

1 AN ACT concerning regulation.

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

4 Section 5. The Public Utilities Act is amended by changing
5 Sections 2-202, 8-406, and 8-406.1 as follows:

6 (220 ILCS 5/2-202) (from Ch. 111 2/3, par. 2-202)

7 Sec. 2-202. Policy; Public Utility Fund; tax.

8 (a) It is declared to be the public policy of this State
9 that in order to maintain and foster the effective regulation
10 of public utilities under this Act in the interests of the
11 People of the State of Illinois and the public utilities as
12 well, the public utilities subject to regulation under this
13 Act and which enjoy the privilege of operating as public
14 utilities in this State, shall bear the expense of
15 administering this Act by means of a tax on such privilege
16 measured by the annual gross revenue of such public utilities
17 in the manner provided in this Section. For purposes of this
18 Section, "expense of administering this Act" includes any
19 costs incident to studies, whether made by the Commission or
20 under contract entered into by the Commission, concerning
21 environmental pollution problems caused or contributed to by
22 public utilities and the means for eliminating or abating
23 those problems. Such proceeds shall be deposited in the Public

1 Utility Fund in the State treasury.

2 (b) All of the ordinary and contingent expenses of the
3 Commission incident to the administration of this Act shall be
4 paid out of the Public Utility Fund except the compensation of
5 the members of the Commission which shall be paid from the
6 General Revenue Fund. Notwithstanding other provisions of this
7 Act to the contrary, the ordinary and contingent expenses of
8 the Commission incident to the administration of the Illinois
9 Commercial Transportation Law may be paid from appropriations
10 from the Public Utility Fund through the end of fiscal year
11 1986.

12 (c) A tax is imposed upon each public utility subject to
13 the provisions of this Act equal to .08% of its gross revenue
14 for each calendar year commencing with the calendar year
15 beginning January 1, 1982, except that the Commission may, by
16 rule, establish a different rate no greater than 0.1%. For
17 purposes of this Section, "gross revenue" shall not include
18 revenue from the production, transmission, distribution, sale,
19 delivery, or furnishing of electricity. "Gross revenue" shall
20 not include amounts paid by telecommunications retailers under
21 the Telecommunications Infrastructure Maintenance Fee Act.

22 (d) Annual gross revenue returns shall be filed in
23 accordance with paragraph (1) or (2) of this subsection (d).

24 (1) Except as provided in paragraph (2) of this
25 subsection (d), on or before January 10 of each year each
26 public utility subject to the provisions of this Act shall

1 file with the Commission an estimated annual gross revenue
2 return containing an estimate of the amount of its gross
3 revenue for the calendar year commencing January 1 of said
4 year and a statement of the amount of tax due for said
5 calendar year on the basis of that estimate. Public
6 utilities may also file revised returns containing updated
7 estimates and updated amounts of tax due during the
8 calendar year. These revised returns, if filed, shall form
9 the basis for quarterly payments due during the remainder
10 of the calendar year. In addition, on or before March 31 of
11 each year, each public utility shall file an amended
12 return showing the actual amount of gross revenues shown
13 by the company's books and records as of December 31 of the
14 previous year. Forms and instructions for such estimated,
15 revised, and amended returns shall be devised and supplied
16 by the Commission.

17 (2) Beginning with returns due after January 1, 2002,
18 the requirements of paragraph (1) of this subsection (d)
19 shall not apply to any public utility in any calendar year
20 for which the total tax the public utility owes under this
21 Section is less than \$10,000. For such public utilities
22 with respect to such years, the public utility shall file
23 with the Commission, on or before March 31 of the
24 following year, an annual gross revenue return for the
25 year and a statement of the amount of tax due for that year
26 on the basis of such a return. Forms and instructions for

1 such returns and corrected returns shall be devised and
2 supplied by the Commission.

3 (e) All returns submitted to the Commission by a public
4 utility as provided in this subsection (e) or subsection (d)
5 of this Section shall contain or be verified by a written
6 declaration by an appropriate officer of the public utility
7 that the return is made under the penalties of perjury. The
8 Commission may audit each such return submitted and may, under
9 the provisions of Section 5-101 of this Act, take such
10 measures as are necessary to ascertain the correctness of the
11 returns submitted. The Commission has the power to direct the
12 filing of a corrected return by any utility which has filed an
13 incorrect return and to direct the filing of a return by any
14 utility which has failed to submit a return. A taxpayer's
15 signing a fraudulent return under this Section is perjury, as
16 defined in Section 32-2 of the Criminal Code of 2012.

17 (f) (1) For all public utilities subject to paragraph (1)
18 of subsection (d), at least one quarter of the annual amount of
19 tax due under subsection (c) shall be paid to the Commission on
20 or before the tenth day of January, April, July, and October of
21 the calendar year subject to tax. In the event that an
22 adjustment in the amount of tax due should be necessary as a
23 result of the filing of an amended or corrected return under
24 subsection (d) or subsection (e) of this Section, the amount
25 of any deficiency shall be paid by the public utility together
26 with the amended or corrected return and the amount of any

1 excess shall, after the filing of a claim for credit by the
2 public utility, be returned to the public utility in the form
3 of a credit memorandum in the amount of such excess or be
4 refunded to the public utility in accordance with the
5 provisions of subsection (k) of this Section. However, if such
6 deficiency or excess is less than \$1, then the public utility
7 need not pay the deficiency and may not claim a credit.

