (1) In developing the plan, the Environmental
25 Protection Agency and the Illinois Power Agency shall hold
26 at least one workshop open to, and accessible at a time and

1 place convenient to, the public and shall consider any
2 comments made by stakeholders or the public. Upon
3 development of the plan, copies of the plan shall be
4 posted and made publicly available on the Environmental
5 Protection Agency's, the Illinois Power Agency's, and the
6 Illinois Commerce Commission's websites. All interested
7 parties shall have 60 days following the date of posting
8 to provide comment to the Environmental Protection Agency
9 and the Illinois Power Agency on the plan. All comments
10 submitted to the Environmental Protection Agency and the
11 Illinois Power Agency shall be encouraged to be specific,
12 supported by data or other detailed analyses, and, if
13 objecting to all or a portion of the plan, accompanied by
14 specific alternative wording or proposals. All comments
15 shall be posted on the Environmental Protection Agency's,
16 the Illinois Power Agency's, and the Illinois Commerce
17 Commission's websites. Within 30 days following the end of
18 the 60-day review period, the Environmental Protection
19 Agency and the Illinois Power Agency shall revise the plan
20 as necessary based on the comments received and file its
21 revised plan with the Illinois Commerce Commission for
22 approval.

23 (2) Within 60 days after the filing of the revised
24 plan at the Illinois Commerce Commission, any person
25 objecting to the plan shall file an objection with the
26 Illinois Commerce Commission. Within 30 days after the

1 expiration of the comment period, the Illinois Commerce
2 Commission shall determine whether an evidentiary hearing
3 is necessary. The Illinois Commerce Commission shall also
4 host 3 public hearings within 90 days after the plan is
5 filed. Following the evidentiary and public hearings, the
6 Illinois Commerce Commission shall enter its order
7 approving or approving with modifications the reliability
8 mitigation plan within 180 days.

9 (3) The Illinois Commerce Commission shall only
10 approve the plan if the Illinois Commerce Commission
11 determines that it will resolve the resource adequacy or
12 reliability deficiency identified in the reliability
13 mitigation plan at the least amount of CO₂e and copollutant
14 emissions, taking into consideration the emissions impacts
15 on environmental justice communities, and that it will
16 ensure adequate, reliable, affordable, efficient, and
17 environmentally sustainable electric service at the lowest
18 total cost over time, taking into account the impact of
19 increases in emissions.

20 (4) If the resource adequacy or reliability deficiency
21 identified in the reliability mitigation plan is resolved
22 or reduced, the Environmental Protection Agency and the
23 Illinois Power Agency may file an amended plan adjusting
24 the reduction or delay in CO₂e and copollutant emission
25 reduction requirements identified in the plan.

26 (Source: P.A. 102-662, eff. 9-15-21; 102-1031, eff. 5-27-22.)

1 (415 ILCS 5/25) (from Ch. 111 1/2, par. 1025)

2 Sec. 25. The Board, pursuant to the procedures prescribed
3 in Title VII of this Act, may adopt regulations prescribing
4 limitations on noise emissions beyond the boundaries of the
5 property of any person and prescribing requirements and
6 standards for equipment and procedures for monitoring noise
7 and the collection, reporting and retention of data resulting
8 from such monitoring.

9 The Board shall, by regulations under this Section,
10 categorize the types and sources of noise emissions that
11 unreasonably interfere with the enjoyment of life, or with any
12 lawful business, or activity, and shall prescribe for each
13 such category the maximum permissible limits on such noise
14 emissions. The Board shall secure the co-operation of the
15 Department in determining the categories of noise emission and
16 the technological and economic feasibility of such noise level
17 limits.

18 In connection with any commercial solar energy facility or
19 commercial wind energy facility, the fee simple owner of a
20 participating property, participating residence,
21 nonparticipating property, nonparticipating residence, or any
22 combination of those properties and residences may enter into
23 a written waiver agreement or other similar instrument
24 pursuant to which the owner agrees to waive the enforcement,
25 either entirely or on a limited basis, of the rules and

1 regulations that are adopted under this Section or Section 24
2 of this Act and that pertain to the facility. Such a waiver
3 shall be recorded in the Office of the Recorder of the county
4 in which the participating property, participating residence,
5 nonparticipating property, or nonparticipating residence is
6 located and, once recorded, shall be binding upon and
7 constructive notice to all current and future owners,
8 residents, lessees, invitees, and users of the property so
9 long as the recorded waiver includes a legal description or
10 location of the affected property and a reference that it
11 waives certain provisions of this Act and their enforcement,
12 as well as certain rules and regulations adopted under this
13 Act and their enforcement. Upon the recording of such a
14 waiver, in addition to the owner, the Board, Agency, or other
15 person shall not be permitted to enforce the rules and
16 regulations adopted under this Section or Section 24, and
17 those rules and regulations shall not be effective, to the
18 extent the rules and regulations for the affected property
19 have been waived under this Section, against the facility that
20 is the subject of the recorded waiver. An owner of any
21 participating residence or nonparticipating residence shall
22 disclose the existence of such a waiver to any lessee before
23 entering any new lease for the residence. A seller of any
24 participating property, participating residence,
25 nonparticipating property, nonparticipating residence, or any
26 combination of those properties and residences shall disclose

1 the existence of the waiver before any sale or other transfer
2 of the property. If disclosure of the waiver occurs after the
3 buyer has made an offer to purchase the property, the seller
4 shall disclose the existence of the waiver before accepting
5 the buyer's offer and shall (1) allow the buyer an opportunity
6 to review the disclosure and (2) inform the buyer that the
7 buyer has the right to amend the buyer's offer. As used in this
8 Section, "commercial solar energy facility", "commercial wind
9 energy facility", "nonparticipating property",
10 "nonparticipating residence", "participating property", and
11 "participating residence" have the meanings given in
12 subsection (a) of Section 5-12020 of the Counties Code.

13 In establishing such limits, the Board, in addition to
14 considering those factors set forth in Section 27 of this Act,
15 shall consider the adverse ecological effects on and
16 interference with the enjoyment of natural, scenic, wilderness
17 or other outdoor recreational areas, parks, and forests
18 occasioned by noise emissions from automotive, mechanical, and
19 other sources and may establish lower permissible noise levels
20 applicable to sources in such outdoor recreational uses.

21 No Board standards for monitoring noise or regulations
22 prescribing limitations on noise emissions shall apply to any
23 organized amateur or professional sporting activity except as
24 otherwise provided in this Section. Baseball, football or
25 soccer sporting events played during nighttime hours, by
26 professional athletes, in a city with more than 1,000,000

1 inhabitants, in a stadium at which such nighttime events were
2 not played prior to July 1, 1982, shall be subject to nighttime
3 noise emission regulations promulgated by the Illinois
4 Pollution Control Board; however, the following events shall
5 not be subject to such regulations:

6 (1) baseball World Series games, league championship
7 series games and other playoff games played after the
8 conclusion of the regular season, and baseball All Star games;
9 and

10 (2) sporting events or other events held in a stadium
11 which replaces a stadium not subject to such regulations and
12 constructed within 1500 yards of the original stadium by the
13 Illinois Sports Facilities Authority.

14 For purposes of this Section and Section 24, "beyond the
15 boundaries of his property" or "beyond the boundaries of the
16 property of any person" includes personal property as well as
17 real property.

18 (Source: P.A. 89-445, eff. 2-7-96.)

19 (415 ILCS 5/39) (from Ch. 111 1/2, par. 1039)

20 Sec. 39. Issuance of permits; procedures.

21 (a) When the Board has by regulation required a permit for
22 the construction, installation, or operation of any type of
23 facility, equipment, vehicle, vessel, or aircraft, the
24 applicant shall apply to the Agency for such permit and it
25 shall be the duty of the Agency to issue such a permit upon

1 proof by the applicant that the facility, equipment, vehicle,
2 vessel, or aircraft will not cause a violation of this Act or
3 of regulations hereunder. The Agency shall adopt such
4 procedures as are necessary to carry out its duties under this
5 Section. In making its determinations on permit applications
6 under this Section the Agency may consider prior adjudications
7 of noncompliance with this Act by the applicant that involved
8 a release of a contaminant into the environment. In granting
9 permits, the Agency may impose reasonable conditions
10 specifically related to the applicant's past compliance
11 history with this Act as necessary to correct, detect, or
12 prevent noncompliance. The Agency may impose such other
13 conditions as may be necessary to accomplish the purposes of
14 this Act, and as are not inconsistent with the regulations
15 promulgated by the Board hereunder. Except as otherwise
16 provided in this Act, a bond or other security shall not be
17 required as a condition for the issuance of a permit. If the
18 Agency denies any permit under this Section, the Agency shall
19 transmit to the applicant within the time limitations of this
20 Section specific, detailed statements as to the reasons the
21 permit application was denied. Such statements shall include,
22 but not be limited to, the following:

23 (i) the Sections of this Act which may be violated if
24 the permit were granted;

25 (ii) the provision of the regulations, promulgated
26 under this Act, which may be violated if the permit were

1 granted;

2 (iii) the specific type of information, if any, which
3 the Agency deems the applicant did not provide the Agency;
4 and

5 (iv) a statement of specific reasons why the Act and
6 the regulations might not be met if the permit were
7 granted.

8 If there is no final action by the Agency within 90 days
9 after the filing of the application for permit, the applicant
10 may deem the permit issued; except that this time period shall
11 be extended to 180 days when (1) notice and opportunity for
12 public hearing are required by State or federal law or
13 regulation, (2) the application which was filed is for any
14 permit to develop a landfill subject to issuance pursuant to
15 this subsection, or (3) the application that was filed is for a
16 MSWLF unit required to issue public notice under subsection
17 (p) of Section 39. The 90-day and 180-day time periods for the
18 Agency to take final action do not apply to NPDES permit
19 applications under subsection (b) of this Section, to RCRA
20 permit applications under subsection (d) of this Section, to
21 UIC permit applications under subsection (e) of this Section,
22 or to CCR surface impoundment applications under subsection
23 (y) of this Section.

24 The Agency shall publish notice of all final permit
25 determinations for development permits for MSWLF units and for
26 significant permit modifications for lateral expansions for

1 existing MSWLF units one time in a newspaper of general
2 circulation in the county in which the unit is or is proposed
3 to be located.

4 After January 1, 1994 and until July 1, 1998, operating
5 permits issued under this Section by the Agency for sources of
6 air pollution permitted to emit less than 25 tons per year of
7 any combination of regulated air pollutants, as defined in
8 Section 39.5 of this Act, shall be required to be renewed only
9 upon written request by the Agency consistent with applicable
10 provisions of this Act and regulations promulgated hereunder.
11 Such operating permits shall expire 180 days after the date of
12 such a request. The Board shall revise its regulations for the
13 existing State air pollution operating permit program
14 consistent with this provision by January 1, 1994.

15 After June 30, 1998, operating permits issued under this
16 Section by the Agency for sources of air pollution that are not
17 subject to Section 39.5 of this Act and are not required to
18 have a federally enforceable State operating permit shall be
19 required to be renewed only upon written request by the Agency
20 consistent with applicable provisions of this Act and its
21 rules. Such operating permits shall expire 180 days after the
22 date of such a request. Before July 1, 1998, the Board shall
23 revise its rules for the existing State air pollution
24 operating permit program consistent with this paragraph and
25 shall adopt rules that require a source to demonstrate that it
26 qualifies for a permit under this paragraph.

1 Each air pollution construction permit for diesel powered
2 backup generators to a source that is a data center, as defined
3 in subsection (c) of Section 605-1025 of the Department of
4 Commerce and Economic Opportunity Law of the Civil
5 Administrative Code of Illinois, that is applied for 6 months
6 after the effective date of this amendatory Act of the 104th
7 General Assembly and that is required to have a federally
8 enforceable State operating permit or a Clean Air Act Permit
9 Program permit shall, in addition to any other applicable
10 requirements, require each backup generator to: (i) meet
11 standards at least as protective as Tier 4 standards for
12 non-road diesel engines set out by the United States
13 Environmental Protection Agency in 40 CFR 1039, as it exists
14 on the effective date of this amendatory Act of the 104th
15 General Assembly, and (ii) operate solely as an emergency or
16 standby unit in accordance with 35 Ill. Adm. Code 211.1920, as
17 it exists on the effective date of this amendatory Act of the
18 104th General Assembly. If a diesel powered backup generator
19 becomes out of compliance with the Tier 4 standards for
20 non-road compression-ignition engines during a power outage,
21 the backup generator may (1) continue to operate for up to 24
22 sequential hours after becoming noncompliant with the Tier 4
23 standards or (2) operate when compliance is achieved.
24 Notwithstanding any provision of law to the contrary,
25 operation of the backup generator for up to 24 sequential
26 hours after becoming noncompliant with the Tier 4 standards

1 shall not be considered a violation of the permit.

2 Each air pollution construction permit for natural gas
3 powered backup generators for a source that is a data center,
4 as defined in subsection (c) of Section 605-1025 of the
5 Department of Commerce and Economic Opportunity Law of the
6 Civil Administrative Code of Illinois, that is applied for 6
7 months after the effective date of this amendatory Act of the
8 104th General Assembly and that is required to have a
9 federally enforceable State operating permit or a Clean Air
10 Act Permit Program permit shall, in addition to any other
11 applicable requirements, require each backup generator to: (i)
12 meet standards at least as protective as Tier 2 standards for
13 non-road large spark-ignition engines set out by the United
14 States Environmental Protection Agency in 40 CFR 1048, as it
15 exists on the effective date of this amendatory Act of the
16 104th General Assembly, and (ii) operate solely as an
17 emergency or standby unit in accordance with 35 Ill. Adm. Code
18 211.1920, as it exists on the effective date of this
19 amendatory Act of the 104th General Assembly. If a natural gas
20 powered backup generator becomes out of compliance with the
21 Tier 2 standards for non-road large spark-ignition engines
22 during a power outage, the backup generator may (1) continue
23 to operate for up to 24 sequential hours after becoming
24 noncompliant with the Tier 2 standards or (2) operate when
25 compliance is achieved. Notwithstanding any provision of law
26 to the contrary, operation of the backup generator for up to 24

1 sequential hours after becoming noncompliant with the Tier 2
2 standards shall not be considered a violation of the permit.

3 (b) The Agency may issue NPDES permits exclusively under
4 this subsection for the discharge of contaminants from point
5 sources into navigable waters, all as defined in the Federal
6 Water Pollution Control Act, as now or hereafter amended,
7 within the jurisdiction of the State, or into any well.

8 All NPDES permits shall contain those terms and
9 conditions, including, but not limited to, schedules of
10 compliance, which may be required to accomplish the purposes
11 and provisions of this Act.

12 The Agency may issue general NPDES permits for discharges
13 from categories of point sources which are subject to the same
14 permit limitations and conditions. Such general permits may be
15 issued without individual applications and shall conform to
16 regulations promulgated under Section 402 of the Federal Water
17 Pollution Control Act, as now or hereafter amended.

18 The Agency may include, among such conditions, effluent
19 limitations and other requirements established under this Act,
20 Board regulations, the Federal Water Pollution Control Act, as
21 now or hereafter amended, and regulations pursuant thereto,
22 and schedules for achieving compliance therewith at the
23 earliest reasonable date.

24 The Agency shall adopt filing requirements and procedures
25 which are necessary and appropriate for the issuance of NPDES
26 permits, and which are consistent with the Act or regulations

1 adopted by the Board, and with the Federal Water Pollution
2 Control Act, as now or hereafter amended, and regulations
3 pursuant thereto.

4 The Agency, subject to any conditions which may be
5 prescribed by Board regulations, may issue NPDES permits to
6 allow discharges beyond deadlines established by this Act or
7 by regulations of the Board without the requirement of a
8 variance, subject to the Federal Water Pollution Control Act,
9 as now or hereafter amended, and regulations pursuant thereto.

10 (c) Except for those facilities owned or operated by
11 sanitary districts organized under the Metropolitan Water
12 Reclamation District Act, no permit for the development or
13 construction of a new pollution control facility may be
14 granted by the Agency unless the applicant submits proof to
15 the Agency that the location of the facility has been approved
16 by the county board of the county if in an unincorporated area,
17 or the governing body of the municipality when in an
18 incorporated area, in which the facility is to be located in
19 accordance with Section 39.2 of this Act. For purposes of this
20 subsection (c), and for purposes of Section 39.2 of this Act,
21 the appropriate county board or governing body of the
22 municipality shall be the county board of the county or the
23 governing body of the municipality in which the facility is to
24 be located as of the date when the application for siting
25 approval is filed.

