



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB3711

Introduced 2/22/2021, by Rep. Delia C. Ramirez

SYNOPSIS AS INTRODUCED:

305 ILCS 20/6 from Ch. 111 2/3, par. 1406
305 ILCS 20/13
305 ILCS 20/18
305 ILCS 20/20 new

Amends the Energy Assistance Act. Provides that the Department of Commerce and Economic Opportunity may not set the annual eligibility level for energy assistance higher than 60% of the State median income as established by the U.S. Department of Health and Human Services. Requires the Department to ensure that households with children under the age of 6 years old are offered a priority application period. Provides that the Supplemental Low-Income Energy Assistance Fund is not subject to sweeps, administrative charge-backs, or any other fiscal or budgetary maneuver that would in any way transfer any amounts from the Supplemental Low-Income Energy Assistance Fund into any other fund of the State. Contains provisions concerning certain unspent funds being utilized for weatherization expenses; allowances to Local Administrative Agencies for administrative expenses; incremental changes to the monthly energy assistance charges billed to utility customers; Department reports on monies collected and allocated to utilities for implementation of their Percentage of Income Payment Plans; and other matters. Provides that all energy assistance programs under the Act shall be available to eligible residents regardless of immigration status.

LRB102 17029 KTG 22453 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning public aid.

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

4 Section 5. The Energy Assistance Act is amended by
5 changing Sections 6, 13, and 18 and by adding Section 20 as
6 follows:

7 (305 ILCS 20/6) (from Ch. 111 2/3, par. 1406)

8 Sec. 6. Eligibility, Conditions of Participation, and
9 Energy Assistance.

10 (a) Any person who is a resident of the State of Illinois
11 and whose household income is not greater than an amount
12 determined annually by the Department, in consultation with
13 the Policy Advisory Council, may apply for assistance pursuant
14 to this Act in accordance with regulations promulgated by the
15 Department. In setting the annual eligibility level, the
16 Department shall consider the amount of available funding and
17 may not set a limit higher than 150% of the federal nonfarm
18 poverty level as established by the federal Office of
19 Management and Budget or 60% of the State median income for the
20 current State fiscal year as established by the U.S.
21 Department of Health and Human Services; except that for the
22 period from the effective date of this amendatory Act of the
23 101st General Assembly through June 30, 2021, the Department

1 may establish limits not higher than 200% of that poverty
2 level. The Department, in consultation with the Policy
3 Advisory Council, may adjust the percentage of poverty level
4 annually in accordance with federal guidelines and based on
5 funding availability.

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

1 of funds available for benefits to eligible households with
2 the lowest incomes and that elderly households, households
3 with children under the age of 6 years old, and households with
4 persons with disabilities are offered a priority application
5 period.

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

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

1 providing documentation of the energy costs for that unit. Any
2 compensation paid to the energy provider who supplied energy
3 services to the household shall be paid on behalf of the owner
4 of the housing unit providing energy services to the
5 household. The Department shall report annually to the General
6 Assembly on the number of households receiving energy
7 assistance under this subsection and the cost of such
8 assistance. The provisions of this subsection (c-1), other
9 than this sentence, are inoperative after August 31, 2012.

10 (d) If the applicant is a customer of an energy provider,
11 such applicant shall receive energy assistance in an amount
12 established by the Department for all such applicants under
13 this Act, such amount to be paid by the Department to the
14 energy provider supplying winter energy service to such
15 applicant. Such applicant shall:

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

18 (ii) sign a waiver permitting the Department to
19 receive income information from any public or private
20 agency providing income or energy assistance and from any
21 employer, whether public or private.

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

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

3 (i) for the reduction of past due amounts owed to
4 energy providers; and

5 (ii) to assist the household in responding to
6 excessively high summer temperatures or energy costs.
7 Households containing elderly members, children, a person
8 with a disability, or a person with a medical need for
9 conditioned air shall receive priority for receipt of such
10 benefits.

11 (Source: P.A. 101-636, eff. 6-10-20.)

