**Section 411.230 Proceedings to Determine Damages Under 220 ILCS 5/16-125(e) & (f)**

a) Utilities shall design and implement an administrative procedure for resolving and paying claims for actual damages and replacement value under Section 16-125(e) and (f) of the Act that will minimize the need for formal complaint proceedings before the Commission. Utilities shall submit a description of this administrative procedure to the Commission for approval. The Commission shall provide all interested parties, specifically including customers of the utility and units of local government within the service area of the utility, with notice and the opportunity to comment on the utility's proposed administrative procedure. A utility's administrative procedure shall become effective only after approval by the Commission. The Commission shall conclude this approval process within 90 days absent exigent circumstances. The process shall:

1) Preserve, at the option of an affected customer, the availability of the Commission's informal and formal complaint procedures in the event that the customer chooses not to accept the administrative resolution;

2) Define clearly and in plain language reasonable standards for verification of damages and the procedures that will be followed by the utility and shall notify the claimant of the right to seek a determination by the Commission of actual damages or replacement value payable by the jurisdictional entity in the event that the claimant chooses not to accept the administrative resolution offered by the utility;

3) Be designed to resolve claims that are not stayed pursuant to Section 411.220 of this Part within ninety days after the claimant making a written claim and providing the required proof of damage in accordance with the administrative procedure developed pursuant to this Section, and the utility shall devote sufficient resources to the claims process such that a typical claim is resolved within that period. In the event that a claimant furnishes insufficient information to make a determination, the utility shall promptly notify the claimant of that fact; and

4) Provide that, until such time as the Commission finds that a utility is entitled to a waiver of liability under Section 16-125(e) or (f) of the Act and this finding is not appealed or is upheld on appeal, the utility will stay all pending claims subject to the application for waiver and shall maintain in good order all such claims and supporting documentation as well as all claims with supporting documentation that have been denied based upon the utility's belief that it is entitled to a waiver. In addition, upon a determination by the Commission that a utility is not entitled to a waiver of liability under Section and the utility will notify (at their last known address) customers whose administrative claims were either previously denied or stayed by the utility on the grounds that the utility believed it was entitled to a waiver of liability, and proceed to a determination of the claims on the merits.

b) The determination of the utility's administrative complaint resolution process shall not constitute evidence in the Commission or any court of the liability or absence of liability of the utility, or of the amount of damage, if any, suffered by the customer.

c) Damages under Section 16-125(e) of the Act shall include all actual damages and litigation costs but not consequential damages. Damages under Section 16-125(f) of the Act shall include the replacement value of all goods damaged.

d) A customer or a unit of local government whose claim for relief under Section 16-125(e) or (f) of the Act is not resolved through the administrative procedures described in this Section may then seek relief from the jurisdictional entity pursuant to the Commission's established complaint procedures (83 Ill. Adm. Code 280.170).