26 In the event that siting approval granted pursuant to

1 Section 39.2 has been transferred to a subsequent owner or
2 operator, that subsequent owner or operator may apply to the
3 Agency for, and the Agency may grant, a development or
4 construction permit for the facility for which local siting
5 approval was granted. Upon application to the Agency for a
6 development or construction permit by that subsequent owner or
7 operator, the permit applicant shall cause written notice of
8 the permit application to be served upon the appropriate
9 county board or governing body of the municipality that
10 granted siting approval for that facility and upon any party
11 to the siting proceeding pursuant to which siting approval was
12 granted. In that event, the Agency shall conduct an evaluation
13 of the subsequent owner or operator's prior experience in
14 waste management operations in the manner conducted under
15 subsection (i) of Section 39 of this Act.

16 Beginning August 20, 1993, if the pollution control
17 facility consists of a hazardous or solid waste disposal
18 facility for which the proposed site is located in an
19 unincorporated area of a county with a population of less than
20 100,000 and includes all or a portion of a parcel of land that
21 was, on April 1, 1993, adjacent to a municipality having a
22 population of less than 5,000, then the local siting review
23 required under this subsection (c) in conjunction with any
24 permit applied for after that date shall be performed by the
25 governing body of that adjacent municipality rather than the
26 county board of the county in which the proposed site is

1 located; and for the purposes of that local siting review, any
2 references in this Act to the county board shall be deemed to
3 mean the governing body of that adjacent municipality;
4 provided, however, that the provisions of this paragraph shall
5 not apply to any proposed site which was, on April 1, 1993,
6 owned in whole or in part by another municipality.

7 In the case of a pollution control facility for which a
8 development permit was issued before November 12, 1981, if an
9 operating permit has not been issued by the Agency prior to
10 August 31, 1989 for any portion of the facility, then the
11 Agency may not issue or renew any development permit nor issue
12 an original operating permit for any portion of such facility
13 unless the applicant has submitted proof to the Agency that
14 the location of the facility has been approved by the
15 appropriate county board or municipal governing body pursuant
16 to Section 39.2 of this Act.

17 After January 1, 1994, if a solid waste disposal facility,
18 any portion for which an operating permit has been issued by
19 the Agency, has not accepted waste disposal for 5 or more
20 consecutive calendar years, before that facility may accept
21 any new or additional waste for disposal, the owner and
22 operator must obtain a new operating permit under this Act for
23 that facility unless the owner and operator have applied to
24 the Agency for a permit authorizing the temporary suspension
25 of waste acceptance. The Agency may not issue a new operation
26 permit under this Act for the facility unless the applicant

1 has submitted proof to the Agency that the location of the
2 facility has been approved or re-approved by the appropriate
3 county board or municipal governing body under Section 39.2 of
4 this Act after the facility ceased accepting waste.

5 Except for those facilities owned or operated by sanitary
6 districts organized under the Metropolitan Water Reclamation
7 District Act, and except for new pollution control facilities
8 governed by Section 39.2, and except for fossil fuel mining
9 facilities, the granting of a permit under this Act shall not
10 relieve the applicant from meeting and securing all necessary
11 zoning approvals from the unit of government having zoning
12 jurisdiction over the proposed facility.

13 Before beginning construction on any new sewage treatment
14 plant or sludge drying site to be owned or operated by a
15 sanitary district organized under the Metropolitan Water
16 Reclamation District Act for which a new permit (rather than
17 the renewal or amendment of an existing permit) is required,
18 such sanitary district shall hold a public hearing within the
19 municipality within which the proposed facility is to be
20 located, or within the nearest community if the proposed
21 facility is to be located within an unincorporated area, at
22 which information concerning the proposed facility shall be
23 made available to the public, and members of the public shall
24 be given the opportunity to express their views concerning the
25 proposed facility.

26 The Agency may issue a permit for a municipal waste

1 transfer station without requiring approval pursuant to
2 Section 39.2 provided that the following demonstration is
3 made:

4 (1) the municipal waste transfer station was in
5 existence on or before January 1, 1979 and was in
6 continuous operation from January 1, 1979 to January 1,
7 1993;

8 (2) the operator submitted a permit application to the
9 Agency to develop and operate the municipal waste transfer
10 station during April of 1994;

11 (3) the operator can demonstrate that the county board
12 of the county, if the municipal waste transfer station is
13 in an unincorporated area, or the governing body of the
14 municipality, if the station is in an incorporated area,
15 does not object to resumption of the operation of the
16 station; and

17 (4) the site has local zoning approval.

18 (d) The Agency may issue RCRA permits exclusively under
19 this subsection to persons owning or operating a facility for
20 the treatment, storage, or disposal of hazardous waste as
21 defined under this Act. Subsection (y) of this Section, rather
22 than this subsection (d), shall apply to permits issued for
23 CCR surface impoundments.

24 All RCRA permits shall contain those terms and conditions,
25 including, but not limited to, schedules of compliance, which
26 may be required to accomplish the purposes and provisions of

1 this Act. The Agency may include among such conditions
2 standards and other requirements established under this Act,
3 Board regulations, the Resource Conservation and Recovery Act
4 of 1976 (P.L. 94-580), as amended, and regulations pursuant
5 thereto, and may include schedules for achieving compliance
6 therewith as soon as possible. The Agency shall require that a
7 performance bond or other security be provided as a condition
8 for the issuance of a RCRA permit.

9 In the case of a permit to operate a hazardous waste or PCB
10 incinerator as defined in subsection (k) of Section 44, the
11 Agency shall require, as a condition of the permit, that the
12 operator of the facility perform such analyses of the waste to
13 be incinerated as may be necessary and appropriate to ensure
14 the safe operation of the incinerator.

15 The Agency shall adopt filing requirements and procedures
16 which are necessary and appropriate for the issuance of RCRA
17 permits, and which are consistent with the Act or regulations
18 adopted by the Board, and with the Resource Conservation and
19 Recovery Act of 1976 (P.L. 94-580), as amended, and
20 regulations pursuant thereto.

21 The applicant shall make available to the public for
22 inspection all documents submitted by the applicant to the
23 Agency in furtherance of an application, with the exception of
24 trade secrets, at the office of the county board or governing
25 body of the municipality. Such documents may be copied upon
26 payment of the actual cost of reproduction during regular

1 business hours of the local office. The Agency shall issue a
2 written statement concurrent with its grant or denial of the
3 permit explaining the basis for its decision.

4 (e) The Agency may issue UIC permits exclusively under
5 this subsection to persons owning or operating a facility for
6 the underground injection of contaminants as defined under
7 this Act.

8 All UIC permits shall contain those terms and conditions,
9 including, but not limited to, schedules of compliance, which
10 may be required to accomplish the purposes and provisions of
11 this Act. The Agency may include among such conditions
12 standards and other requirements established under this Act,
13 Board regulations, the Safe Drinking Water Act (P.L. 93-523),
14 as amended, and regulations pursuant thereto, and may include
15 schedules for achieving compliance therewith. The Agency shall
16 require that a performance bond or other security be provided
17 as a condition for the issuance of a UIC permit.

18 The Agency shall adopt filing requirements and procedures
19 which are necessary and appropriate for the issuance of UIC
20 permits, and which are consistent with the Act or regulations
21 adopted by the Board, and with the Safe Drinking Water Act
22 (P.L. 93-523), as amended, and regulations pursuant thereto.

23 The applicant shall make available to the public for
24 inspection all documents submitted by the applicant to the
25 Agency in furtherance of an application, with the exception of
26 trade secrets, at the office of the county board or governing

1 body of the municipality. Such documents may be copied upon
2 payment of the actual cost of reproduction during regular
3 business hours of the local office. The Agency shall issue a
4 written statement concurrent with its grant or denial of the
5 permit explaining the basis for its decision.

6 (f) In making any determination pursuant to Section 9.1 of
7 this Act:

8 (1) The Agency shall have authority to make the
9 determination of any question required to be determined by
10 the Clean Air Act, as now or hereafter amended, this Act,
11 or the regulations of the Board, including the
12 determination of the Lowest Achievable Emission Rate,
13 Maximum Achievable Control Technology, or Best Available
14 Control Technology, consistent with the Board's
15 regulations, if any.

16 (2) The Agency shall adopt requirements as necessary
17 to implement public participation procedures, including,
18 but not limited to, public notice, comment, and an
19 opportunity for hearing, which must accompany the
20 processing of applications for PSD permits. The Agency
21 shall briefly describe and respond to all significant
22 comments on the draft permit raised during the public
23 comment period or during any hearing. The Agency may group
24 related comments together and provide one unified response
25 for each issue raised.

26 (3) Any complete permit application submitted to the

1 Agency under this subsection for a PSD permit shall be
2 granted or denied by the Agency not later than one year
3 after the filing of such completed application.

4 (4) The Agency shall, after conferring with the
5 applicant, give written notice to the applicant of its
6 proposed decision on the application, including the terms
7 and conditions of the permit to be issued and the facts,
8 conduct, or other basis upon which the Agency will rely to
9 support its proposed action.

10 (g) The Agency shall include as conditions upon all
11 permits issued for hazardous waste disposal sites such
12 restrictions upon the future use of such sites as are
13 reasonably necessary to protect public health and the
14 environment, including permanent prohibition of the use of
15 such sites for purposes which may create an unreasonable risk
16 of injury to human health or to the environment. After
17 administrative and judicial challenges to such restrictions
18 have been exhausted, the Agency shall file such restrictions
19 of record in the Office of the Recorder of the county in which
20 the hazardous waste disposal site is located.

21 (h) A hazardous waste stream may not be deposited in a
22 permitted hazardous waste site unless specific authorization
23 is obtained from the Agency by the generator and disposal site
24 owner and operator for the deposit of that specific hazardous
25 waste stream. The Agency may grant specific authorization for
26 disposal of hazardous waste streams only after the generator

1 has reasonably demonstrated that, considering technological
2 feasibility and economic reasonableness, the hazardous waste
3 cannot be reasonably recycled for reuse, nor incinerated or
4 chemically, physically, or biologically treated so as to
5 neutralize the hazardous waste and render it nonhazardous. In
6 granting authorization under this Section, the Agency may
7 impose such conditions as may be necessary to accomplish the
8 purposes of the Act and are consistent with this Act and
9 regulations promulgated by the Board hereunder. If the Agency
10 refuses to grant authorization under this Section, the
11 applicant may appeal as if the Agency refused to grant a
12 permit, pursuant to the provisions of subsection (a) of
13 Section 40 of this Act. For purposes of this subsection (h),
14 the term "generator" has the meaning given in Section 3.205 of
15 this Act, unless: (1) the hazardous waste is treated,
16 incinerated, or partially recycled for reuse prior to
17 disposal, in which case the last person who treats,
18 incinerates, or partially recycles the hazardous waste prior
19 to disposal is the generator; or (2) the hazardous waste is
20 from a response action, in which case the person performing
21 the response action is the generator. This subsection (h) does
22 not apply to any hazardous waste that is restricted from land
23 disposal under 35 Ill. Adm. Code 728.

24 (i) Before issuing any RCRA permit, any permit for a waste
25 storage site, sanitary landfill, waste disposal site, waste
26 transfer station, waste treatment facility, waste incinerator,

1 or any waste-transportation operation, any permit or interim
2 authorization for a clean construction or demolition debris
3 fill operation, or any permit required under subsection (d-5)
4 of Section 55, the Agency shall conduct an evaluation of the
5 prospective owner's or operator's prior experience in waste
6 management operations, clean construction or demolition debris
7 fill operations, and tire storage site management. The Agency
8 may deny such a permit, or deny or revoke interim
9 authorization, if the prospective owner or operator or any
10 employee or officer of the prospective owner or operator has a
11 history of:

12 (1) repeated violations of federal, State, or local
13 laws, regulations, standards, or ordinances in the
14 operation of waste management facilities or sites, clean
15 construction or demolition debris fill operation
16 facilities or sites, or tire storage sites; or

17 (2) conviction in this or another State of any crime
18 which is a felony under the laws of this State, or
19 conviction of a felony in a federal court; or conviction
20 in this or another state or federal court of any of the
21 following crimes: forgery, official misconduct, bribery,
22 perjury, or knowingly submitting false information under
23 any environmental law, regulation, or permit term or
24 condition; or

25 (3) proof of gross carelessness or incompetence in
26 handling, storing, processing, transporting, or disposing

1 of waste, clean construction or demolition debris, or used
2 or waste tires, or proof of gross carelessness or
3 incompetence in using clean construction or demolition
4 debris as fill.

5 (i-5) Before issuing any permit or approving any interim
6 authorization for a clean construction or demolition debris
7 fill operation in which any ownership interest is transferred
8 between January 1, 2005, and the effective date of the
9 prohibition set forth in Section 22.52 of this Act, the Agency
10 shall conduct an evaluation of the operation if any previous
11 activities at the site or facility may have caused or allowed
12 contamination of the site. It shall be the responsibility of
13 the owner or operator seeking the permit or interim
14 authorization to provide to the Agency all of the information
15 necessary for the Agency to conduct its evaluation. The Agency
16 may deny a permit or interim authorization if previous
17 activities at the site may have caused or allowed
18 contamination at the site, unless such contamination is
19 authorized under any permit issued by the Agency.

20 (j) The issuance under this Act of a permit to engage in
21 the surface mining of any resources other than fossil fuels
22 shall not relieve the permittee from its duty to comply with
23 any applicable local law regulating the commencement,
24 location, or operation of surface mining facilities.

25 (k) A development permit issued under subsection (a) of
26 Section 39 for any facility or site which is required to have a

1 permit under subsection (d) of Section 21 shall expire at the
2 end of 2 calendar years from the date upon which it was issued,
3 unless within that period the applicant has taken action to
4 develop the facility or the site. In the event that review of
5 the conditions of the development permit is sought pursuant to
6 Section 40 or 41, or permittee is prevented from commencing
7 development of the facility or site by any other litigation
8 beyond the permittee's control, such two-year period shall be
9 deemed to begin on the date upon which such review process or
10 litigation is concluded.

11 (l) No permit shall be issued by the Agency under this Act
12 for construction or operation of any facility or site located
13 within the boundaries of any setback zone established pursuant
14 to this Act, where such construction or operation is
15 prohibited.

16 (m) The Agency may issue permits to persons owning or
17 operating a facility for composting landscape waste. In
18 granting such permits, the Agency may impose such conditions
19 as may be necessary to accomplish the purposes of this Act, and
20 as are not inconsistent with applicable regulations
21 promulgated by the Board. Except as otherwise provided in this
22 Act, a bond or other security shall not be required as a
23 condition for the issuance of a permit. If the Agency denies
24 any permit pursuant to this subsection, the Agency shall
25 transmit to the applicant within the time limitations of this
26 subsection specific, detailed statements as to the reasons the

1 permit application was denied. Such statements shall include
2 but not be limited to the following:

3 (1) the Sections of this Act that may be violated if
4 the permit were granted;

5 (2) the specific regulations promulgated pursuant to
6 this Act that may be violated if the permit were granted;

7 (3) the specific information, if any, the Agency deems
8 the applicant did not provide in its application to the
9 Agency; and

10 (4) a statement of specific reasons why the Act and
11 the regulations might be violated if the permit were
12 granted.

13 If no final action is taken by the Agency within 90 days
14 after the filing of the application for permit, the applicant
15 may deem the permit issued. Any applicant for a permit may
16 waive the 90-day limitation by filing a written statement with
17 the Agency.

18 The Agency shall issue permits for such facilities upon
19 receipt of an application that includes a legal description of
20 the site, a topographic map of the site drawn to the scale of
21 200 feet to the inch or larger, a description of the operation,
22 including the area served, an estimate of the volume of
23 materials to be processed, and documentation that:

24 (1) the facility includes a setback of at least 200
25 feet from the nearest potable water supply well;

26 (2) the facility is located outside the boundary of

1 the 10-year floodplain or the site will be floodproofed;

2 (3) the facility is located so as to minimize
3 incompatibility with the character of the surrounding
4 area, including at least a 200 foot setback from any
5 residence, and in the case of a facility that is developed
6 or the permitted composting area of which is expanded
7 after November 17, 1991, the composting area is located at
8 least 1/8 mile from the nearest residence (other than a
9 residence located on the same property as the facility);

10 (4) the design of the facility will prevent any
11 compost material from being placed within 5 feet of the
12 water table, will adequately control runoff from the site,
13 and will collect and manage any leachate that is generated
14 on the site;

15 (5) the operation of the facility will include
16 appropriate dust and odor control measures, limitations on
17 operating hours, appropriate noise control measures for
18 shredding, chipping and similar equipment, management
19 procedures for composting, containment and disposal of
20 non-compostable wastes, procedures to be used for
21 terminating operations at the site, and recordkeeping
22 sufficient to document the amount of materials received,
23 composted, and otherwise disposed of; and

24 (6) the operation will be conducted in accordance with
25 any applicable rules adopted by the Board.