12 (305 ILCS 20/13)

13 (Section scheduled to be repealed on January 1, 2025)

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

15 (a) The Supplemental Low-Income Energy Assistance Fund is
16 hereby created as a special fund in the State Treasury.
17 Notwithstanding any other law to the contrary, the
18 Supplemental Low-Income Energy Assistance Fund is not subject
19 to sweeps, administrative charge-backs, or any other fiscal or
20 budgetary maneuver that would in any way transfer any amounts
21 from the Supplemental Low-Income Energy Assistance Fund into
22 any other fund of the State. The Supplemental Low-Income
23 Energy Assistance Fund is authorized to receive moneys from
24 voluntary donations from individuals, foundations,
25 corporations, and other sources, moneys received pursuant to

1 Section 17, and, by statutory deposit, the moneys collected
2 pursuant to this Section. The Fund is also authorized to
3 receive voluntary donations from individuals, foundations,
4 corporations, and other sources. Subject to appropriation, the
5 Department shall use moneys from the Supplemental Low-Income
6 Energy Assistance Fund for payments to electric or gas public
7 utilities, municipal electric or gas utilities, and electric
8 cooperatives on behalf of their customers who are participants
9 in the program authorized by Sections 4 and 18 of this Act, for
10 the provision of weatherization services and for
11 administration of the Supplemental Low-Income Energy
12 Assistance Fund. All other deposits outside of the Energy
13 Assistance Charge as set forth in subsection (b) are not
14 subject to the percentage restrictions related to
15 administrative and weatherization expenses provided in this
16 subsection. The yearly expenditures for weatherization may not
17 exceed 10% of the amount collected during the year pursuant to
18 this Section, except when unspent funds from the Supplemental
19 Low-Income Energy Assistance Fund are reallocated from a
20 previous year; any unspent balance of the 10% weatherization
21 allowance may be utilized for weatherization expenses in the
22 year they are reallocated. The yearly administrative expenses
23 of the Supplemental Low-Income Energy Assistance Fund may not
24 exceed 13% ~~10%~~ of the amount collected during that year
25 pursuant to this Section, except when unspent funds from the
26 Supplemental Low-Income Energy Assistance Fund are reallocated

1 from a previous year; any unspent balance of the 13% ~~10%~~
2 administrative allowance may be utilized for administrative
3 expenses in the year they are reallocated. No less than 8% of
4 the amount collected each year pursuant to this Section shall
5 be provided to Local Administrative Agencies for
6 administrative expenses.

7 (b) Notwithstanding the provisions of Section 16-111 of
8 the Public Utilities Act but subject to subsection (k) of this
9 Section, each public utility, electric cooperative, as defined
10 in Section 3.4 of the Electric Supplier Act, and municipal
11 utility, as referenced in Section 3-105 of the Public
12 Utilities Act, that is engaged in the delivery of electricity
13 or the distribution of natural gas within the State of
14 Illinois shall, effective January 1, 2021 ~~effective January 1,~~
15 ~~1998,~~ assess each of its customer accounts a monthly Energy
16 Assistance Charge for the Supplemental Low-Income Energy
17 Assistance Fund. The delivering public utility, municipal
18 electric or gas utility, or electric or gas cooperative for a
19 self-assessing purchaser remains subject to the collection of
20 the fee imposed by this Section. The monthly charge shall be as
21 follows:

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

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

26 (3) Ten times the Base Energy Assistance Charge per

1 month on each account for non-residential electric service
2 which had less than 10 megawatts of peak demand during the
3 previous calendar year;

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

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

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

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

25 ~~(1) \$0.48 per month on each account for residential~~
26 ~~electric service;~~

1 ~~(2) \$0.48 per month on each account for residential~~
2 ~~gas service;~~

3 ~~(3) \$4.80 per month on each account for~~
4 ~~non-residential electric service which had less than 10~~
5 ~~megawatts of peak demand during the previous calendar~~
6 ~~year;~~

7 ~~(4) \$4.80 per month on each account for~~
8 ~~non-residential gas service which had distributed to it~~
9 ~~less than 4,000,000 therms of gas during the previous~~
10 ~~calendar year;~~

11 ~~(5) \$360 per month on each account for non-residential~~
12 ~~electric service which had 10 megawatts or greater of peak~~
13 ~~demand during the previous calendar year; and~~

14 ~~(6) \$360 per month on each account for non-residential~~
15 ~~gas service which had 4,000,000 or more therms of gas~~
16 ~~distributed to it during the previous calendar year.~~

