**Section 710.40 Grantee and Project Eligibility Requirements**

a) The following types of entities are eligible to apply for a grant award under the program:

1) An owner of an electric generating facility that meets the requirements listed in subsections (b) and (c) and that:

A) has an active GATA registration and is qualified on the GATA Grantee Portal (https://grants.illinois.gov/portal/) at the time the application is submitted; and

B) is considered a regarded entity by the Internal Revenue Service (26 U.S.C. 1361(b)(3)) for federal income tax purposes.

2) A subsidiary or special purpose entity of an owner of an electric generating unit, but only if this subsidiary or entity:

A) includes with its application a written statement from the owner of the electric generating unit that demonstrates the requirements of subsections (b) and (c) will be met and describes the applicant's relationship to the owner company;

B) provides documentation of the corporate structure demonstrating the applicant's relationship to the owner of the electric generating unit;

C) provides documentation showing it will meet the requirements listed in subsection (c);

D) has an active GATA registration and is qualified on the GATA Grantee Portal at the time the application is submitted;

E) is considered a regarded entity by the Internal Revenue Service for federal income tax purposes; and

F) can meet all requirements of 20 ILCS 3855/1-75(c-5)(10)(C) as if it were the owner of an electric generating unit.

3) An affiliate of a company that owns an electric generating unit, but only if the affiliate applicant:

A) includes with its application a written statement from the owner company that demonstrates the requirements of subsections (b) and (c) will be met and describes the applicant's relationship to the owner company;

B) provides documentation of the corporate structure demonstrating the applicant's relationship to the owner of the electric generating unit;

C) meets the requirements listed in subsection (c);

D) has an active GATA registration and is qualified on the GATA Grantee Portal at the time the application is submitted;

E) is considered a regarded entity by the Internal Revenue Service for federal income tax purposes; and

F) provides documentation that an entity with an ownership interest in the affiliate meets the requirements of 20 ILCS 3855/1-75(c-5)(10)(C).

b) To qualify for a grant award, the electric generating facility site which is the subject of the application:

1) must be located in the Midcontinent Independent System Operator, Inc. region in Illinois or in the PJM Interconnection, LLC region in Illinois;

2) *has, or had prior to retirement, an electric generating capacity of at least 150 megawatts* at the site of the proposed energy storage facility;

3) *burns (or burned prior to retirement) coal as its primary source of fuel;*

4) was retired after January 1, 2016, if it is retired at the time of application;

5) *was at one time owned, in whole or in part, by a public utility as defined in Section 3-105 of the Public Utilities Act* [220 ILCS 5/3-105];

6) *is not owned by:*

A) *an electric cooperative as defined in Section 3-119 of the Public Utilities Act* [220 ILCS 5/3-119]*; or*

B) *an entity described in subsection (b)(1) of Section 3-105 of the Public Utilities Act* [220 ILCS 5/3-105(b)(1)]*; or*

C) *an association or consortium of or an entity owned by entities described in* subsections (b)(6)(A) or (B)*; and*

7) has an *owner of the electric generating facility that has not been selected by the Agency pursuant to* 20 ILCS 3855/1-75(c-5) *to enter into a contract to sell renewable energy credits to one or more electric utilities from a new renewable energy facility located or to be located at or adjacent to the site at which the electric generating facility is located.*

c) The proposed project must meet the following requirements:

1) *The proposed energy storage facility at the site will have energy storage capacity of at least 37 megawatts;*

2) The applicant *commits to place the energy storage facility into commercial operation on either June 1, 2023, June 1, 2024, or June 1, 2025, with such date subject to adjustment as needed due to any delays in completing the grant contracting process, in finalizing interconnection agreements and in installing interconnection facilities, and in obtaining necessary governmental permits and approvals;*

3) The applicant *agrees that the new energy storage facility will be constructed or installed by a qualified entity or entities consistent with the requirements of subsection (g) of Section 16-128A of the Public Utilities Act* [220 ILCS 5/16-128A(g)] *and any rules adopted under that Section;*

4) The applicant *agrees that personnel operating the energy storage facility will have the requisite skills, knowledge, training, experience, and competence, which may be demonstrated by completion or current participation and ultimate completion by employees of an accredited or otherwise recognized apprenticeship program for the employee's particular craft, trade, or skill, including through training and education courses and opportunities offered by the* applicant t*o employees of the coal-fueled electric generating facility or by previous employment experience performing the employee's particular work skill or function;*

5) The applicant *commits that not less than the prevailing wage, as determined pursuant to the Prevailing Wage Act* [820 ILCS 130]*, will be paid to the* applicant's *employees engaged in construction activities associated with the new energy storage facility and to the employees of the* applicant's *contractors engaged in construction activities associated with the new energy storage facility, and that, on or before the commercial operation date of the new energy storage facility, the* applicant *shall file a report with the Department certifying that the requirements of this* subsection *have been met; and*

6) The applicant *commits that if selected to receive a grant, it will negotiate a project labor agreement for the construction of the new energy storage facility that includes provisions requiring the parties to the agreement to work together to establish diversity threshold requirements and to ensure best efforts to meet diversity targets, improve diversity at the applicable job site, create diverse apprenticeship opportunities, and create opportunities to employ former coal-fired power plant workers.* [20 ILCS 3855/1-75(c-5)(10)(C)]