26 The Agency shall issue renewable permits of not longer

1 than 10 years in duration for the composting of landscape
2 wastes, as defined in Section 3.155 of this Act, based on the
3 above requirements.

4 The operator of any facility permitted under this
5 subsection (m) must submit a written annual statement to the
6 Agency on or before April 1 of each year that includes an
7 estimate of the amount of material, in tons, received for
8 composting.

9 (n) The Agency shall issue permits jointly with the
10 Department of Transportation for the dredging or deposit of
11 material in Lake Michigan in accordance with Section 18 of the
12 Rivers, Lakes, and Streams Act.

13 (o) (Blank).

14 (p) (1) Any person submitting an application for a permit
15 for a new MSWLF unit or for a lateral expansion under
16 subsection (t) of Section 21 of this Act for an existing MSWLF
17 unit that has not received and is not subject to local siting
18 approval under Section 39.2 of this Act shall publish notice
19 of the application in a newspaper of general circulation in
20 the county in which the MSWLF unit is or is proposed to be
21 located. The notice must be published at least 15 days before
22 submission of the permit application to the Agency. The notice
23 shall state the name and address of the applicant, the
24 location of the MSWLF unit or proposed MSWLF unit, the nature
25 and size of the MSWLF unit or proposed MSWLF unit, the nature
26 of the activity proposed, the probable life of the proposed

1 activity, the date the permit application will be submitted,
2 and a statement that persons may file written comments with
3 the Agency concerning the permit application within 30 days
4 after the filing of the permit application unless the time
5 period to submit comments is extended by the Agency.

6 When a permit applicant submits information to the Agency
7 to supplement a permit application being reviewed by the
8 Agency, the applicant shall not be required to reissue the
9 notice under this subsection.

10 (2) The Agency shall accept written comments concerning
11 the permit application that are postmarked no later than 30
12 days after the filing of the permit application, unless the
13 time period to accept comments is extended by the Agency.

14 (3) Each applicant for a permit described in part (1) of
15 this subsection shall file a copy of the permit application
16 with the county board or governing body of the municipality in
17 which the MSWLF unit is or is proposed to be located at the
18 same time the application is submitted to the Agency. The
19 permit application filed with the county board or governing
20 body of the municipality shall include all documents submitted
21 to or to be submitted to the Agency, except trade secrets as
22 determined under Section 7.1 of this Act. The permit
23 application and other documents on file with the county board
24 or governing body of the municipality shall be made available
25 for public inspection during regular business hours at the
26 office of the county board or the governing body of the

1 municipality and may be copied upon payment of the actual cost
2 of reproduction.

3 (q) Within 6 months after July 12, 2011 (the effective
4 date of Public Act 97-95), the Agency, in consultation with
5 the regulated community, shall develop a web portal to be
6 posted on its website for the purpose of enhancing review and
7 promoting timely issuance of permits required by this Act. At
8 a minimum, the Agency shall make the following information
9 available on the web portal:

10 (1) Checklists and guidance relating to the completion
11 of permit applications, developed pursuant to subsection
12 (s) of this Section, which may include, but are not
13 limited to, existing instructions for completing the
14 applications and examples of complete applications. As the
15 Agency develops new checklists and develops guidance, it
16 shall supplement the web portal with those materials.

17 (2) Within 2 years after July 12, 2011 (the effective
18 date of Public Act 97-95), permit application forms or
19 portions of permit applications that can be completed and
20 saved electronically, and submitted to the Agency
21 electronically with digital signatures.

22 (3) Within 2 years after July 12, 2011 (the effective
23 date of Public Act 97-95), an online tracking system where
24 an applicant may review the status of its pending
25 application, including the name and contact information of
26 the permit analyst assigned to the application. Until the

1 online tracking system has been developed, the Agency
2 shall post on its website semi-annual permitting
3 efficiency tracking reports that include statistics on the
4 timeframes for Agency action on the following types of
5 permits received after July 12, 2011 (the effective date
6 of Public Act 97-95): air construction permits, new NPDES
7 permits and associated water construction permits, and
8 modifications of major NPDES permits and associated water
9 construction permits. The reports must be posted by
10 February 1 and August 1 each year and shall include:

11 (A) the number of applications received for each
12 type of permit, the number of applications on which
13 the Agency has taken action, and the number of
14 applications still pending; and

15 (B) for those applications where the Agency has
16 not taken action in accordance with the timeframes set
17 forth in this Act, the date the application was
18 received and the reasons for any delays, which may
19 include, but shall not be limited to, (i) the
20 application being inadequate or incomplete, (ii)
21 scientific or technical disagreements with the
22 applicant, USEPA, or other local, state, or federal
23 agencies involved in the permitting approval process,
24 (iii) public opposition to the permit, or (iv) Agency
25 staffing shortages. To the extent practicable, the
26 tracking report shall provide approximate dates when

1 cause for delay was identified by the Agency, when the
2 Agency informed the applicant of the problem leading
3 to the delay, and when the applicant remedied the
4 reason for the delay.

5 (r) Upon the request of the applicant, the Agency shall
6 notify the applicant of the permit analyst assigned to the
7 application upon its receipt.

8 (s) The Agency is authorized to prepare and distribute
9 guidance documents relating to its administration of this
10 Section and procedural rules implementing this Section.
11 Guidance documents prepared under this subsection shall not be
12 considered rules and shall not be subject to the Illinois
13 Administrative Procedure Act. Such guidance shall not be
14 binding on any party.

15 (t) Except as otherwise prohibited by federal law or
16 regulation, any person submitting an application for a permit
17 may include with the application suggested permit language for
18 Agency consideration. The Agency is not obligated to use the
19 suggested language or any portion thereof in its permitting
20 decision. If requested by the permit applicant, the Agency
21 shall meet with the applicant to discuss the suggested
22 language.

23 (u) If requested by the permit applicant, the Agency shall
24 provide the permit applicant with a copy of the draft permit
25 prior to any public review period.

26 (v) If requested by the permit applicant, the Agency shall

1 provide the permit applicant with a copy of the final permit
2 prior to its issuance.

3 (w) An air pollution permit shall not be required due to
4 emissions of greenhouse gases, as specified by Section 9.15 of
5 this Act.

6 (x) If, before the expiration of a State operating permit
7 that is issued pursuant to subsection (a) of this Section and
8 contains federally enforceable conditions limiting the
9 potential to emit of the source to a level below the major
10 source threshold for that source so as to exclude the source
11 from the Clean Air Act Permit Program, the Agency receives a
12 complete application for the renewal of that permit, then all
13 of the terms and conditions of the permit shall remain in
14 effect until final administrative action has been taken on the
15 application for the renewal of the permit.

16 (y) The Agency may issue permits exclusively under this
17 subsection to persons owning or operating a CCR surface
18 impoundment subject to Section 22.59.

19 (z) If a mass animal mortality event is declared by the
20 Department of Agriculture in accordance with the Animal
21 Mortality Act:

22 (1) the owner or operator responsible for the disposal
23 of dead animals is exempted from the following:

24 (i) obtaining a permit for the construction,
25 installation, or operation of any type of facility or
26 equipment issued in accordance with subsection (a) of

1 this Section;

2 (ii) obtaining a permit for open burning in
3 accordance with the rules adopted by the Board; and

4 (iii) registering the disposal of dead animals as
5 an eligible small source with the Agency in accordance
6 with Section 9.14 of this Act;

7 (2) as applicable, the owner or operator responsible
8 for the disposal of dead animals is required to obtain the
9 following permits:

10 (i) an NPDES permit in accordance with subsection
11 (b) of this Section;

12 (ii) a PSD permit or an NA NSR permit in accordance
13 with Section 9.1 of this Act;

14 (iii) a lifetime State operating permit or a
15 federally enforceable State operating permit, in
16 accordance with subsection (a) of this Section; or

17 (iv) a CAAPP permit, in accordance with Section
18 39.5 of this Act.

19 All CCR surface impoundment permits shall contain those
20 terms and conditions, including, but not limited to, schedules
21 of compliance, which may be required to accomplish the
22 purposes and provisions of this Act, Board regulations, the
23 Illinois Groundwater Protection Act and regulations pursuant
24 thereto, and the Resource Conservation and Recovery Act and
25 regulations pursuant thereto, and may include schedules for
26 achieving compliance therewith as soon as possible.

1 The Board shall adopt filing requirements and procedures
2 that are necessary and appropriate for the issuance of CCR
3 surface impoundment permits and that are consistent with this
4 Act or regulations adopted by the Board, and with the RCRA, as
5 amended, and regulations pursuant thereto.

6 The applicant shall make available to the public for
7 inspection all documents submitted by the applicant to the
8 Agency in furtherance of an application, with the exception of
9 trade secrets, on its public internet website as well as at the
10 office of the county board or governing body of the
11 municipality where CCR from the CCR surface impoundment will
12 be permanently disposed. Such documents may be copied upon
13 payment of the actual cost of reproduction during regular
14 business hours of the local office.

15 The Agency shall issue a written statement concurrent with
16 its grant or denial of the permit explaining the basis for its
17 decision.

18 (Source: P.A. 101-171, eff. 7-30-19; 102-216, eff. 1-1-22;
19 102-558, eff. 8-20-21; 102-813, eff. 5-13-22.)

20 Section 90-50. The Electric Vehicle Rebate Act is amended
21 by changing Sections 35, 40, and 45 and by adding Section 36 as
22 follows:

23 (415 ILCS 120/35)

24 Sec. 35. User fees.

1 (a) The Office of the Secretary of State shall collect
2 annual user fees from any individual, partnership,
3 association, corporation, or agency of the United States
4 government that registers any combination of 10 or more of the
5 following types of motor vehicles in the Covered Area: (1)
6 vehicles of the First Division, as defined in the Illinois
7 Vehicle Code; (2) vehicles of the Second Division registered
8 under the B, C, D, F, H, MD, MF, MG, MH and MJ plate
9 categories, as defined in the Illinois Vehicle Code; and (3)
10 commuter vans and livery vehicles as defined in the Illinois
11 Vehicle Code. This Section does not apply to vehicles
12 registered under the International Registration Plan under
13 Section 3-402.1 of the Illinois Vehicle Code. The user fee
14 shall be \$20 for each vehicle registered in the Covered Area
15 for each fiscal year. The Office of the Secretary of State
16 shall collect the \$20 when a vehicle's registration fee is
17 paid.

18 (b) Owners of State, county, and local government
19 vehicles, rental vehicles, antique vehicles, expanded-use
20 antique vehicles, electric vehicles, and motorcycles are
21 exempt from paying the user fees on such vehicles.

22 (c) The Office of the Secretary of State shall deposit the
23 user fees collected into the Electric Vehicle and Charging
24 ~~Rebate~~ Fund.

25 (Source: P.A. 101-505, eff. 1-1-20; 102-662, eff. 9-15-21.)

1 (415 ILCS 120/36 new)

2 Sec. 36. Electric vehicle and charging financial
3 assistance.

4 (a) Beginning January 1, 2029, the Agency shall administer
5 grants and other forms of financial assistance to support the
6 electrification of the transportation sector, including
7 electric passenger vehicles, electric school buses and
8 electric transit buses, electric medium-duty and heavy-duty
9 trucks, and electric vehicle charging infrastructure. The
10 Agency shall also implement customer education and outreach
11 programs that increase awareness of the programs for and the
12 benefits of transportation electrification. The programs under
13 this Section shall be developed and implemented pursuant to
14 the goals outlined in Section 45 of the Electric Vehicle Act.

15 (b) No later than March 1, 2028, and every 3 years
16 thereafter, the Agency shall publish a draft Transportation
17 Electrification Plan that specifies the proposed programs and
18 allocation of funds for the following 3 calendar years. The
19 Agency shall solicit public comments on the design of the Plan
20 and the funding allocations and shall incorporate any public
21 comments into the final Plan. The Plan shall take into
22 consideration lessons learned from the implementation of
23 utility Beneficial Electrification Plans under the Electric
24 Vehicle Act. Within 180 days after the publication of the
25 draft Plan, the Agency shall publish a final Plan.

26 (c) The Agency shall have broad authority to provide

1 grants and other forms of financial assistance to public and
2 private entities under this Section pursuant to the Grant
3 Accountability and Transparency Act. Awardees under this
4 Section shall comply with the requirements of the Prevailing
5 Wage Act for charging station installations. The Agency may
6 provide additional incentives for projects located in eligible
7 communities.

8 (d) Funds shall be made available from the Electric
9 Vehicle and Charging Fund to the Agency pursuant to subsection
10 (c). The annual budget for Agency-administered transportation
11 electrification programs shall be equivalent to the annual
12 budget of programs administered by utilities under the
13 Electric Vehicle Act for the years 2026 through 2028.

14 (415 ILCS 120/40)

15 Sec. 40. Appropriations from the Electric Vehicle and
16 Charging ~~Rebate~~ Fund.

17 (a) The Agency shall estimate the amount of user fees
18 expected to be collected under Section 35 of this Act for each
19 fiscal year. User fee funds shall be deposited into and
20 distributed from the Electric Vehicle and Charging ~~Rebate~~ Fund
21 in the following manner:

22 (1) Through fiscal year 2023, an annual amount not to
23 exceed \$225,000 may be appropriated to the Agency from the
24 Electric Vehicle and Charging ~~Rebate~~ Fund to pay its costs
25 of administering the programs authorized by Section 27 of

1 this Act. Beginning in fiscal year 2024 and in each fiscal
2 year thereafter, an annual amount not to exceed \$600,000
3 may be appropriated to the Agency from the Electric
4 Vehicle and Charging ~~Rebate~~ Fund to pay its costs of
5 administering the programs authorized by Section 27 of
6 this Act. An amount not to exceed \$225,000 may be
7 appropriated to the Secretary of State from the Electric
8 Vehicle and Charging ~~Rebate~~ Fund to pay the Secretary of
9 State's costs of administering the programs authorized
10 under this Act.

11 (2) In fiscal year 2022 and each fiscal year
12 thereafter, after appropriation of the amounts authorized
13 by item (1) of subsection (a) of this Section, the
14 remaining moneys estimated to be collected during each
15 fiscal year shall be appropriated.

16 (3) (Blank).

17 (4) Moneys appropriated to fund the programs
18 authorized in Sections 25 and 30 shall be expended only
19 after they have been collected and deposited into the
20 Electric Vehicle and Charging ~~Rebate~~ Fund.

21 (b) Amounts appropriated to and deposited into the
22 Electric Vehicle and Charging ~~Rebate~~ Fund from the General
23 Revenue Fund, or any other fund, shall be distributed from the
24 Electric Vehicle and Charging ~~Rebate~~ Fund to fund the program
25 authorized in Section 27.

26 (Source: P.A. 103-8, eff. 6-7-23; 103-363, eff. 7-28-23;

103-605, eff. 7-1-24; 104-6, eff. 7-1-25.)

(415 ILCS 120/45)

Sec. 45. Electric Vehicle and Charging ~~Rebate~~ Fund;
creation; deposit of user fees. A separate fund in the State
treasury ~~Treasury~~ called the Electric Vehicle and Charging
~~Rebate~~ Fund is created, into which shall be transferred the
user fees as provided in Section 35, funds as provided in
Section 605-1075 of the Department of Commerce and Economic
Opportunity Law of the Civil Administrative Code of Illinois,
and any other revenues, deposits, State appropriations,
contributions, grants, gifts, bequests, legacies of money and
securities, or transfers as provided by law from, without
limitation, governmental entities, private sources,
foundations, trade associations, industry organizations, and
not-for-profit organizations.

(Source: P.A. 102-662, eff. 9-15-21.)

Section 90-55. The Illinois Nuclear Safety Preparedness
Act is amended by changing Sections 3, 4, 5, 8, and 9 and by
adding Section 6.5 as follows:

(420 ILCS 5/3) (from Ch. 111 1/2, par. 4303)

Sec. 3. Definitions. Unless the context otherwise clearly
requires, as used in this Act:

(1) "Agency" or "IEMA-OHS" means the Illinois Emergency

1 Management Agency and Office of Homeland Security, or its
2 successor agency.

3 (2) "Director" means the Director of the Agency.

4 (2.5) "Emergency planning zone" means a generic area
5 around a commercial nuclear facility used to assist in
6 off-site emergency planning and the development of a
7 significant response base.