17 The incremental change to such charges imposed by Public
18 Act 99-933 and this amendatory Act of the 102nd General
19 Assembly ~~this amendatory Act of the 96th General Assembly~~
20 shall not (i) be used for any purpose other than to directly
21 assist customers and (ii) be applicable to utilities serving
22 less than 25,000 ~~100,000~~ customers in Illinois on January 1,
23 2021 ~~2009~~. The incremental change to such charges imposed by
24 this amendatory Act of the 102nd General Assembly are intended
25 to increase utilization of the Percentage of Income Payment
26 Plan (PIPP or PIP Plan) and shall be applied such that PIP Plan

1 enrollment is at least doubled, as compared to 2020
2 enrollment, by 2024.

3 In addition, electric and gas utilities have committed,
4 and shall contribute, a one-time payment of \$22 million to the
5 Fund, within 10 days after the effective date of the tariffs
6 established pursuant to Sections 16-111.8 and 19-145 of the
7 Public Utilities Act to be used for the Department's cost of
8 implementing the programs described in Section 18 of this
9 amendatory Act of the 96th General Assembly, the Arrearage
10 Reduction Program described in Section 18, and the programs
11 described in Section 8-105 of the Public Utilities Act. If a
12 utility elects not to file a rider within 90 days after the
13 effective date of this amendatory Act of the 96th General
14 Assembly, then the contribution from such utility shall be
15 made no later than February 1, 2010.

16 (c) For purposes of this Section:

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

24 (2) "residential gas service" means gas utility
25 service for household purposes distributed to a dwelling
26 of 2 or fewer units which is billed under a residential

1 rate, or gas utility service for household purposes
2 distributed to a dwelling unit or units which is billed
3 under a residential rate and is registered by a separate
4 meter for each dwelling unit;

5 (3) "non-residential electric service" means electric
6 utility service which is not residential electric service;
7 and

8 (4) "non-residential gas service" means gas utility
9 service which is not residential gas service.

10 (d) Within 30 days after the effective date of this
11 amendatory Act of the 96th General Assembly, each public
12 utility engaged in the delivery of electricity or the
13 distribution of natural gas shall file with the Illinois
14 Commerce Commission tariffs incorporating the Energy
15 Assistance Charge in other charges stated in such tariffs,
16 which shall become effective no later than the beginning of
17 the first billing cycle following such filing.

18 (e) The Energy Assistance Charge assessed by electric and
19 gas public utilities shall be considered a charge for public
20 utility service.

21 (f) By the 20th day of the month following the month in
22 which the charges imposed by the Section were collected, each
23 public utility, municipal utility, and electric cooperative
24 shall remit to the Department of Revenue all moneys received
25 as payment of the Energy Assistance Charge on a return
26 prescribed and furnished by the Department of Revenue showing

1 such information as the Department of Revenue may reasonably
2 require; provided, however, that a utility offering an
3 Arrearage Reduction Program or Supplemental Arrearage
4 Reduction Program pursuant to Section 18 of this Act shall be
5 entitled to net those amounts necessary to fund and recover
6 the costs of such Programs as authorized by that Section that
7 is no more than the incremental change in such Energy
8 Assistance Charge authorized by Public Act 96-33. If a
9 customer makes a partial payment, a public utility, municipal
10 utility, or electric cooperative may elect either: (i) to
11 apply such partial payments first to amounts owed to the
12 utility or cooperative for its services and then to payment
13 for the Energy Assistance Charge or (ii) to apply such partial
14 payments on a pro-rata basis between amounts owed to the
15 utility or cooperative for its services and to payment for the
16 Energy Assistance Charge.

17 If any payment provided for in this Section exceeds the
18 distributor's liabilities under this Act, as shown on an
19 original return, the Department may authorize the distributor
20 to credit such excess payment against liability subsequently
21 to be remitted to the Department under this Act, in accordance
22 with reasonable rules adopted by the Department. If the
23 Department subsequently determines that all or any part of the
24 credit taken was not actually due to the distributor, the
25 distributor's discount shall be reduced by an amount equal to
26 the difference between the discount as applied to the credit

1 taken and that actually due, and that distributor shall be
2 liable for penalties and interest on such difference.