8 (2) Any public utility subject to paragraph (2) of
9 subsection (d) shall pay the amount of tax due under
10 subsection (c) on or before March 31 next following the end of
11 the calendar year subject to tax. In the event that an
12 adjustment in the amount of tax due should be necessary as a
13 result of the filing of a corrected return under subsection
14 (e), the amount of any deficiency shall be paid by the public
15 utility at the time the corrected return is filed. Any excess
16 tax payment by the public utility shall be returned to it after
17 the filing of a claim for credit, in the form of a credit
18 memorandum in the amount of the excess. However, if such
19 deficiency or excess is less than \$1, the public utility need
20 not pay the deficiency and may not claim a credit.

21 (g) Each installment or required payment of the tax
22 imposed by subsection (c) becomes delinquent at midnight of
23 the date that it is due. Failure to make a payment as required
24 by this Section shall result in the imposition of a late
25 payment penalty, an underestimation penalty, or both, as
26 provided by this subsection. The late payment penalty shall be

1 the greater of:

2 (1) \$25 for each month or portion of a month that the
3 installment or required payment is unpaid or

4 (2) an amount equal to the difference between what
5 should have been paid on the due date, based upon the most
6 recently filed estimated, annual, or amended return, and
7 what was actually paid, times 1%, for each month or
8 portion of a month that the installment or required
9 payment goes unpaid. This penalty may be assessed as soon
10 as the installment or required payment becomes delinquent.

11 The underestimation penalty shall apply to those public
12 utilities subject to paragraph (1) of subsection (d) and shall
13 be calculated after the filing of the amended return. It shall
14 be imposed if the amount actually paid on any of the dates
15 specified in subsection (f) is not equal to at least
16 one-fourth of the amount actually due for the year, and shall
17 equal the greater of:

18 (1) \$25 for each month or portion of a month that the
19 amount due is unpaid or

20 (2) an amount equal to the difference between what
21 should have been paid, based on the amended return, and
22 what was actually paid as of the date specified in
23 subsection (f), times a percentage equal to 1/12 of the
24 sum of 10% and the percentage most recently established by
25 the Commission for interest to be paid on customer
26 deposits under 83 Ill. Adm. Code 280.70(e)(1), for each

1 month or portion of a month that the amount due goes
2 unpaid, except that no underestimation penalty shall be
3 assessed if the amount actually paid on or before each of
4 the dates specified in subsection (f) was based on an
5 estimate of gross revenues at least equal to the actual
6 gross revenues for the previous year. The Commission may
7 enforce the collection of any delinquent installment or
8 payment, or portion thereof by legal action or in any
9 other manner by which the collection of debts due the
10 State of Illinois may be enforced under the laws of this
11 State. The executive director or his designee may excuse
12 the payment of an assessed penalty or a portion of an
13 assessed penalty if he determines that enforced collection
14 of the penalty as assessed would be unjust.

15 (h) All sums collected by the Commission under the
16 provisions of this Section shall be paid promptly after the
17 receipt of the same, accompanied by a detailed statement
18 thereof, into the Public Utility Fund in the State treasury.

19 (i) During the month of October of each odd-numbered year
20 the Commission shall:

21 (1) determine the amount of all moneys deposited in
22 the Public Utility Fund during the preceding fiscal
23 biennium plus the balance, if any, in that fund at the
24 beginning of that biennium;

25 (2) determine the sum total of the following items:

26 (A) all moneys expended or obligated against

1 appropriations made from the Public Utility Fund during
2 the preceding fiscal biennium, plus (B) the sum of the
3 credit memoranda then outstanding against the Public
4 Utility Fund, if any; and

5 (3) determine the amount, if any, by which the sum
6 determined as provided in item (1) exceeds the amount
7 determined as provided in item (2).

8 If the amount determined as provided in item (3) of this
9 subsection exceeds 50% of the previous fiscal year's
10 appropriation level, the Commission shall then compute the
11 proportionate amount, if any, which (x) the tax paid hereunder
12 by each utility during the preceding biennium, and (y) the
13 amount paid into the Public Utility Fund during the preceding
14 biennium by the Department of Revenue pursuant to Sections 2-9
15 and 2-11 of the Electricity Excise Tax Law, bears to the
16 difference between the amount determined as provided in item
17 (3) of this subsection (i) and 50% of the previous fiscal
18 year's appropriation level. The Commission shall cause the
19 proportionate amount determined with respect to payments made
20 under the Electricity Excise Tax Law to be transferred into
21 the General Revenue Fund in the State Treasury, and notify
22 each public utility that it may file during the 3 month period
23 after the date of notification a claim for credit for the
24 proportionate amount determined with respect to payments made
25 hereunder by the public utility. If the proportionate amount
26 is less than \$10, no notification will be sent by the

1 Commission, and no right to a claim exists as to that amount.
2 Upon the filing of a claim for credit within the period
3 provided, the Commission shall issue a credit memorandum in
4 such amount to such public utility. Any claim for credit filed
5 after the period provided for in this Section is void.