8 (3) "Person" means any individual, corporation,
9 partnership, firm, association, trust, estate, public or
10 private institution, group, agency, political subdivision of
11 this State, any other state or political subdivision or agency
12 thereof, and any legal successor, representative, agent, or
13 agency of the foregoing.

14 (4) "NRC" means the United States Nuclear Regulatory
15 Commission or any agency which succeeds to its functions in
16 the licensing of nuclear power reactors or facilities for
17 storing spent nuclear fuel.

18 (5) "High-level radioactive waste" means (1) the highly
19 radioactive material resulting from the reprocessing of spent
20 nuclear fuel including liquid waste produced directly in
21 reprocessing and any solid material derived from such liquid
22 waste that contains fission products in sufficient
23 concentrations; and (2) the highly radioactive material that
24 the NRC has determined to be high-level radioactive waste
25 requiring permanent isolation.

26 (6) "Nuclear facilities" means nuclear power plants,

1 facilities housing nuclear test and research reactors,
2 facilities for the chemical conversion of uranium, and
3 facilities for the storage of spent nuclear fuel or high-level
4 radioactive waste.

5 (7) "Spent nuclear fuel" means fuel that has been
6 withdrawn from a nuclear reactor following irradiation, the
7 constituent elements of which have not been separated by
8 reprocessing.

9 (8) "Transuranic waste" means material contaminated with
10 elements that have an atomic number greater than 92, including
11 neptunium, plutonium, americium, and curium, excluding
12 radioactive wastes shipped to a licensed low-level radioactive
13 waste disposal facility.

14 (9) "Highway route controlled quantity of radioactive
15 materials" means that quantity of radioactive materials
16 defined as a highway route controlled quantity under rules of
17 the United States Department of Transportation, or any
18 successor agency.

19 (10) "Nuclear power plant" or "nuclear steam-generating
20 facility" means a thermal power plant in which the energy
21 (heat) released by the fissioning of nuclear fuel is used to
22 boil water to produce steam.

23 (11) "Nuclear power reactor" means an apparatus, other
24 than an atomic weapon, designed or used to sustain nuclear
25 fission in a self-supporting chain reaction.

26 (12) (Blank). ~~"Small modular reactor" or "SMR" means an~~

1 ~~advanced nuclear reactor: (1) with a rated nameplate capacity~~
2 ~~of 300 electrical megawatts or less; and (2) that may be~~
3 ~~constructed and operated in combination with similar reactors~~
4 ~~at a single site.~~

5 (13) "Site boundary" means the line beyond which the land
6 or property is not owned, leased, or otherwise controlled by
7 the licensee.

8 (Source: P.A. 103-569, eff. 6-1-24.)

9 (420 ILCS 5/4) (from Ch. 111 1/2, par. 4304)

10 Sec. 4. Nuclear accident plans; fees.

11 (a) Persons engaged within this State in the production of
12 electricity utilizing nuclear energy, the operation of nuclear
13 test and research reactors, the chemical conversion of
14 uranium, or the transportation, storage or possession of spent
15 nuclear fuel or high-level radioactive waste shall pay fees to
16 cover the cost of establishing plans and programs to deal with
17 the possibility of nuclear accidents. Except as provided
18 below, the fees shall be used to fund those Agency and local
19 government activities defined as necessary by the Director to
20 implement and maintain the plans and programs authorized by
21 this Act.

22 (b) Local governments incurring expenses attributable to
23 implementation and maintenance of the plans and programs
24 authorized by this Act may apply to the Agency for
25 compensation for those expenses, and upon approval by the

1 Director of applications submitted by local governments, the
2 Agency shall compensate local governments from fees collected
3 under this Section. The Agency shall, by rule, determine the
4 method for compensating local governments under this Section.

5 ~~Compensation for local governments shall include \$250,000 in~~
6 ~~any year through fiscal year 1993, \$275,000 in fiscal year~~
7 ~~1994 and fiscal year 1995, \$300,000 in fiscal year 1996,~~
8 ~~\$400,000 in fiscal year 1997, and \$450,000 in fiscal year 1998~~
9 ~~and thereafter.~~

10 (c) Appropriations to the Agency ~~Department of Nuclear~~
11 ~~Safety (of which the Agency is the successor)~~ for compensation
12 to local governments from the Nuclear Safety Emergency
13 Preparedness Fund provided for in this Section shall not
14 exceed \$1,500,000 ~~\$650,000~~ per State fiscal year. Expenditures
15 from these appropriations shall not exceed, in a single State
16 fiscal year, the annual compensation amount made available to
17 local governments under this Section, unexpended funds made
18 available for local government compensation in the previous
19 fiscal year, and funds recovered under the Illinois Grant
20 Funds Recovery Act during previous fiscal years.
21 ~~Notwithstanding any other provision of this Act, the~~
22 ~~expenditure limitation for fiscal year 1998 shall include the~~
23 ~~additional \$100,000 made available to local governments for~~
24 ~~fiscal year 1997 under this amendatory Act of 1997. The Agency~~
25 ~~shall, by rule, determine the method for compensating local~~
26 ~~governments under this Section. The appropriation shall not~~

1 ~~exceed \$500,000 in any year preceding fiscal year 1996; the~~
2 ~~appropriation shall not exceed \$625,000 in fiscal year 1996,~~
3 ~~\$725,000 in fiscal year 1997, and \$775,000 in fiscal year 1998~~
4 ~~and thereafter. The fees shall consist of the following:~~

5 (d) Persons operating commercial nuclear power reactors
6 shall pay fees as follows:

7 (1) A one-time fee for each nuclear power reactor
8 commencing operation in this State after January 1, 2026
9 ~~charge of \$590,000 per nuclear power station in this State~~
10 to be paid pursuant to Section 5 of this Act and according
11 to the following: by the owners of the stations.

12 (A) \$1,500,000 for a reactor located at a new site
13 requiring an emergency planning zone;

14 (B) \$500,000 for a reactor located on the site of a
15 reactor that commenced operation prior to January 1,
16 2026;

17 (C) \$600,000 for a reactor located at a new site
18 not requiring an emergency planning zone.

19 (1.5) For nuclear power reactors in operation on
20 January 1, 2026, a one-time fee of \$500,000 per nuclear
21 power reactor in this State to be paid pursuant to Section
22 5 of this Act.

23 (2) For nuclear power reactors that have a plume
24 exposure pathway emergency planning zone that extends
25 beyond the site boundary, an annual fee per nuclear power
26 reactor shall be as follows: An additional charge of

1 ~~\$240,000 per nuclear power station for which a fee under~~
2 ~~subparagraph (1) was paid before June 30, 1982.~~

3 (A) For the first fiscal year following the
4 effective date of this amendatory Act of the 104th
5 General Assembly, the base fee shall be \$3,900,000 per
6 operating reactor.

7 (B) For each of the 9 fiscal years after the
8 effective date of this amendatory Act of the 104th
9 General Assembly, the base fee shall be increased
10 annually by 1.5% of the prior fiscal year's fee.

11 (C) The annual adjustment described in
12 subparagraph (B) of this paragraph (2) shall terminate
13 after the tenth fiscal year. Beginning with the 11th
14 fiscal year, and for each fiscal year thereafter, the
15 base fee shall remain at the amount established in the
16 tenth fiscal year and shall not be subject to further
17 automatic increases under this Section, unless and
18 until this subparagraph (C) is amended by the General
19 Assembly.

20 (D) Payment shall be made pursuant to Section 5 of
21 this Act.

22 (3) For nuclear power reactors not required to have an
23 emergency planning zone, the annual fee per nuclear
24 reactor shall be \$750,000 until the NRC terminates the
25 license. ~~Through June 30, 1982, an annual fee of \$75,000~~
26 ~~per year for each nuclear power reactor for which an~~

~~operating license has been issued by the NRC, and after June 30, 1982, and through June 30, 1984 an annual fee of \$180,000 per year for each nuclear power reactor for which an operating license has been issued by the NRC, and after June 30, 1984, and through June 30, 1991, an annual fee of \$400,000 for each nuclear power reactor for which an operating license has been issued by the NRC, to be paid by the owners of nuclear power reactors operating in this State. After June 30, 1991, the owners of nuclear power reactors in this State for which operating licenses have been issued by the NRC shall pay the following fees for each such nuclear power reactor: for State fiscal year 1992, \$925,000; for State fiscal year 1993, \$975,000; for State fiscal year 1994, \$1,010,000; for State fiscal year 1995, \$1,060,000; for State fiscal years 1996 and 1997, \$1,110,000; for State fiscal year 1998, \$1,314,000; for State fiscal year 1999, \$1,368,000; for State fiscal year 2000, \$1,404,000; for State fiscal year 2001, \$1,696,455; for State fiscal year 2002, \$1,730,636; for State fiscal year 2003 through State fiscal year 2011, \$1,757,727; for State fiscal year 2012 and subsequent fiscal years, \$1,903,182.~~

~~(3.5) The owner of a nuclear power reactor that notifies the Nuclear Regulatory Commission that the nuclear power reactor has permanently ceased operations during State fiscal year 1998 shall pay the following fees~~

~~for each such nuclear power reactor: \$1,368,000 for State fiscal year 1999 and \$1,404,000 for State fiscal year 2000.~~

(4) For nuclear power reactors with an emergency planning zone constructed on a new site after January 1, 2026, the operator or the owner shall reimburse the Agency for the actual costs of any equipment, materials, and labor provided for development, installation, and maintenance of monitoring systems as required under paragraphs (1), (2), (3), and (7) of subsection (a) of Section 8 of this Act. The operator or owner shall be invoiced by the Agency and payment shall be due within 60 days after the date of the invoice. ~~A capital expenditure surcharge of \$1,400,000 per nuclear power station in this State, whether operating or under construction, shall be paid by the owners of the station.~~

(5) An annual fee of \$25,000 per year for each site for which a valid operating license has been issued by NRC for the operation of an away-from-reactor spent nuclear fuel or high-level radioactive waste storage facility, to be paid by the owners of facilities for the storage of spent nuclear fuel or high-level radioactive waste for others in this State.

(6) A one-time charge of \$280,000 for each facility in this State housing a nuclear test and research reactor, to be paid by the operator of the facility. However, this

1 charge shall not be required to be paid by any
2 tax-supported institution.

3 (7) A one-time charge of \$50,000 for each facility in
4 this State for the chemical conversion of uranium, to be
5 paid by the owner of the facility.

6 (8) An annual fee of \$150,000 per year for each
7 facility in this State housing a nuclear test and research
8 reactor, to be paid by the operator of the facility.
9 However, this annual fee shall not be required to be paid
10 by any tax-supported institution.

11 (9) An annual fee of \$15,000 per year for each
12 facility in this State for the chemical conversion of
13 uranium, to be paid by the owner of the facility.

14 (10) A fee assessed at the rate of \$2,500 per truck for
15 each truck shipment and \$4,500 for the first cask and
16 \$3,000 for each additional cask for each rail shipment of
17 spent nuclear fuel, high-level radioactive waste,
18 transuranic waste, or a highway route controlled quantity
19 of radioactive materials received at or departing from any
20 nuclear power station or away-from-reactor spent nuclear
21 fuel, high-level radioactive waste, transuranic waste
22 storage facility, or other facility in this State to be
23 paid by the shipper of the spent nuclear fuel, high level
24 radioactive waste, transuranic waste, or highway route
25 controlled quantity of radioactive material. Truck
26 shipments of greater than 250 miles in Illinois are

1 subject to a surcharge of \$25 per mile over 250 miles for
2 each truck in the shipment.

3 (11) A fee assessed at the rate of \$2,500 per truck for
4 each truck shipment and \$4,500 for the first cask and
5 \$3,000 for each additional cask for each rail shipment of
6 spent nuclear fuel, high-level radioactive waste,
7 transuranic waste, or a highway route controlled quantity
8 of radioactive materials traversing the State to be paid
9 by the shipper of the spent nuclear fuel, high level
10 radioactive waste, transuranic waste, or highway route
11 controlled quantity of radioactive material. Truck
12 shipments of greater than 250 miles in Illinois are
13 subject to a surcharge of \$25 per mile over 250 miles for
14 each truck in the shipment. For truck shipments of less
15 than 100 miles in Illinois that consist entirely of
16 cobalt-60 or other medical isotopes or both, the \$2,500
17 per truck fee shall be reduced to \$1,500 for the first
18 truck and \$750 for each additional truck in the same
19 shipment.

20 ~~(12) In each of the State fiscal years 1988 through~~
21 ~~1991, in addition to the annual fee provided for in~~
22 ~~subparagraph (3), a fee of \$400,000 for each nuclear power~~
23 ~~reactor for which an operating license has been issued by~~
24 ~~the NRC, to be paid by the owners of nuclear power reactors~~
25 ~~operating in this State. Within 120 days after the end of~~
26 ~~the State fiscal years ending June 30, 1988, June 30,~~

~~1989, June 30, 1990, and June 30, 1991, the Agency shall determine the expenses of the Illinois Nuclear Safety Preparedness Program paid from funds appropriated for those fiscal years.~~

(Source: P.A. 97-195, eff. 7-25-11; 97-732, eff. 6-30-12; 98-728, eff. 1-1-15.)

(420 ILCS 5/5) (from Ch. 111 1/2, par. 4305)

Sec. 5. Nuclear power reactor or spent fuel storage facility operating license fees.

(a) Except as otherwise provided in this Section, within 30 days after the beginning of each State fiscal year, each person who possessed a valid operating license issued by the NRC for a nuclear power reactor or a spent fuel storage facility during any portion of the previous fiscal year shall pay to the Agency the fees imposed by Section 4 of this Act.

(b) The one-time fee for new nuclear power reactors
~~facility charge~~ assessed pursuant to subparagraph (1) of
subsection (d) of Section 4 of this Act shall be paid to the
Agency not less than 2 years prior to scheduled commencement
of commercial operation. The one-time fee is only applicable
to nuclear power reactors constructed after January 1, 2026.
~~The additional facility charge assessed pursuant to~~
~~subparagraph (2) of Section 4 shall be paid to the Department~~
~~within 90 days of June 30, 1982. Fees assessed pursuant to~~
~~subparagraph (3) of Section 4 for State fiscal year 1992 shall~~

1 ~~be payable as follows: \$400,000 due on August 1, 1991, and~~
2 ~~\$525,000 due on January 1, 1992. Fees assessed pursuant to~~
3 ~~subparagraph (3) of Section 4 for State fiscal years 1993~~
4 ~~through 2011 shall be due and payable in two equal payments on~~
5 ~~July 1 and January 1 during the fiscal year in which the fee is~~
6 ~~due. For State fiscal year 2012 and subsequent fiscal years,~~
7 ~~fees shall be due and payable in 4 equal payments on July 1,~~
8 ~~October 1, January 1, and April 1 during the fiscal year in~~
9 ~~which the fee is due. Fees assessed pursuant to subparagraph~~
10 ~~(4) of Section 4 shall be paid in six payments, the first, in~~
11 ~~the amount of \$400,000, shall be due and payable 30 days after~~
12 ~~the effective date of this Amendatory Act of 1984. Subsequent~~
13 ~~payments shall be in the amount of \$200,000 each, and shall be~~
14 ~~due and payable annually on August 1, 1985 through August 1,~~
15 ~~1989, inclusive. Fees assessed under the provisions of~~
16 ~~subparagraphs (6) and (7) of Section 4 of this Act shall be~~
17 ~~paid on or before January 1, 1990. Fees assessed under the~~
18 ~~provisions of subparagraphs (8) and (9) of Section 4 of this~~
19 ~~Act shall be paid on or before January 1st of each year,~~
20 ~~beginning January 1, 1990. Fees assessed under the provisions~~
21 ~~of subparagraphs (10) and (11) of Section 4 of this Act shall~~
22 ~~be paid to the Agency within 60 days after completion of such~~
23 ~~shipments within this State. Fees assessed pursuant to~~
24 ~~subparagraph (12) of Section 4 shall be paid to the Agency by~~
25 ~~each person who possessed a valid operating license issued by~~
26 ~~the NRC for a nuclear power reactor during any portion of the~~

~~previous State fiscal year as follows: the fee due in fiscal year 1988 shall be paid on January 15, 1988, the fee due in fiscal year 1989 shall be paid on December 1, 1988, and subsequent fees shall be paid annually on December 1, 1989 through December 1, 1990.~~

(c) The one-time fee assessed pursuant to subparagraph (1.5) of subsection (d) of Section 4 of this Act shall be paid in 4 equal installments to the Agency on July 1, 2026, October 1, 2026, January 1, 2027, and April 1, 2027.