3 (g) The Department of Revenue shall deposit into the
4 Supplemental Low-Income Energy Assistance Fund all moneys
5 remitted to it in accordance with subsection (f) of this
6 Section. ~~, provided, however, that the amounts remitted by~~
7 ~~each utility shall be used to provide assistance to that~~
8 ~~utility's customers.~~ The utilities shall coordinate with the
9 Department to establish an equitable and practical methodology
10 for implementing this subsection (g) beginning with the 2010
11 program year.

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

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

19 (j) The Department of Commerce and Economic Opportunity
20 may establish such rules as it deems necessary to implement
21 this Section.

22 (k) The charges imposed by this Section shall only apply
23 to customers of municipal electric or gas utilities and
24 electric or gas cooperatives if the municipal electric or gas
25 utility or electric or gas cooperative makes an affirmative
26 decision to impose the charge. If a municipal electric or gas

1 utility or an electric cooperative makes an affirmative
2 decision to impose the charge provided by this Section, the
3 municipal electric or gas utility or electric cooperative
4 shall inform the Department of Revenue in writing of such
5 decision when it begins to impose the charge. If a municipal
6 electric or gas utility or electric or gas cooperative does
7 not assess this charge, the Department may not use funds from
8 the Supplemental Low-Income Energy Assistance Fund to provide
9 benefits to its customers under the program authorized by
10 Section 4 of this Act.

11 In its use of federal funds under this Act, the Department
12 may not cause a disproportionate share of those federal funds
13 to benefit customers of systems which do not assess the charge
14 provided by this Section.

15 This Section is repealed on January 1, 2025 unless renewed
16 by action of the General Assembly.

17 (Source: P.A. 99-457, eff. 1-1-16; 99-906, eff. 6-1-17;
18 99-933, eff. 1-27-17; 100-863, eff. 8-14-18; 100-1171, eff.
19 1-4-19.)

20 (305 ILCS 20/18)

21 Sec. 18. Financial assistance; payment plans.

22 (a) The Percentage of Income Payment Plan (PIPP or PIP
23 Plan) is hereby created as a mandatory bill payment assistance
24 program for low-income residential customers of utilities
25 serving more than 25,000 ~~100,000~~ retail customers as of

1 January 1, 2021 ~~2009~~. The PIP Plan will:

2 (1) bring participants' gas and electric bills into
3 the range of affordability;

4 (2) provide incentives for participants to make timely
5 payments;

6 (3) encourage participants to reduce usage and
7 participate in conservation and energy efficiency measures
8 that reduce the customer's bill and payment requirements;
9 ~~and~~

10 (4) identify participants whose homes are most in need
11 of weatherization; and -

12 (5) endeavor to maximize participation and spend at
13 least 80% of the funding available for the year.

14 (b) For purposes of this Section:

15 (1) "LIHEAP" means the energy assistance program
16 established under the Illinois Energy Assistance Act and
17 the Low-Income Home Energy Assistance Act of 1981.

18 (2) "Plan participant" is an eligible participant who
19 is also eligible for the PIPP and who will receive either a
20 percentage of income payment credit under the PIPP
21 criteria set forth in this Act or a benefit pursuant to
22 Section 4 of this Act. Plan participants are a subset of
23 eligible participants.

24 (3) "Pre-program arrears" means the amount a plan
25 participant owes for gas or electric service at the time
26 the participant is determined to be eligible for the PIPP

1 or the program set forth in Section 4 of this Act.

2 (4) "Eligible participant" means any person who has
3 applied for, been accepted and is receiving residential
4 service from a gas or electric utility and who is also
5 eligible for LIHEAP or otherwise satisfies the eligibility
6 criteria set forth in paragraph (1) of subsection (c).

7 (c) The PIP Plan shall be administered as follows:

8 (1) The Department shall coordinate with Local
9 Administrative Agencies (LAAs), to determine eligibility
10 for the Illinois Low Income Home Energy Assistance Program
11 (LIHEAP) pursuant to the Energy Assistance Act, provided
12 that eligible income shall be no more than 150% of the
13 poverty level or 60% of the State median income, except
14 that for the period from the effective date of this
15 amendatory Act of the 101st General Assembly through June
16 30, 2021, eligible income shall be no more than 200% of the
17 poverty level. Applicants will be screened to determine
18 whether the applicant's projected payments for electric
19 service or natural gas service over a 12-month period
20 exceed the criteria established in this Section. The
21 Department, in consultation with the Policy Advisory
22 Council, may adjust the percentage of poverty level
23 annually to determine income eligibility. To maintain the
24 financial integrity of the program, the Department may
25 limit eligibility to households with income below 125% of
26 the poverty level.