(d) The annual fee for each nuclear power reactor assessed pursuant to subparagraphs (2) and (3) of subsection (d) of Section 4 of this Act shall be paid in 4 equal installments to the Agency on July 1, October 1, January 1, and April 1 of the State fiscal year the fee is due.

(e) Fees assessed under the provisions of subparagraphs (8) and (9) of subsection (d) of Section 4 of this Act shall be paid on or before January 1 of each year.

(f) Fees assessed under the provisions of subparagraphs (10) and (11) of subsection (d) of Section 4 of this Act shall be paid to the Agency within 60 days after completion of such shipments within this State.

~~(b) Fees assessed pursuant to paragraph (3.5) of Section 4 for State fiscal years 1999 and 2000 shall be due and payable in 2 equal payments on July 1 and January 1 during the fiscal year in which the fee is due. The fee due on July 1, 1998 shall be payable on that date, or within 10 days after the effective~~

1 ~~date of this amendatory Act of 1998, whichever is later.~~

2 (g) ~~(e)~~ Any person who fails to pay a fee assessed under
3 Section 4 of this Act within 90 days after the fee is payable
4 is liable in a civil action for an amount not to exceed 4 times
5 the amount assessed and not paid. The action shall be brought
6 by the Attorney General at the request of the Agency. If the
7 action involves a fixed facility in Illinois, the action shall
8 be brought in the Circuit Court of the county in which the
9 facility is located. If the action does not involve a fixed
10 facility in Illinois, the action shall be brought in the
11 Circuit Court of Sangamon County.

12 (Source: P.A. 97-195, eff. 7-25-11.)

13 (420 ILCS 5/6.5 new)

14 Sec. 6.5. Rulemaking. The Agency is authorized to adopt
15 rules as appropriate to implement any provision of this Act
16 not otherwise specified.

17 (420 ILCS 5/8) (from Ch. 111 1/2, par. 4308)

18 Sec. 8. (a) The Illinois Nuclear Safety Preparedness
19 Program shall consist of an assessment of the potential
20 nuclear accidents, their radiological consequences, and the
21 necessary protective actions required to mitigate the effects
22 of such accidents. It shall include, but not necessarily be
23 limited to:

24 (1) Development of a remote effluent monitoring system

1 capable of reliably detecting and quantifying accidental
2 radioactive releases from nuclear power plants to the
3 environment;

4 (2) Development of an environmental monitoring program
5 for nuclear facilities other than nuclear power plants;

6 (3) Development of procedures for radiological
7 assessment and radiation exposure control for areas
8 surrounding each nuclear facility in Illinois;

9 (4) Radiological training of State and local emergency
10 response personnel in accordance with the Agency's
11 responsibilities under the program;

12 (5) Participation in the development of accident
13 scenarios and in the exercising of fixed facility nuclear
14 emergency response plans;

15 (6) Development of mitigative emergency planning
16 standards including, but not limited to, standards
17 pertaining to evacuations, re-entry into evacuated areas,
18 contaminated foodstuffs and contaminated water supplies;

19 (7) Provision of specialized response equipment
20 necessary to accomplish this task;

21 (8) Implementation of the Boiler and Pressure Vessel
22 Safety program at nuclear steam-generating facilities as
23 mandated by Section 2005-35 of the Department of Nuclear
24 Safety Law, or its successor statute;

25 (9) Development and implementation of a plan for
26 inspecting and escorting all shipments of spent nuclear

1 fuel, high-level radioactive waste, transuranic waste, and
2 highway route controlled quantities of radioactive
3 materials in Illinois;

4 (10) Implementation of the program under the Illinois
5 Nuclear Facility Safety Act; and

6 (11) Development and implementation of a
7 radiochemistry laboratory capable of preparing
8 environmental samples, performing analyses,
9 quantification, and reporting for assessment and radiation
10 exposure control due to accidental radioactive releases
11 from nuclear power plants into the environment.

12 (b) The Agency may incorporate data collected by the
13 operator of a nuclear facility into the Agency's remote
14 monitoring system.

15 (c) The owners of each nuclear power reactor in Illinois
16 shall provide the Agency all system status signals which
17 initiate Emergency Action Level Declarations, actuate accident
18 mitigation and provide mitigation verification as directed by
19 the Agency. The Agency shall designate by rule those system
20 status signals that must be provided. Signals providing
21 indication of operating power level shall also be provided.
22 The owners of the nuclear power reactors shall, at their
23 expense, ensure that valid signals will be provided
24 continuously 24 hours a day.

25 All such signals shall be provided in a manner and at a
26 frequency specified by the Agency for incorporation into and

1 augmentation of the remote effluent monitoring system
2 specified in paragraph (1) of subsection (a) of this Section.
3 Provision shall be made for assuring that such system status
4 and power level signals shall be available to the Agency
5 during reactor operation as well as throughout accidents and
6 subsequent recovery operations.

7 ~~For nuclear reactors with operating licenses issued by the~~
8 ~~Nuclear Regulatory Commission prior to the effective date of~~
9 ~~this amendatory Act, such system status and power level~~
10 ~~signals shall be provided to the Department of Nuclear Safety~~
11 ~~(of which the Agency is the successor) by March 1, 1985. For~~
12 ~~reactors without such a license on the effective date of this~~
13 ~~amendatory Act, such signals shall be provided to the~~
14 ~~Department prior to commencing initial fuel load for such~~
15 ~~reactor. Nuclear reactors receiving their operating license~~
16 ~~after September 7, 1984 (the effective date of Public Act~~
17 ~~83-1342), but before July 1, 1985, shall provide such system~~
18 ~~status and power level signals to the Department of Nuclear~~
19 ~~Safety (of which the Agency is the successor) by September 1,~~
20 ~~1985.~~

21 (Source: P.A. 102-133, eff. 7-23-21; 103-154, eff. 6-30-23.)

22 (420 ILCS 5/9) (from Ch. 111 1/2, par. 4309)

23 Sec. 9. Any equipment purchased by the Agency to be
24 installed on the premises of a nuclear facility pursuant to
25 the provisions of subsections (1), (2) and (7) of Section 8 of

1 this Act shall be installed by the owner of such nuclear
2 facility in accordance with criteria and standards established
3 by the Director of the Agency, including criteria for
4 location, supporting utilities, and methods of installation.
5 Such installation shall be at no cost to the Agency. The owner
6 of the nuclear facility shall also, at its expense, pay for
7 modifications of its facility as requested by the Agency
8 ~~Department~~ to accommodate the Agency's equipment including
9 updated equipment, and to accommodate changes in the Agency's
10 criteria and standards.

11 (Source: P.A. 93-1029, eff. 8-25-04.)

12 (420 ILCS 5/2.5 rep.)

13 Section 90-60. The Illinois Nuclear Safety Preparedness
14 Act is amended by repealing Section 2.5.

15 Section 90-65. The Illinois Nuclear Facility Safety Act is
16 amended by changing Sections 3.5, 5, and 7 as follows:

17 (420 ILCS 10/3.5)

18 Sec. 3.5. Definitions. In this Act:

19 "Agency" ~~"IEMA-OHS"~~ means the Illinois Emergency
20 Management Agency and Office of Homeland Security, or its
21 successor agency.

22 ~~"Director" means the Director of IEMA-OHS.~~

23 "Nuclear facilities" means nuclear power plants,

1 facilities housing nuclear test and research reactors,
2 facilities for the chemical conversion of uranium, and
3 facilities for the storage of spent nuclear fuel or high-level
4 radioactive waste.

5 "Nuclear power plant" or "nuclear steam-generating
6 facility" means a thermal power plant in which the energy
7 (heat) released by the fissioning of nuclear fuel is used to
8 boil water to produce steam.

9 "Nuclear power reactor" means an apparatus, other than an
10 atomic weapon, designed or used to sustain nuclear fission in
11 a self-supporting chain reaction.

12 ~~"Small modular reactor" or "SMR" means an advanced nuclear~~
13 ~~reactor: (1) with a rated nameplate capacity of 300 electrical~~
14 ~~megawatts or less; and (2) that may be constructed and~~
15 ~~operated in combination with similar reactors at a single~~
16 ~~site.~~

17 (Source: P.A. 103-569, eff. 6-1-24.)

18 (420 ILCS 10/5) (from Ch. 111 1/2, par. 4355)

19 Sec. 5. Program for Illinois nuclear power plant
20 inspectors.

21 (a) Consistent with federal law and policy statements of
22 and cooperative agreements with the Nuclear Regulatory
23 Commission with respect to State participation in health and
24 safety regulation of nuclear facilities, and in recognition of
25 the role provided for the states by such laws, policy

1 statements and cooperative agreements, the Agency shall
2 develop and implement a program for Illinois ~~resident~~
3 inspectors that, when fully implemented, shall provide for one
4 full-time ~~Agency~~ Illinois ~~resident~~ inspector for ~~at~~ each
5 nuclear power plant in Illinois. The owner of each of the
6 nuclear power plants to which they are assigned shall provide,
7 at its expense, office space and equipment reasonably required
8 by the ~~resident~~ inspectors while they are on the premises of
9 the nuclear power plants. The Illinois ~~resident~~ inspectors
10 shall operate in accordance with a cooperative agreement
11 executed by the Agency and the Nuclear Regulatory Commission
12 and shall have access to the nuclear power plants to which they
13 have been assigned in accordance with that agreement;
14 provided, however, that the Illinois ~~resident~~ inspectors shall
15 have no greater access than is afforded to an ~~a~~ ~~resident~~
16 inspector of the Nuclear Regulatory Commission.

17 (b) The Agency may also inspect licensed nuclear power
18 plants that have permanently ceased operations. The
19 inspections shall be performed by inspectors qualified as
20 Illinois ~~resident~~ inspectors. The inspectors need not be
21 ~~resident~~ at nuclear power plants that have permanently ceased
22 operations. The inspectors shall conduct inspections in
23 accordance with a cooperative agreement executed by the Agency
24 and the Nuclear Regulatory Commission and shall have access to
25 the nuclear power plants that have permanently ceased
26 operations; provided, however, that the Illinois inspectors

1 shall have no greater access than is afforded to inspectors of
2 the Nuclear Regulatory Commission. The owner of each of the
3 nuclear power plants that has permanently ceased operations
4 shall provide, at its expense, office space and equipment
5 reasonably required by the inspectors while they are on the
6 premises of the nuclear power plants.

7 (c) The Illinois ~~resident~~ inspectors ~~and inspectors~~
8 ~~assigned under subsection (b)~~ shall each operate in accordance
9 with the security plan for the nuclear power plant to which
10 they are assigned, but in no event shall they be required to
11 meet any requirements imposed by a nuclear power plant owner
12 that are not imposed on ~~resident inspectors and~~ inspectors of
13 the Nuclear Regulatory Commission. The Agency programs and
14 activities under this Section shall not be inconsistent with
15 federal law.

16 (Source: P.A. 95-777, eff. 8-4-08.)

17 (420 ILCS 10/7) (from Ch. 111 1/2, par. 4357)

18 Sec. 7. The Agency shall not engage in any program of
19 Illinois ~~resident inspectors or~~ inspectors ~~assigned under~~
20 ~~subsection (b) of Section 5~~ at any nuclear power plant in
21 Illinois except as specifically directed by law.

22 (Source: P.A. 95-777, eff. 8-4-08.)

23 Section 90-70. The Illinois Low-Level Radioactive Waste
24 Management Act is amended by changing Sections 3, 13, 14, 15,

17, and 21 as follows:

(420 ILCS 20/3) (from Ch. 111 1/2, par. 241-3)

Sec. 3. Definitions. As used in this Act:

"Agency" or "IEMA-OHS" means the Illinois Emergency Management Agency and Office of Homeland Security, or its successor agency.

"Broker" means any person who takes possession of low-level waste for purposes of consolidation and shipment.

"Compact" means the Central Midwest Interstate Low-Level Radioactive Waste Compact.

"Decommissioning" means the measures taken at the end of a facility's operating life to assure the continued protection of the public from any residual radioactivity or other potential hazards present at a facility.

"Director" means the Director of the Agency.

"Disposal" means the isolation of waste from the biosphere in a permanent facility designed for that purpose.

"Facility" means a parcel of land or site, together with structures, equipment and improvements on or appurtenant to the land or site, which is used or is being developed for the treatment, storage or disposal of low-level radioactive waste.

"Facility" does not include lands, sites, structures, or equipment used by a generator in the generation of low-level radioactive wastes.

"Generator" means any person who produces or possesses

1 low-level radioactive waste in the course of or incident to
2 manufacturing, power generation, processing, medical diagnosis
3 and treatment, research, education, or other activity.

4 "Hazardous waste" means a waste, or combination of wastes,
5 which because of its quantity, concentration, or physical,
6 chemical, or infectious characteristics may cause or
7 significantly contribute to an increase in mortality or an
8 increase in serious, irreversible, or incapacitating
9 reversible, illness; or pose a substantial present or
10 potential hazard to human health or the environment when
11 improperly treated, stored, transported, or disposed of, or
12 otherwise managed, and which has been identified, by
13 characteristics or listing, as hazardous under Section 3001 of
14 the Resource Conservation and Recovery Act of 1976, P.L.
15 94-580 or under regulations of the Pollution Control Board.

16 "High-level radioactive waste" means:

17 (1) the highly radioactive material resulting from the
18 reprocessing of spent nuclear fuel including liquid waste
19 produced directly in reprocessing and any solid material
20 derived from the liquid waste that contains fission
21 products in sufficient concentrations; and

22 (2) the highly radioactive material that the Nuclear
23 Regulatory Commission has determined, ~~on the effective~~
24 ~~date of this Amendatory Act of 1988,~~ to be high-level
25 radioactive waste requiring permanent isolation.

26 "Low-level radioactive waste" or "waste" means radioactive

1 waste not classified as (1) high-level radioactive waste, (2)
2 transuranic waste, (3) spent nuclear fuel, or (4) byproduct
3 material as defined in Sections 11e(2), 11e(3), and 11e(4) of
4 the Atomic Energy Act of 1954 (42 U.S.C. 2014). This
5 definition shall apply notwithstanding any declaration by the
6 federal government, a state, or any regulatory agency that any
7 radioactive material is exempt from any regulatory control.

8 "Mixed waste" means waste that is both "hazardous waste"
9 and "low-level radioactive waste" as defined in this Act.

10 "Nuclear facilities" means nuclear power plants,
11 facilities housing nuclear test and research reactors,
12 facilities for the chemical conversion of uranium, and
13 facilities for the storage of spent nuclear fuel or high-level
14 radioactive waste.

15 "Nuclear power plant" or "nuclear steam-generating
16 facility" means a thermal power plant in which the energy
17 (heat) released by the fissioning of nuclear fuel is used to
18 boil water to produce steam.

19 "Nuclear power reactor" means an apparatus, other than an
20 atomic weapon, designed or used to sustain nuclear fission in
21 a self-supporting chain reaction.

22 "Person" means an individual, corporation, business
23 enterprise, or other legal entity either public or private and
24 any legal successor, representative, agent, or agency of that
25 individual, corporation, business enterprise, or legal entity.

26 "Post-closure care" means the continued monitoring of the

1 regional disposal facility after closure for the purposes of
2 detecting a need for maintenance, ensuring environmental
3 safety, and determining compliance with applicable licensure
4 and regulatory requirements, and includes undertaking any
5 remedial actions necessary to protect public health and the
6 environment from radioactive releases from the facility.

7 "Regional disposal facility" or "disposal facility" means
8 the facility established by the State of Illinois under this
9 Act for disposal away from the point of generation of waste
10 generated in the region of the Compact.

11 "Release" means any spilling, leaking, pumping, pouring,
12 emitting, emptying, discharging, injecting, escaping,
13 leaching, dumping, or disposing into the environment of
14 low-level radioactive waste.

15 "Remedial action" means those actions taken in the event
16 of a release or threatened release of low-level radioactive
17 waste into the environment, to prevent or minimize the release
18 of the waste so that it does not migrate to cause substantial
19 danger to present or future public health or welfare or the
20 environment. The term includes, but is not limited to, actions
21 at the location of the release such as storage, confinement,
22 perimeter protection using dikes, trenches or ditches, clay
23 cover, neutralization, cleanup of released low-level
24 radioactive wastes, recycling or reuse, dredging or
25 excavations, repair or replacement of leaking containers,
26 collection of leachate and runoff, onsite treatment or

1 incineration, provision of alternative water supplies, and any
2 monitoring reasonably required to assure that these actions
3 protect human health and the environment.