1 (2) The Department shall establish the percentage of
2 income formula to determine the amount of a monthly credit
3 for participants with eligible income based on poverty
4 level. ~~, not to exceed \$150 per month per household, not to~~
5 ~~exceed \$1,800 annually; however, for the period from the~~
6 ~~effective date of this amendatory Act of the 101st General~~
7 ~~Assembly through June 30, 2021, the monthly credit for~~
8 ~~participants with eligible income over 100% of the poverty~~
9 ~~level may be as much as \$200 per month per household, not~~
10 ~~to exceed \$2,400 annually, and, the monthly credit for~~
11 ~~participants with eligible income 100% or less of the~~
12 ~~poverty level may be as much as \$250 per month per~~
13 ~~household, not to exceed \$3,000 annually.~~ Credits will be
14 applied to PIP Plan participants' utility bills based on
15 the portion of the bill that is the responsibility of the
16 participant provided that the percentage shall be no more
17 than a total of 6% of the relevant income for gas and
18 electric utility bills combined, but in any event no less
19 than \$10 per month, unless the household does not pay
20 directly for heat, in which case its payment shall be 2.4%
21 of income but in any event no less than \$5 per month. The
22 Department, in consultation with the Policy Advisory
23 Council, may adjust such monthly credit amounts annually
24 and may establish a minimum credit amount based on the
25 cost of administering the program and may deny credits to
26 otherwise eligible participants if the cost of

1 administering the credit exceeds the actual amount of any
2 monthly credit to a participant. If the participant takes
3 both gas and electric service, 50% ~~66.67%~~ of the credit
4 shall be allocated to the entity that provides the
5 participant's primary energy supply for heating. Each
6 participant shall enter into a levelized payment plan for,
7 as applicable, gas and electric service and such plans
8 shall be implemented by the utility so that a
9 participant's usage and required payments are reviewed and
10 adjusted regularly, but no more frequently than quarterly.
11 Nothing in this Section is intended to prohibit a
12 customer, who is otherwise eligible for LIHEAP, from
13 participating in the program described in Section 4 of
14 this Act. Eligible participants who receive such a benefit
15 shall be considered plan participants and shall be
16 eligible to participate in the Arrearage Reduction Program
17 described in item (5) of this subsection (c).

18 (3) The Department shall remit, through the LAAs, to
19 the utility or participating alternative supplier that
20 portion of the plan participant's bill that is not the
21 responsibility of the participant. In the event that the
22 Department fails to timely remit payment to the utility,
23 the utility shall be entitled to recover all costs related
24 to such nonpayment through the automatic adjustment clause
25 tariffs established pursuant to Section 16-111.8 and
26 Section 19-145 of the Public Utilities Act. For purposes

1 of this item (3) of this subsection (c), payment is due on
2 the date specified on the participant's bill. The
3 Department, the Department of Revenue and LAAs shall adopt
4 processes that provide for the timely payment required by
5 this item (3) of this subsection (c).

6 (4) A plan participant is responsible for all actual
7 charges for utility service in excess of the PIPP credit.
8 Pre-program arrears that are included in the Arrearage
9 Reduction Program described in item (5) of this subsection
10 (c) shall not be included in the calculation of the
11 levelized payment plan. Emergency or crisis assistance
12 payments shall not affect the amount of any PIPP credit to
13 which a participant is entitled.

14 (5) Electric and gas utilities subject to this Section
15 shall implement an Arrearage Reduction Program (ARP) for
16 plan participants as follows: for each month that a plan
17 participant timely pays his or her utility bill, the
18 utility shall apply a credit to a portion of the
19 participant's pre-program arrears, if any, equal to
20 one-twelfth of such arrearage provided that the total
21 amount of arrearage credits shall equal no more than
22 \$1,000 annually for each participant for gas and no more
23 than \$1,000 annually for each participant for electricity.
24 In the third year of the PIPP, the Department, in
25 consultation with the Policy Advisory Council established
26 pursuant to Section 5 of this Act, shall determine by rule

1 an appropriate per participant total cap on such amounts,
2 if any. Those plan participants participating in the ARP
3 shall not be subject to the imposition of any additional
4 late payment fees on pre-program arrears covered by the
5 ARP. In all other respects, the utility shall bill and
6 collect the monthly bill of a plan participant pursuant to
7 the same rules, regulations, programs and policies as
8 applicable to residential customers generally.
9 Participation in the Arrearage Reduction Program shall be
10 limited to the maximum amount of funds available as set
11 forth in subsection (f) of Section 13 of this Act. In the
12 event any donated funds under Section 13 of this Act are
13 specifically designated for the purpose of funding the
14 ARP, the Department shall remit such amounts to the
15 utilities upon verification that such funds are needed to
16 fund the ARP. Nothing in this Section shall preclude a
17 utility from continuing to implement, and apply credits
18 under, an ARP in the event that the PIPP or LIHEAP is
19 suspended due to lack of funding such that the plan
20 participant does not receive a benefit under either the
21 PIPP or LIHEAP.

22 (5.5) In addition to the ARP described in paragraph
23 (5) of this subsection (c), utilities may also implement a
24 Supplemental Arrearage Reduction Program (SARP) for
25 eligible participants who are not able to become plan
26 participants due to PIPP timing or funding constraints. If

1 a utility elects to implement a SARP, it shall be
2 administered as follows: for each month that a SARP
3 participant timely pays his or her utility bill, the
4 utility shall apply a credit to a portion of the
5 participant's pre-program arrears, if any, equal to
6 one-twelfth of such arrearage, provided that the utility
7 may limit the total amount of arrearage credits to no more
8 than \$1,000 annually for each participant for gas and no
9 more than \$1,000 annually for each participant for
10 electricity. SARP participants shall not be subject to the
11 imposition of any additional late payment fees on
12 pre-program arrears covered by the SARP. In all other
13 respects, the utility shall bill and collect the monthly
14 bill of a SARP participant under the same rules,
15 regulations, programs, and policies as applicable to
16 residential customers generally. Participation in the SARP
17 shall be limited to the maximum amount of funds available
18 as set forth in subsection (f) of Section 13 of this Act.
19 In the event any donated funds under Section 13 of this Act
20 are specifically designated for the purpose of funding the
21 SARP, the Department shall remit such amounts to the
22 utilities upon verification that such funds are needed to
23 fund the SARP.

24 (6) The Department may terminate a plan participant's
25 eligibility for the PIP Plan upon notification by the
26 utility that the participant's monthly utility payment is

1 more than 75 ~~45~~ days past due. One-twelfth of a customer's
2 arrears shall be deducted from the total arrears owed
3 for each on-time payment made by the customer.

4 (7) The Department, in consultation with the Policy
5 Advisory Council, may adjust the number of PIP Plan
6 participants annually, if necessary, to match the
7 availability of funds. Any plan participant who qualifies
8 for a PIPP credit under a utility's PIPP shall be entitled
9 to participate in and receive a credit under such
10 utility's ARP for so long as such utility has ARP funds
11 available, regardless of whether the customer's
12 participation under another utility's PIPP or ARP has been
13 curtailed or limited because of a lack of funds.

14 (8) The Department shall fully implement the PIPP at
15 the earliest possible date it is able to effectively
16 administer the PIPP. Within 90 days of the effective date
17 of this amendatory Act of the 96th General Assembly, the
18 Department shall, in consultation with utility companies,
19 participating alternative suppliers, LAAs and the Illinois
20 Commerce Commission (Commission), issue a detailed
21 implementation plan which shall include detailed testing
22 protocols and analysis of the capacity for implementation
23 by the LAAs and utilities. Such consultation process also
24 shall address how to implement the PIPP in the most
25 cost-effective and timely manner, and shall identify
26 opportunities for relying on the expertise of utilities,

1 LAAs and the Commission. Following the implementation of
2 the testing protocols, the Department shall issue a
3 written report on the feasibility of full or gradual
4 implementation. The PIPP shall be fully implemented by
5 September 1, 2011, but may be phased in prior to that date.