4 "Scientific Surveys" means, collectively, the Illinois
5 State Geological Survey and the Illinois State Water Survey of
6 the University of Illinois.

7 "Shallow land burial" means a land disposal facility in
8 which radioactive waste is disposed of in or within the upper
9 30 meters of the earth's surface. However, this definition
10 shall not include an enclosed, engineered, structurally
11 re-enforced and solidified bunker that extends below the
12 earth's surface.

13 ~~"Small modular reactor" or "SMR" means an advanced nuclear~~
14 ~~reactor: (1) with a rated nameplate capacity of 300 electrical~~
15 ~~megawatts or less; and (2) that may be constructed and~~
16 ~~operated in combination with similar reactors at a single~~
17 ~~site.~~

18 "Storage" means the temporary holding of waste for
19 treatment or disposal for a period determined by Agency
20 regulations.

21 "Treatment" means any method, technique, or process,
22 including storage for radioactive decay, designed to change
23 the physical, chemical, or biological characteristics or
24 composition of any waste in order to render the waste safer for
25 transport, storage, or disposal, amenable to recovery,
26 convertible to another usable material, or reduced in volume.

1 "Waste management" means the storage, transportation,
2 treatment, or disposal of waste.

3 (Source: P.A. 103-306, eff. 7-28-23; 103-569, eff. 6-1-24;
4 revised 7-30-24.)

5 (420 ILCS 20/13) (from Ch. 111 1/2, par. 241-13)

6 Sec. 13. Waste fees.

7 (a) The Agency shall collect a fee from each generator of
8 low-level radioactive wastes in this State, except for units
9 of local government ~~as otherwise provided in this subsection.~~

10 Except as provided in subsection (b) ~~subdivision (b)(2) and~~
11 ~~subsections (c) and (d)~~, the amount of the fee shall be \$100
12 ~~\$50.00~~ or the following amount, whichever is greater:

13 ~~(1) \$1 per cubic foot of waste shipped for storage,~~
14 ~~treatment or disposal if storage of the waste for shipment~~
15 ~~occurred prior to September 7, 1984;~~

16 ~~(2) \$2 per cubic foot of waste stored for shipment if~~
17 ~~storage of the waste occurs on or after September 7, 1984,~~
18 ~~but prior to October 1, 1985;~~

19 (1) ~~(3)~~ \$3 per cubic foot of waste stored for shipment
20 ~~if storage of the waste occurs on or after October 1, 1985;~~
21 and

22 ~~(4) \$2 per cubic foot of waste shipped for storage,~~
23 ~~treatment or disposal if storage of the waste for shipment~~
24 ~~occurs on or after September 7, 1984 but prior to October~~
25 ~~1, 1985, provided that no fee has been collected~~

1 ~~previously for storage of the waste,~~

2 (2) ~~(5)~~ \$3 per cubic foot of waste shipped for
3 storage, treatment, or disposal ~~if storage of the waste~~
4 ~~for shipment occurs on or after October 1, 1985,~~ provided
5 that no fees have been collected previously for storage of
6 the waste.

7 All fees collected under this subsection ~~Such fees~~ shall
8 be collected annually or as determined by the Agency and shall
9 be deposited into ~~in~~ the fund ~~low level radioactive waste~~
10 ~~funds as provided in Section 14 of this Act. Notwithstanding~~
11 ~~any other provision of this Act, no fee under this Section~~
12 ~~shall be collected from a generator for waste generated~~
13 ~~incident to manufacturing before December 31, 1980, and~~
14 ~~shipped for disposal outside of this State before December 31,~~
15 ~~1992, as part of a site reclamation leading to license~~
16 ~~termination.~~

17 ~~Units of local government are exempt from the fee~~
18 ~~provisions of this subsection.~~

19 (b) The owner of any nuclear power reactor that has a
20 license issued by the Nuclear Regulatory Commission for any
21 portion of a State fiscal year shall pay an annual fee in
22 accordance with subsection (a) or \$30,000 per nuclear power
23 reactor, whichever is less. The fee shall be paid by July 1 of
24 each State fiscal year. All moneys collected under this
25 subsection shall be deposited pursuant to Section 14 and
26 expended, subject to appropriation, for the purposes provided

1 in Section 14. ~~(1) Small modular reactors shall pay low-level~~
2 ~~radioactive waste fees in accordance with subsection (a).~~

3 ~~(2) Each nuclear power reactor in this State for which an~~
4 ~~operating license has been issued by the Nuclear Regulatory~~
5 ~~Commission shall not be subject to the fee required by~~
6 ~~subsection (a) with respect to (1) waste stored for shipment~~
7 ~~if storage of the waste occurs on or after January 1, 1986; and~~
8 ~~(2) waste shipped for storage, treatment or disposal if~~
9 ~~storage of the waste for shipment occurs on or after January 1,~~
10 ~~1986. In lieu of the fee, each reactor shall be required to pay~~
11 ~~an annual fee as provided in this subsection for the~~
12 ~~treatment, storage and disposal of low-level radioactive~~
13 ~~waste. Beginning with State fiscal year 1986 and through State~~
14 ~~fiscal year 1997, fees shall be due and payable on January 1st~~
15 ~~of each year. For State fiscal year 1998 and all subsequent~~
16 ~~State fiscal years, fees shall be due and payable on July 1 of~~
17 ~~each fiscal year. The fee due on July 1, 1997 shall be payable~~
18 ~~on that date, or within 10 days after the effective date of~~
19 ~~this amendatory Act of 1997, whichever is later.~~

20 ~~The owner of any nuclear power reactor that has an~~
21 ~~operating license issued by the Nuclear Regulatory Commission~~
22 ~~for any portion of State fiscal year 1998 shall continue to pay~~
23 ~~an annual fee of \$90,000 for the treatment, storage, and~~
24 ~~disposal of low-level radioactive waste through State fiscal~~
25 ~~year 2002. The fee shall be due and payable on July 1 of each~~
26 ~~fiscal year. The fee due on July 1, 1998 shall be payable on~~

1 ~~that date, or within 10 days after the effective date of this~~
2 ~~amendatory Act of 1998, whichever is later.~~ If the balance in
3 the Low-Level Radioactive Waste Facility Operation Fund
4 ~~Low-Level Radioactive Waste Facility Development and Operation~~
5 ~~Fund~~ falls below \$500,000, at ~~as of~~ the end of any fiscal year
6 ~~after fiscal year 2002,~~ the Agency is authorized to assess by
7 rule, ~~after notice and a hearing,~~ an additional annual fee to
8 be paid by the owners of nuclear power reactors for which
9 ~~operating~~ licenses have been issued by the Nuclear Regulatory
10 Commission, ~~except that no additional annual fee shall be~~
11 ~~assessed because of the fund balance at the end of fiscal year~~
12 ~~2005 or the end of fiscal year 2006.~~ The additional annual fee
13 shall be payable on the date or dates specified by rule and
14 shall not exceed \$30,000 per nuclear power ~~operating~~ reactor
15 per year.

16 (c) (Blank). ~~In each of State fiscal years 1988, 1989 and~~
17 ~~1990, in addition to the fee imposed in subsections (b) and~~
18 ~~(d), the owner of each nuclear power reactor in this State for~~
19 ~~which an operating license has been issued by the Nuclear~~
20 ~~Regulatory Commission shall pay a fee of \$408,000. If an~~
21 ~~operating license is issued during one of those 3 fiscal~~
22 ~~years, the owner shall pay a prorated amount of the fee equal~~
23 ~~to \$1,117.80 multiplied by the number of days in the fiscal~~
24 ~~year during which the nuclear power reactor was licensed.~~

25 ~~The fee shall be due and payable as follows: in fiscal year~~
26 ~~1988, \$204,000 shall be paid on October 1, 1987 and \$102,000~~

1 ~~shall be paid on each of January 1, 1988 and April 1, 1988; in~~
2 ~~fiscal year 1989, \$102,000 shall be paid on each of July 1,~~
3 ~~1988, October 1, 1988, January 1, 1989 and April 1, 1989; and~~
4 ~~in fiscal year 1990, \$102,000 shall be paid on each of July 1,~~
5 ~~1989, October 1, 1989, January 1, 1990 and April 1, 1990. If~~
6 ~~the operating license is issued during one of the 3 fiscal~~
7 ~~years, the owner shall be subject to those payment dates, and~~
8 ~~their corresponding amounts, on which the owner possesses an~~
9 ~~operating license and, on June 30 of the fiscal year of~~
10 ~~issuance of the license, whatever amount of the prorated fee~~
11 ~~remains outstanding.~~

12 ~~All of the amounts collected by the Agency under this~~
13 ~~subsection (c) shall be deposited into the Low-Level~~
14 ~~Radioactive Waste Facility Development and Operation Fund~~
15 ~~created under subsection (a) of Section 14 of this Act and~~
16 ~~expended, subject to appropriation, for the purposes provided~~
17 ~~in that subsection.~~

18 (d) (Blank). ~~In addition to the fees imposed in~~
19 ~~subsections (b) and (c), the owners of nuclear power reactors~~
20 ~~in this State for which operating licenses have been issued by~~
21 ~~the Nuclear Regulatory Commission shall pay the following fees~~
22 ~~for each such nuclear power reactor: for State fiscal year~~
23 ~~1989, \$325,000 payable on October 1, 1988, \$162,500 payable on~~
24 ~~January 1, 1989, and \$162,500 payable on April 1, 1989; for~~
25 ~~State fiscal year 1990, \$162,500 payable on July 1, \$300,000~~
26 ~~payable on October 1, \$300,000 payable on January 1 and~~

~~\$300,000 payable on April 1; for State fiscal year 1991, either (1) \$150,000 payable on July 1, \$650,000 payable on September 1, \$675,000 payable on January 1, and \$275,000 payable on April 1, or (2) \$150,000 on July 1, \$130,000 on the first day of each month from August through December, \$225,000 on the first day of each month from January through March and \$92,000 on the first day of each month from April through June; for State fiscal year 1992, \$260,000 payable on July 1, \$900,000 payable on September 1, \$300,000 payable on October 1, \$150,000 payable on January 1, and \$100,000 payable on April 1; for State fiscal year 1993, \$100,000 payable on July 1, \$230,000 payable on August 1 or within 10 days after July 31, 1992, whichever is later, and \$355,000 payable on October 1; for State fiscal year 1994, \$100,000 payable on July 1, \$75,000 payable on October 1 and \$75,000 payable on April 1; for State fiscal year 1995, \$100,000 payable on July 1, \$75,000 payable on October 1, and \$75,000 payable on April 1; for State fiscal year 1996, \$100,000 payable on July 1, \$75,000 payable on October 1, and \$75,000 payable on April 1. The owner of any nuclear power reactor that has an operating license issued by the Nuclear Regulatory Commission for any portion of State fiscal year 1998 shall pay an annual fee of \$30,000 through State fiscal year 2003. For State fiscal year 2004 and subsequent fiscal years, the owner of any nuclear power reactor that has an operating license issued by the Nuclear Regulatory Commission shall pay an annual fee of~~

1 ~~\$30,000 per reactor, provided that the fee shall not apply to a~~
2 ~~nuclear power reactor with regard to which the owner notified~~
3 ~~the Nuclear Regulatory Commission during State fiscal year~~
4 ~~1998 that the nuclear power reactor permanently ceased~~
5 ~~operations. The fee shall be due and payable on July 1 of each~~
6 ~~fiscal year. The fee due on July 1, 1998 shall be payable on~~
7 ~~that date, or within 10 days after the effective date of this~~
8 ~~amendatory Act of 1998, whichever is later. The fee due on July~~
9 ~~1, 1997 shall be payable on that date or within 10 days after~~
10 ~~the effective date of this amendatory Act of 1997, whichever~~
11 ~~is later. If the payments under this subsection for fiscal~~
12 ~~year 1993 due on January 1, 1993, or on April 1, 1993, or both,~~
13 ~~were due before the effective date of this amendatory Act of~~
14 ~~the 87th General Assembly, then those payments are waived and~~
15 ~~need not be made.~~

16 ~~All of the amounts collected by the Agency under this~~
17 ~~subsection (d) shall be deposited into the Low Level~~
18 ~~Radioactive Waste Facility Development and Operation Fund~~
19 ~~created pursuant to subsection (a) of Section 14 of this Act~~
20 ~~and expended, subject to appropriation, for the purposes~~
21 ~~provided in that subsection.~~

22 ~~All payments made by licensees under this subsection (d)~~
23 ~~for fiscal year 1992 that are not appropriated and obligated~~
24 ~~by the Agency above \$1,750,000 per reactor in fiscal year~~
25 ~~1992, shall be credited to the licensees making the payments~~
26 ~~to reduce the per reactor fees required under this subsection~~

1 ~~(d) for fiscal year 1993.~~

2 (e) (Blank). ~~The Agency shall promulgate rules and~~
3 ~~regulations establishing standards for the collection of the~~
4 ~~fees authorized by this Section. The regulations shall~~
5 ~~include, but need not be limited to:~~

6 ~~(1) the records necessary to identify the amounts of~~
7 ~~low level radioactive wastes produced;~~

8 ~~(2) the form and submission of reports to accompany~~
9 ~~the payment of fees to the Agency; and~~

10 ~~(3) the time and manner of payment of fees to the~~
11 ~~Agency, which payments shall not be more frequent than~~
12 ~~quarterly.~~

13 (f) Any operating agreement entered into under subsection
14 (b) of Section 5 of this Act between the Agency and any
15 disposal facility contractor shall, subject to the provisions
16 of this Act, authorize the contractor to impose upon and
17 collect from persons using the disposal facility fees designed
18 and set at levels reasonably calculated to produce sufficient
19 revenues (1) to pay all costs and expenses properly incurred
20 or accrued in connection with, and properly allocated to,
21 performance of the contractor's obligations under the
22 operating agreement, and (2) to provide reasonable and
23 appropriate compensation or profit to the contractor under the
24 operating agreement. For purposes of this subsection (f), the
25 term "costs and expenses" may include, without limitation, (i)
26 direct and indirect costs and expenses for labor, services,

1 equipment, materials, insurance and other risk management
2 costs, interest and other financing charges, and taxes or fees
3 in lieu of taxes; (ii) payments to or required by the United
4 States, the State of Illinois or any agency or department
5 thereof, the Central Midwest Interstate Low-Level Radioactive
6 Waste Compact, and subject to the provisions of this Act, any
7 unit of local government; (iii) amortization of capitalized
8 costs with respect to the disposal facility and its
9 development, including any capitalized reserves; and (iv)
10 payments with respect to reserves, accounts, escrows or trust
11 funds required by law or otherwise provided for under the
12 operating agreement.

13 (g) (Blank).

14 (h) (Blank).

15 (i) (Blank).

16 (j) (Blank).

17 (j-5) Prior to commencement of facility operations, the
18 Agency shall adopt rules providing for the establishment and
19 collection of fees and charges with respect to the use of the
20 disposal facility as provided in subsection (f) of this
21 Section.

22 (k) The regional disposal facility shall be subject to ad
23 valorem real estate taxes lawfully imposed by units of local
24 government and school districts with jurisdiction over the
25 facility. No other local government tax, surtax, fee or other
26 charge on activities at the regional disposal facility shall

1 be allowed except as authorized by the Agency.

2 (1) The Agency shall have the power, in the event that
3 acceptance of waste for disposal at the regional disposal
4 facility is suspended, delayed or interrupted, to impose
5 emergency fees on the generators of low-level radioactive
6 waste. Generators shall pay emergency fees within 30 days of
7 receipt of notice of the emergency fees. The Agency Department
8 shall deposit all of the receipts of any fees collected under
9 this subsection into the Low-Level Radioactive Waste Facility
10 Operation Fund ~~Low Level Radioactive Waste Facility~~
11 ~~Development and Operation Fund created under subsection (b) of~~
12 ~~Section 14~~. Emergency fees may be used to mitigate the impacts
13 of the suspension or interruption of acceptance of waste for
14 disposal. The requirements for rulemaking in the Illinois
15 Administrative Procedure Act shall not apply to the imposition
16 of emergency fees under this subsection.

17 (m) The Agency shall adopt ~~promulgate~~ any ~~other~~ rules and
18 regulations as may be necessary to implement this Section.

19 (Source: P.A. 103-569, eff. 6-1-24.)