6 (9) As part of the screening process established under
7 item (1) of this subsection (c), the Department and LAAs
8 shall assess whether any energy efficiency or demand
9 response measures are available to the plan participant at
10 no cost, and if so, the participant shall enroll in any
11 such program for which he or she is eligible. The LAAs
12 shall assist the participant in the applicable enrollment
13 or application process.

14 (10) Each alternative retail electric and gas supplier
15 serving residential customers shall elect whether to
16 participate in the PIPP or ARP described in this Section.
17 Any such supplier electing to participate in the PIPP
18 shall provide to the Department such information as the
19 Department may require, including, without limitation,
20 information sufficient for the Department to determine the
21 proportionate allocation of credits between the
22 alternative supplier and the utility. If a utility in
23 whose service territory an alternative supplier serves
24 customers contributes money to the ARP fund which is not
25 recovered from ratepayers, then an alternative supplier
26 which participates in ARP in that utility's service

1 territory shall also contribute to the ARP fund in an
2 amount that is commensurate with the number of alternative
3 supplier customers who elect to participate in the
4 program.

5 (11) The PIPP shall be designed and implemented each
6 year to maximize participation and spend at least 80% of
7 the funding available for the year.

8 (d) The Department, in consultation with the Policy
9 Advisory Council, shall develop and implement a program to
10 educate customers about the PIP Plan and about their rights
11 and responsibilities under the percentage of income component.
12 The Department, in consultation with the Policy Advisory
13 Council, shall establish a process that LAAs shall use to
14 contact customers in jeopardy of losing eligibility due to
15 late payments. The Department shall ensure that LAAs are
16 adequately funded to perform all necessary educational tasks.

17 (e) The PIPP shall be administered in a manner which
18 ensures that credits to plan participants will not be counted
19 as income or as a resource in other means-tested assistance
20 programs for low-income households or otherwise result in the
21 loss of federal or State assistance dollars for low-income
22 households.

23 (f) In order to ensure that implementation costs are
24 minimized, the Department and utilities shall work together to
25 identify cost-effective ways to transfer information
26 electronically and to employ available protocols that will

1 minimize their respective administrative costs as follows:

2 (1) The Commission may require utilities to provide
3 such information on customer usage and billing and payment
4 information as required by the Department to implement the
5 PIP Plan and to provide written notices and communications
6 to plan participants.

7 (2) Each utility and participating alternative
8 supplier shall file annual reports with the Department and
9 the Commission that cumulatively summarize and update
10 program information as required by the Commission's rules.
11 The reports shall track implementation costs and contain
12 such information as is necessary to evaluate the success
13 of the PIPP.

14 (2.5) The Department shall annually prepare and submit
15 a report to the General Assembly, the Commission, and the
16 Policy Advisory Council that identifies the following
17 amounts for the most recently completed year: total monies
18 collected under subsection (b) of Section 13 of this Act
19 for all PIPPs implemented in the State; monies allocated
20 to each utility for implementation of its PIPP; and monies
21 allocated to each utility for other purposes, including a
22 description of each of those purposes. The Commission
23 shall publish the report on its website.

24 (3) The Department and the Commission shall have the
25 authority to promulgate rules and regulations necessary to
26 execute and administer the provisions of this Section.

1 (g) Each utility shall be entitled to recover reasonable
2 administrative and operational costs incurred to comply with
3 this Section from the Supplemental Low Income Energy
4 Assistance Fund. The utility may net such costs against monies
5 it would otherwise remit to the Funds, and each utility shall
6 include in the annual report required under subsection (f) of
7 this Section an accounting for the funds collected.

8 (Source: P.A. 101-636, eff. 6-10-20.)

9 (305 ILCS 20/20 new)

10 Sec. 20. Expanded eligibility. All programs pursuant to
11 this Act shall be available to eligible low-income Illinois
12 residents who qualify for assistance under Sections 6 and 18,
13 regardless of immigration status, using the Supplemental
14 Low-Income Energy Assistance Fund for customers of utilities
15 and vendors that collect the Energy Assistance Charge and pay
16 into the Supplemental Low-Income Energy Assistance Fund.