20 (420 ILCS 20/14) (from Ch. 111 1/2, par. 241-14)

21 Sec. 14. Waste management funds.

22 (a) There is hereby created in the State Treasury a
23 special fund to be known as the Low-Level Radioactive Waste
24 Facility Operation Fund ~~Low-Level Radioactive Waste Facility~~
25 ~~Development and Operation Fund~~. All monies within the

1 Low-Level Radioactive Waste Facility Operation Fund ~~Low-Level~~
2 ~~Radioactive Waste Facility Development and Operation Fund~~
3 shall be invested by the State Treasurer in accordance with
4 established investment practices. Interest earned by such
5 investment shall be returned to the Low-Level Radioactive
6 Waste Facility Operation Fund ~~Low Level Radioactive Waste~~
7 ~~Facility Development and Operation Fund~~. The Agency shall
8 deposit all receipts from the fees required under ~~subsections~~
9 ~~(a) and (b) of~~ Section 13 in the State Treasury to the credit
10 of this Fund. Subject to appropriation, the Agency is
11 authorized to expend all moneys in the Fund in amounts it deems
12 necessary for:

13 (1) hiring personnel and any other operating and
14 contingent expenses necessary for the proper
15 administration of this Act;

16 (2) contracting with any firm for the purpose of
17 carrying out the purposes of this Act;

18 (3) grants to the Central Midwest Interstate Low-Level
19 Radioactive Waste Commission;

20 (4) hiring personnel, contracting with any person, and
21 meeting any other expenses incurred by the Agency in
22 fulfilling its responsibilities under the Radioactive
23 Waste Compact Enforcement Act;

24 (5) activities under Sections 10, 10.2 and 10.3;

25 (6) payment of fees in lieu of taxes to a local
26 government having within its boundaries a regional

disposal facility;

(7) payment of grants to counties or municipalities under Section 12.1; ~~and~~

(8) fulfillment of obligations under a community agreement under Section 12.1;

(9) decommissioning and other procedures required for the proper closure of a regional disposal facility;

(10) monitoring, inspecting, and other procedures required for the proper closure, decommissioning, and post-closure care of a regional disposal facility;

(11) taking any remedial actions necessary to protect human health and the environment from releases or threatened releases of wastes from a regional disposal facility;

(12) the purchase of facility and third-party liability insurance necessary during the institutional control period of a regional disposal facility;

(13) mitigating the impacts of the suspension or interruption of the acceptance of waste for disposal; and

(14) compensating any person suffering any damages or losses to a person or property caused by a release from the regional disposal facility as provided for in Section 15.

In spending monies pursuant to such appropriations, the Agency shall to the extent practicable avoid duplicating expenditures made by any firm pursuant to a contract awarded under this Section.

1 (b) There is hereby created in the State Treasury a
2 special fund to be known as the Low-Level Radioactive Waste
3 Facility Closure, Post-Closure Care and Compensation Fund. All
4 monies within the Low-Level Radioactive Waste Facility
5 Closure, Post-Closure Care and Compensation Fund shall be
6 invested by the State Treasurer in accordance with established
7 investment practices. Interest earned by such investment shall
8 be returned to the Low-Level Radioactive Waste Facility
9 Closure, Post-Closure Care and Compensation Fund. All deposits
10 into this Fund shall be held by the State Treasurer separate
11 and apart from all public money or funds of this State. ~~Subject~~
12 ~~to appropriation, the Agency is authorized to expend any~~
13 ~~moneys in this Fund in amounts it deems necessary for:~~

14 ~~(1) decommissioning and other procedures required for~~
15 ~~the proper closure of the regional disposal facility;~~

16 ~~(2) monitoring, inspecting, and other procedures~~
17 ~~required for the proper closure, decommissioning, and~~
18 ~~post closure care of the regional disposal facility;~~

19 ~~(3) taking any remedial actions necessary to protect~~
20 ~~human health and the environment from releases or~~
21 ~~threatened releases of wastes from the regional disposal~~
22 ~~facility;~~

23 ~~(4) the purchase of facility and third party liability~~
24 ~~insurance necessary during the institutional control~~
25 ~~period of the regional disposal facility;~~

26 ~~(5) mitigating the impacts of the suspension or~~

~~interruption of the acceptance of waste for disposal,~~

~~(6) compensating any person suffering any damages or losses to a person or property caused by a release from the regional disposal facility as provided for in Section 15, and~~

~~(7) fulfillment of obligations under a community agreement under Section 12.1.~~

On or before March 1 of each year through March 1, 2025, the Agency shall deliver to the Governor, the President and Minority Leader of the Senate, the Speaker and Minority Leader of the House, and each of the generators that have contributed during the preceding State fiscal year to the Fund a financial statement, certified and verified by the Director, which details all receipts and expenditures from the Fund during the preceding State fiscal year. The financial statements shall identify all sources of income to the Fund and all recipients of expenditures from the Fund, shall specify the amounts of all the income and expenditures, and shall indicate the amounts of all the income and expenditures, and shall indicate the purpose for all expenditures.

On July 1, 2025, or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer the remaining balance from the Low-Level Radioactive Waste Facility Closure, Post-Closure Care and Compensation Fund into the Low-Level Radioactive Waste Facility Operation Fund ~~Low Level Radioactive Waste Facility Development and~~

1 ~~Operation Fund.~~ Upon completion of the transfer, the Low-Level
2 Radioactive Waste Facility Closure, Post-Closure Care and
3 Compensation Fund is dissolved, and any future deposits due to
4 that Fund and any outstanding obligations or liabilities of
5 that Fund shall pass to the Low-Level Radioactive Waste
6 Facility ~~Development and Operation Fund.~~

7 (c) (Blank).

8 (d) The Agency may accept for any of its purposes and
9 functions any donations, grants of money, equipment, supplies,
10 materials, and services from any state or the United States,
11 or from any institution, person, firm or corporation. Any
12 donation or grant of money shall be deposited into the
13 Low-Level Radioactive Waste Facility Operation Fund ~~Low-Level~~
14 ~~Radioactive Waste Facility Development and Operation Fund.~~

15 (Source: P.A. 104-2, eff. 6-16-25.)

16 (420 ILCS 20/15) (from Ch. 111 1/2, par. 241-15)

17 Sec. 15. Compensation.

18 (a) Any person may apply to the Agency pursuant to this
19 Section for compensation of a loss caused by the release, in
20 Illinois, of radioactivity from the regional disposal
21 facility. The Agency shall prescribe appropriate forms and
22 procedures for claims filed pursuant to this Section, which
23 shall include, as a minimum, the following:

24 (1) Provisions requiring the claimant to make a sworn
25 verification of the claim to the best of his or her

1 knowledge.

2 (2) A full description, supported by appropriate
3 evidence from government agencies, of the release of the
4 radioactivity claimed to be the cause of the physical
5 injury, illness, loss of income or property damage.

6 (3) If making a claim based upon physical injury or
7 illness, certification of the medical history of the
8 claimant for the 5 years preceding the date of the claim,
9 along with certification of the alleged physical injury or
10 illness, and expenses for the physical injury or illness,
11 made by hospitals, physicians or other qualified medical
12 authorities.

13 (4) If making a claim for lost income, information on
14 the claimant's income as reported on his or her federal
15 income tax return or other document for the preceding 3
16 years in order to compute lost wages or income.

17 (b) The Agency shall hold at least one hearing, if
18 requested by the claimant, within 60 days of submission of a
19 claim to the Agency. The Director shall render a decision on a
20 claim within 30 days of the hearing unless all of the parties
21 to the claim agree in writing to an extension of time. All
22 decisions rendered by the Director shall be in writing, with
23 notification to all appropriate parties. The decision shall be
24 considered a final administrative decision for the purposes of
25 judicial review.

26 (c) The following losses shall be compensable under this

1 Section, provided that the Agency has found that the claimant
2 has established, by the weight of the evidence, that the
3 losses were proximately caused by the designated release and
4 are not otherwise compensable under law:

5 (1) One hundred percent of uninsured, out-of-pocket
6 medical expenses, for up to 3 years from the onset of
7 treatment;

8 (2) Eighty percent of any uninsured, actual lost
9 wages, or business income in lieu of wages, caused by
10 injury to the claimant or the claimant's property, not to
11 exceed \$15,000 per year for 3 years;

12 (3) Eighty percent of any losses or damages to real or
13 personal property; and

14 (4) One hundred percent of costs of any remedial
15 actions on such property necessary to protect human health
16 and the environment.

17 (d) No claim may be presented to the Agency under this
18 Section later than 5 years from the date of discovery of the
19 damage or loss.

20 (e) Compensation for any damage or loss under this Section
21 shall preclude indemnification or reimbursement from any other
22 source for the identical damage or loss, and indemnification
23 or reimbursement from any other source shall preclude
24 compensation under this Section.

25 (f) The Agency shall adopt, and revise when appropriate,
26 rules and regulations necessary to implement the provisions of

1 this Section, including methods that provide for establishing
2 that a claimant has exercised reasonable diligence in
3 satisfying the conditions of the application requirements, for
4 specifying the proof necessary to establish a damage or loss
5 compensable under this Section and for establishing the
6 administrative procedures to be followed in reviewing claims.

7 (g) Claims approved by the Director shall be paid from the
8 Low-Level Radioactive Waste Facility Operation Fund ~~Low Level~~
9 ~~Radioactive Waste Facility Development and Operation Fund,~~
10 except that claims shall not be paid in excess of the amount
11 available in the Fund. In the case of insufficient amounts in
12 the Fund to satisfy claims against the Fund, the General
13 Assembly may appropriate monies to the Fund in amounts it
14 deems necessary to pay the claims.

15 (Source: P.A. 104-2, eff. 6-16-25.)

16 (420 ILCS 20/17) (from Ch. 111 1/2, par. 241-17)

17 Sec. 17. Penalties.

18 (a) Any person operating any facility in violation of
19 Section 8 shall be subject to a civil penalty not to exceed
20 \$100,000 per day of violation.

21 (b) Any person failing to pay the fees provided for in
22 Section 13 shall be liable to a civil penalty not to exceed 4
23 times the amount of the fees not paid.

24 (c) At the request of the Agency, the civil penalties
25 shall be recovered in an action brought by the Attorney

1 General on behalf of the State in the circuit court in which
2 the violation occurred. All amounts collected from fines under
3 this Section shall be deposited into the Low-Level Radioactive
4 Waste Facility Operation Fund ~~Low-Level Radioactive Waste~~
5 ~~Facility Development and Operation Fund~~.

6 (Source: P.A. 104-2, eff. 6-16-25.)

7 (420 ILCS 20/21) (from Ch. 111 1/2, par. 241-21)

8 Sec. 21. Shared Liability. Any state which enacts the
9 Central Midwest Interstate Low-Level Radioactive Waste Compact
10 and has as its resident a generator shall be liable for the
11 cost of post-closure care in excess of funds available from
12 the Low-Level Radioactive Waste Facility Operation Fund
13 ~~Low-Level Radioactive Waste Facility Development and Operation~~
14 ~~Fund~~ or from any liability insurance or other means of
15 establishing financial responsibility in an amount sufficient
16 to provide for any necessary corrective actions or liabilities
17 arising during the period of post-closure care. The extent of
18 such liability shall not be in excess of the prorated share of
19 the volume of waste placed in the facility by the generators of
20 each state which has enacted the Central Midwest Interstate
21 Low-Level Radioactive Waste Compact. However, this Section
22 shall not apply to a party state with a total volume of waste
23 recorded on low-level radioactive waste manifests for any year
24 that is less than 10 percent of the total volume recorded on
25 such manifests for the region during the same year.

(Source: P.A. 104-2, eff. 6-16-25.)

Section 90-75. The Radioactive Waste Storage Act is amended by changing Sections 0.05 and 1 as follows:

(420 ILCS 35/0.05)

Sec. 0.05. Definitions. In this Act:

"IEMA-OHS" means the Illinois Emergency Management Agency and Office of Homeland Security, or its successor agency.

"Director" means the Director of IEMA-OHS.

"Nuclear power plant" or "nuclear steam-generating facility" means a thermal power plant in which the energy (heat) released by the fissioning of nuclear fuel is used to boil water to produce steam.

"Nuclear facilities" means nuclear power plants, facilities housing nuclear test and research reactors, facilities for the chemical conversion of uranium, and facilities for the storage of spent nuclear fuel or high-level radioactive waste.

"Nuclear power reactor" means an apparatus, other than an atomic weapon, designed or used to sustain nuclear fission in a self-supporting chain reaction.

~~"Small modular reactor" or "SMR" means an advanced nuclear reactor: (1) with a rated nameplate capacity of 300 electrical megawatts or less; and (2) that may be constructed and operated in combination with similar reactors at a single~~

1 ~~site.~~

2 (Source: P.A. 103-569, eff. 6-1-24.)

3 (420 ILCS 35/1) (from Ch. 111 1/2, par. 230.1)

4 Sec. 1. The Director is authorized to acquire by private
5 purchase, acceptance, or by condemnation in the manner
6 provided for the exercise of the power of eminent domain under
7 the Eminent Domain Act, any and all lands, buildings and
8 grounds where radioactive by-products and wastes produced by
9 industrial, medical, agricultural, scientific or other
10 organizations can be concentrated, stored or otherwise
11 disposed in a manner consistent with the public health and
12 safety. Whenever, in the judgment of the Director, it is
13 necessary to relocate existing facilities for the
14 construction, operation, closure or long-term care of a
15 facility for the safe and secure disposal of low-level
16 radioactive waste, the cost of relocating such existing
17 facilities may be deemed a part of the disposal facility land
18 acquisition and the Agency may, on behalf of the State, pay
19 such costs. Existing facilities include public utilities,
20 commercial or industrial facilities, residential buildings,
21 and such other public or privately owned buildings as the
22 Director deems necessary for relocation. The Agency is
23 authorized to operate a relocation program, and to pay such
24 costs of relocation as are provided in the federal "Uniform
25 Relocation Assistance and Real Property Acquisition Policies

1 Act", Public Law 91-646. The Director is authorized to exceed
2 the maximum payments provided pursuant to the federal "Uniform
3 Relocation Assistance and Real Property Acquisition Policies
4 Act" if necessary to assure the provision of decent, safe, and
5 sanitary housing, or to secure a suitable alternate location.
6 Payments issued under this Section shall be made from the
7 Low-level Radioactive Waste Facility ~~Development and~~ Operation
8 Fund established by the Illinois Low-Level Radioactive Waste
9 Management Act.

10 (Source: P.A. 103-569, eff. 6-1-24.)

11 Section 90-80. The Radioactive Waste Tracking and
12 Permitting Act is amended by changing Sections 10 and 15 as
13 follows:

14 (420 ILCS 37/10)

15 Sec. 10. Definitions. As used in this Act:

16 (a) "Agency" or "IEMA-OHS" means the Illinois Emergency
17 Management Agency and Office of Homeland Security, or its
18 successor agency.

19 (b) "Director" means the Director of the Agency.

20 (c) "Disposal" means the isolation of waste from the
21 biosphere in a permanent facility designed for that purpose.

22 (d) "Facility" means a parcel of land or a site, together
23 with structures, equipment, and improvements on or appurtenant
24 to the land or site, that is used or is being developed for the

1 treatment, storage, or disposal of low-level radioactive
2 waste.

3 (e) "Low-level radioactive waste" or "waste" means
4 radioactive waste not classified as (1) high-level radioactive
5 waste, (2) transuranic waste, (3) spent nuclear fuel, or (4)
6 byproduct material as defined in Sections 11e(2), 11e(3), and
7 11e(4) of the Atomic Energy Act (42 U.S.C. 2014). This
8 definition shall apply notwithstanding any declaration by the
9 federal government, a state, or any regulatory agency that any
10 radioactive material is exempt from any regulatory control.

11 (e-5) "Nuclear facilities" means nuclear power plants,
12 facilities housing nuclear test and research reactors,
13 facilities for the chemical conversion of uranium, and
14 facilities for the storage of spent nuclear fuel or high-level
15 radioactive waste.

16 (e-10) "Nuclear power plant" or "nuclear steam-generating
17 facility" means a thermal power plant in which the energy
18 (heat) released by the fissioning of nuclear fuel is used to
19 boil water to produce steam.

20 (e-15) "Nuclear power reactor" means an apparatus, other
21 than an atomic weapon, designed or used to sustain nuclear
22 fission in a self-supporting chain reaction.

23 (e-20) (Blank). ~~"Small modular reactor" or "SMR" means an~~
24 ~~advanced nuclear reactor: (1) with a rated nameplate capacity~~
25 ~~of 300 electrical megawatts or less; and (2) that may be~~
26 ~~constructed and operated in combination with similar reactors~~

1 ~~at a single site.~~

2 (f) "Person" means an individual, corporation, business
3 enterprise, or other legal entity, public or private, or any
4 legal successor, representative, agent, or agency of that
5 individual, corporation, business enterprise, or legal entity.

6 (g) "Regional facility" or "disposal facility" means a
7 facility that is located in Illinois and established by
8 Illinois, under designation of Illinois as a host state by the
9 Commission for disposal of waste.

10 (h) "Storage" means the temporary holding of waste for
11 treatment or disposal for a period determined by Agency
12 regulations.

13 (i) "Treatment" means any method, technique, or process,
14 including storage for radioactive decay, that is designed to
15 change the physical, chemical, or biological characteristics
16 or composition of any waste in order to render the waste safer
17 for transport, storage, or disposal, amenable to recovery,
18 convertible to another usable material, or reduced in volume.

19 (Source: P.A. 103-306, eff. 7-28-23; 103-569, eff. 6-1-24;
20 revised 7-31-24.)

21 (420 ILCS 37/15)

22 Sec. 15. Permit requirements for the storage, treatment,
23 and disposal of waste at a disposal facility.

24 (a) Upon adoption of regulations under subsection (c) of
25 this Section, no person shall deposit any low-level

1 radioactive waste at a storage, treatment, or disposal
2 facility in Illinois licensed under Section 8 of the Illinois
3 Low-Level Radioactive Waste Management Act without a permit
4 granted by the Agency.

5 (b) Upon adoption of regulations under subsection (c) of
6 this Section, no person shall operate a storage, treatment, or
7 disposal facility licensed under Section 8 of the Illinois
8 Low-Level Radioactive Waste Management Act without a permit
9 granted by the Agency.

10 (c) The Agency shall adopt regulations providing for the
11 issuance, suspension, and revocation of permits required under
12 subsections (a) and (b) of this Section. The regulations may
13 provide a system for tracking low-level radioactive waste to
14 ensure that waste that other states are responsible for
15 disposing of under federal law does not become the
16 responsibility of the State of Illinois. The regulations shall
17 be consistent with the Federal Hazardous Materials
18 Transportation Act.

19 (d) The Agency may enter into a contract or contracts for
20 operation of the system for tracking low-level radioactive
21 waste as provided in subsection (c) of this Section.

22 (e) A person who violates this Section or any regulation
23 promulgated under this Section shall be subject to a civil
24 penalty, not to exceed \$10,000, for each violation. Each day a
25 violation continues shall constitute a separate offense. A
26 person who fails to pay a civil penalty imposed by a regulation

1 adopted under this Section, or any portion of the penalty, is
2 liable in a civil action in an amount not to exceed 4 times the
3 amount imposed and not paid. At the request of the Agency, the
4 Attorney General shall, on behalf of the State, bring an
5 action for the recovery of any civil penalty provided for by
6 this Section. Any civil penalties so recovered shall be
7 deposited into the Low-Level Radioactive Waste Facility
8 Operation Fund ~~Low Level Radioactive Waste Facility~~
9 ~~Development and Operation.~~

10 (Source: P.A. 103-569, eff. 6-1-24; 104-2, eff. 6-16-25.)

11 Section 90-85. The Radiation Protection Act of 1990 is
12 amended by changing Section 4 as follows:

13 (420 ILCS 40/4) (from Ch. 111 1/2, par. 210-4)

14 (Section scheduled to be repealed on January 1, 2027)

15 Sec. 4. Definitions. As used in this Act:

16 (a) "Accreditation" means the process by which the Agency
17 grants permission to persons meeting the requirements of this
18 Act and the Agency's rules and regulations to engage in the
19 practice of administering radiation to human beings.

20 (a-2) "Agency" or "IEMA-OHS" means the Illinois Emergency
21 Management Agency and Office of Homeland Security, or its
22 successor agency.

23 (a-3) "Assistant Director" means the Assistant Director of
24 the Agency.

1 (a-5) "By-product material" means: (1) any radioactive
2 material (except special nuclear material) yielded in or made
3 radioactive by exposure to radiation incident to the process
4 of producing or utilizing special nuclear material; (2) the
5 tailings or wastes produced by the extraction or concentration
6 of uranium or thorium from any ore processed primarily for its
7 source material content, including discrete surface wastes
8 resulting from underground solution extraction processes but
9 not including underground ore bodies depleted by such solution
10 extraction processes; (3) any discrete source of radium-226
11 that is produced, extracted, or converted after extraction,
12 before, on, or after August 8, 2005, for use for a commercial,
13 medical, or research activity; (4) any material that has been
14 made radioactive by use of a particle accelerator and is
15 produced, extracted, or converted after extraction before, on,
16 or after August 8, 2005, for use for a commercial, medical, or
17 research activity; and (5) any discrete source of naturally
18 occurring radioactive material, other than source material,
19 that is extracted or converted after extraction for use in
20 commercial, medical, or research activity before, on, or after
21 August 8, 2005, and which the U.S. Nuclear Regulatory
22 Commission, in consultation with the Administrator of the
23 Environmental Protection Agency, the Secretary of Energy, the
24 Secretary of Homeland Security, and the head of any other
25 appropriate Federal agency, determines would pose a threat to
26 the public health and safety or the common defense and

1 security similar to the threat posed by a discrete source or
2 radium-226.

3 (b) (Blank).

4 (c) (Blank).

5 (d) "General license" means a license, pursuant to
6 regulations promulgated by the Agency, effective without the
7 filing of an application to transfer, acquire, own, possess or
8 use quantities of, or devices or equipment utilizing,
9 radioactive material, including but not limited to by-product,
10 source or special nuclear materials.

11 (d-1) "Identical in substance" means the regulations
12 promulgated by the Agency would require the same actions with
13 respect to ionizing radiation, for the same group of affected
14 persons, as would federal laws, regulations, or orders if any
15 federal agency, including but not limited to the Nuclear
16 Regulatory Commission, Food and Drug Administration, or
17 Environmental Protection Agency, administered the subject
18 program in Illinois.

19 (d-3) "Mammography" means radiography of the breast
20 primarily for the purpose of enabling a physician to determine
21 the presence, size, location and extent of cancerous or
22 potentially cancerous tissue in the breast.

23 (d-5) "Nuclear facilities" means nuclear power plants,
24 facilities housing nuclear test and research reactors,
25 facilities for the chemical conversion of uranium, and
26 facilities for the storage of spent nuclear fuel or high-level

1 radioactive waste.

2 (d-5.5) "Nuclear power plant" or "nuclear steam-generating
3 facility" means a thermal power plant in which the energy
4 (heat) released by the fissioning of nuclear fuel is used to
5 boil water to produce steam.

6 (d-5.10) "Nuclear power reactor" means an apparatus, other
7 than an atomic weapon, designed or used to sustain nuclear
8 fission in a self-supporting chain reaction.

9 (d-7) "Operator" is an individual, group of individuals,
10 partnership, firm, corporation, association, or other entity
11 conducting the business or activities carried on within a
12 radiation installation.

13 (e) "Person" means any individual, corporation,
14 partnership, firm, association, trust, estate, public or
15 private institution, group, agency, political subdivision of
16 this State, any other State or political subdivision or agency
17 thereof, and any legal successor, representative, agent, or
18 agency of the foregoing, other than the United States Nuclear
19 Regulatory Commission, or any successor thereto, and other
20 than federal government agencies licensed by the United States
21 Nuclear Regulatory Commission, or any successor thereto.
22 "Person" also includes a federal entity (and its contractors)
23 if the federal entity agrees to be regulated by the State or as
24 otherwise allowed under federal law.

25 (f) "Radiation" or "ionizing radiation" means gamma rays
26 and x-rays, alpha and beta particles, high speed electrons,

1 neutrons, protons, and other nuclear particles or
2 electromagnetic radiations capable of producing ions directly
3 or indirectly in their passage through matter; but does not
4 include sound or radio waves or visible, infrared, or
5 ultraviolet light.

6 (f-5) "Radiation emergency" means the uncontrolled release
7 of radioactive material from a radiation installation which
8 poses a potential threat to the public health, welfare, and
9 safety.

10 (g) "Radiation installation" is any location or facility
11 where radiation machines are used or where radioactive
12 material is produced, transported, stored, disposed of, or
13 used for any purpose.

14 (h) "Radiation machine" is any device that produces
15 radiation when in use.

16 (i) "Radioactive material" means any solid, liquid, or
17 gaseous substance which emits radiation spontaneously.

18 (j) "Radiation source" or "source of ionizing radiation"
19 means a radiation machine or radioactive material as defined
20 herein.

21 (j-5) (Blank). ~~"Small modular reactor" or "SMR" means an~~
22 ~~advanced nuclear reactor: (1) with a rated nameplate capacity~~
23 ~~of 300 electrical megawatts or less; and (2) that may be~~
24 ~~constructed and operated in combination with similar reactors~~
25 ~~at a single site.~~

26 (k) "Source material" means (1) uranium, thorium, or any

1 other material which the Agency declares by order to be source
2 material after the United States Nuclear Regulatory
3 Commission, or any successor thereto, has determined the
4 material to be such; or (2) ores containing one or more of the
5 foregoing materials, in such concentration as the Agency
6 declares by order to be source material after the United
7 States Nuclear Regulatory Commission, or any successor
8 thereto, has determined the material in such concentration to
9 be source material.

10 (1) "Special nuclear material" means (1) plutonium,
11 uranium 233, uranium enriched in the isotope 233 or in the
12 isotope 235, and any other material which the Agency declares
13 by order to be special nuclear material after the United
14 States Nuclear Regulatory Commission, or any successor
15 thereto, has determined the material to be such, but does not
16 include source material; or (2) any material artificially
17 enriched by any of the foregoing, but does not include source
18 material.

19 (m) "Specific license" means a license, issued after
20 application, to use, manufacture, produce, transfer, receive,
21 acquire, own, or possess quantities of, or devices or
22 equipment utilizing radioactive materials.

23 (Source: P.A. 103-569, eff. 6-1-24.)

24 Section 90-90. The Uranium and Thorium Mill Tailings
25 Control Act is amended by changing Section 10 as follows:

(420 ILCS 42/10)

Sec. 10. Definitions. As used in this Act:

"Agency" or "IEMA-OHS" means the Illinois Emergency Management Agency and Office of Homeland Security, or its successor agency.

"By-product material" means the tailings or wastes produced by the extraction or concentration of uranium or thorium from any ore processed primarily for its source material content, including discrete surface wastes resulting from underground solution extraction processes but not including underground ore bodies depleted by such solution extraction processes.

"Director" means the Director of the Agency.

~~"Nuclear facilities" means nuclear power plants, facilities housing nuclear test and research reactors, facilities for the chemical conversion of uranium, and facilities for the storage of spent nuclear fuel or high level radioactive waste.~~

~~"Nuclear power plant" or "nuclear steam-generating facility" means a thermal power plant in which the energy (heat) released by the fissioning of nuclear fuel is used to boil water to produce steam.~~

~~"Nuclear power reactor" means an apparatus, other than an atomic weapon, designed or used to sustain nuclear fission in a self supporting chain reaction.~~

1 "Person" means any individual, corporation, partnership,
2 firm, association, trust, estate, public or private
3 institution, group, agency, political subdivision of this
4 State, any other State or political subdivision or agency
5 thereof, and any legal successor, representative, agent, or
6 agency of the foregoing, other than the United States Nuclear
7 Regulatory Commission, or any successor thereto, and other
8 than federal government agencies licensed by the United States
9 Nuclear Regulatory Commission, or any successor thereto.

10 "Radiation emergency" means the uncontrolled release of
11 radioactive material from a radiation installation that poses
12 a potential threat to the public health, welfare, and safety.

13 ~~"Small modular reactor" or "SMR" means an advanced nuclear~~
14 ~~reactor: (1) with a rated nameplate capacity of 300 electrical~~
15 ~~megawatts or less; and (2) that may be constructed and~~
16 ~~operated in combination with similar reactors at a single~~
17 ~~site.~~

18 "Source material" means (i) uranium, thorium, or any other
19 material that the Agency declares by order to be source
20 material after the United States Nuclear Regulatory Commission
21 or its successor has determined the material to be source
22 material; or (ii) ores containing one or more of those
23 materials in such concentration as the Agency declares by
24 order to be source material after the United States Nuclear
25 Regulatory Commission or its successor has determined the
26 material in such concentration to be source material.

1 "Specific license" means a license, issued after
2 application, to use, manufacture, produce, transfer, receive,
3 acquire, own, or possess quantities of radioactive materials
4 or devices or equipment utilizing radioactive materials.

5 (Source: P.A. 103-569, eff. 6-1-24.)

6 Section 90-95. The Laser System Act of 1997 is amended by
7 changing Section 15 as follows:

8 (420 ILCS 56/15)

9 Sec. 15. Definitions. For the purposes of this Act, unless
10 the context requires otherwise:

11 "Agency" or "IEMA-OHS" means the Illinois Emergency
12 Management Agency and Office of Homeland Security, or its
13 successor agency.

14 "Director" means the Director of the Agency.

15 "FDA" means the Food and Drug Administration of the United
16 States Department of Health and Human Services.

17 "Laser installation" means a location or facility where
18 laser systems are produced, stored, disposed of, or used for
19 any purpose. "Laser installation" does not include any private
20 residence.

21 "Laser installation operator" means an individual, group
22 of individuals, partnership, firm, corporation, association,
23 or other entity conducting any business or activity within a
24 laser installation.

1 "Laser machine" means a device that is capable of
2 producing or projecting laser radiation when associated
3 controlled devices are operated.

4 "Laser radiation" means an electromagnetic radiation
5 emitted from a laser system and includes all reflected
6 radiation, any secondary radiation, or other forms of energy
7 resulting from the primary laser beam.

8 "Laser safety officer" means an individual who is
9 qualified by training and experience in the evaluation and
10 control of laser hazards, as evidenced by satisfaction of the
11 training and experience requirements adopted by the Agency
12 under subsection (b) of Section 16, and who is designated,
13 where required by Sections 16 and 17, by a laser installation
14 operator or temporary laser display operator to have the
15 authority and responsibility to establish and administer a
16 laser radiation protection program for a particular laser
17 installation or temporary laser display.

18 "Laser system" means a device, laser projector, laser
19 machine, equipment, or other apparatus that applies a source
20 of energy to a gas, liquid, crystal, or other solid substances
21 or combination thereof in a manner that electromagnetic
22 radiations of a relatively uniform wave length are amplified
23 and emitted in a cohesive beam capable of transmitting the
24 energy developed in a manner that may be harmful to living
25 tissues, including, but not limited to, electromagnetic waves
26 in the range of visible, infrared, or ultraviolet light. Such

1 systems in schools, colleges, occupational schools, and State
2 colleges and other State institutions are also included in the
3 definition of "laser systems". "Laser system" includes laser
4 machines but does not include any device, machine, equipment,
5 or other apparatus used in the provision of communications
6 through fiber optic cable.

7 ~~"Nuclear facilities" means nuclear power plants,~~
8 ~~facilities housing nuclear test and research reactors,~~
9 ~~facilities for the chemical conversion of uranium, and~~
10 ~~facilities for the storage of spent nuclear fuel or high level~~
11 ~~radioactive waste.~~

12 ~~"Nuclear power plant" or "nuclear steam-generating~~
13 ~~facility" means a thermal power plant in which the energy~~
14 ~~(heat) released by the fissioning of nuclear fuel is used to~~
15 ~~boil water to produce steam.~~

16 ~~"Nuclear power reactor" means an apparatus, other than an~~
17 ~~atomic weapon, designed or used to sustain nuclear fission in~~
18 ~~a self supporting chain reaction.~~

19 ~~"Small modular reactor" or "SMR" means an advanced nuclear~~
20 ~~reactor: (1) with a rated nameplate capacity of 300 electrical~~
21 ~~megawatts or less; and (2) that may be constructed and~~
22 ~~operated in combination with similar reactors at a single~~
23 ~~site.~~

24 "Temporary laser display" means a visual effect display
25 created for a limited period of time at a laser installation by
26 a laser system that is not a permanent fixture in the laser

1 installation for the entertainment of the public or invitees,
2 regardless of whether admission is charged or whether the
3 laser display takes place indoors or outdoors.

4 "Temporary laser display operator" means an individual,
5 group of individuals, partnership, firm, corporation,
6 association, or other entity conducting a temporary laser
7 display at a laser installation.

8 (Source: P.A. 102-558, eff. 8-20-21; 103-277, eff. 7-28-23;
9 103-569, eff. 6-1-24.)

10 ARTICLE 99.

11 Section 99-97. Severability. The provisions of this Act
12 are severable under Section 1.31 of the Statute on Statutes.