6 (i-5) During the month of June ~~October~~ of each year the
7 Commission shall:

8 (1) determine the amount of all moneys expected to be
9 deposited in the Public Utility Fund during the next
10 ~~current~~ fiscal year, plus the balance, if any, in that
11 fund at the beginning of that year;

12 (2) determine the total of all moneys expected to be
13 expended or obligated against appropriations made from the
14 Public Utility Fund during the next ~~current~~ fiscal year;
15 and

16 (3) determine the amount, if any, by which the amount
17 determined in paragraph (2) exceeds the amount determined
18 as provided in paragraph (1).

19 If the amount determined as provided in paragraph (3) of
20 this subsection (i-5) results in a deficit, the Commission may
21 assess electric utilities and gas utilities for the difference
22 between the amount appropriated for the ordinary and
23 contingent expenses of the Commission and the amount derived
24 under paragraph (1) of this subsection (i-5). Such proceeds
25 shall be deposited in the Public Utility Fund in the State
26 treasury. The Commission shall apportion that difference among

1 those public utilities on the basis of each utility's share of
2 the total intrastate gross revenues of the utilities subject
3 to this subsection (i-5). Payments required under this
4 subsection (i-5) shall be made in the time and manner directed
5 by the Commission. The Commission shall permit utilities to
6 recover Illinois Commerce Commission assessments effective
7 pursuant to this subsection through an automatic adjustment
8 mechanism that is incorporated into an existing tariff that
9 recovers costs associated with this Section, or through a
10 supplemental customer charge.

11 Within 6 months after the first time assessments are made
12 under this subsection (i-5), the Commission shall initiate a
13 docketed proceeding in which it shall consider, in addition to
14 assessments from electric and gas utilities subject to this
15 subsection, the raising of assessments from, or the payment of
16 fees by, water and sewer utilities, entities possessing
17 certificates of service authority as alternative retail
18 electric suppliers under Section 16-115 of this Act, entities
19 possessing certificates of service authority as alternative
20 gas suppliers under Section 19-110 of this Act, and
21 telecommunications carriers providing local exchange
22 telecommunications service or interexchange
23 telecommunications service under Sections 13-204 or 13-205 of
24 this Act. The amounts so determined shall be based on the costs
25 to the agency of the exercise of its regulatory and
26 supervisory functions with regard to the different industries

1 and service providers subject to the proceeding. No less often
2 than every 3 years after the end of a proceeding under this
3 subsection (i-5), the Commission shall initiate another
4 proceeding for that purpose.

5 The Commission may use this apportionment method until the
6 docketed proceeding in which the Commission considers the
7 raising of assessments from other entities subject to its
8 jurisdiction under this Act has concluded. No credit memoranda
9 shall be issued pursuant to subsection (i) if the amount
10 determined as provided in paragraph (3) of this subsection
11 (i-5) results in a deficit.

12 (j) Credit memoranda issued pursuant to subsection (f) and
13 credit memoranda issued after notification and filing pursuant
14 to subsection (i) may be applied for the 2 year period from the
15 date of issuance, against the payment of any amount due during
16 that period under the tax imposed by subsection (c), or,
17 subject to reasonable rule of the Commission including
18 requirement of notification, may be assigned to any other
19 public utility subject to regulation under this Act. Any
20 application of credit memoranda after the period provided for
21 in this Section is void.

22 (k) The chairman or executive director may make refund of
23 fees, taxes or other charges whenever he shall determine that
24 the person or public utility will not be liable for payment of
25 such fees, taxes or charges during the next 24 months and he
26 determines that the issuance of a credit memorandum would be

1 unjust.

2 (Source: P.A. 99-906, eff. 6-1-17.)

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

4 Sec. 8-406. Certificate of public convenience and
5 necessity.

6 (a) No public utility not owning any city or village
7 franchise nor engaged in performing any public service or in
8 furnishing any product or commodity within this State as of
9 July 1, 1921 and not possessing a certificate of public
10 convenience and necessity from the Illinois Commerce
11 Commission, the State Public Utilities Commission, or the
12 Public Utilities Commission, at the time Public Act 84-617
13 ~~this amendatory Act of 1985~~ goes into effect (January 1,
14 1986), shall transact any business in this State until it
15 shall have obtained a certificate from the Commission that
16 public convenience and necessity require the transaction of
17 such business. A certificate of public convenience and
18 necessity requiring the transaction of public utility business
19 in any area of this State shall include authorization to the
20 public utility receiving the certificate of public convenience
21 and necessity to construct such plant, equipment, property, or
22 facility as is provided for under the terms and conditions of
23 its tariff and as is necessary to provide utility service and
24 carry out the transaction of public utility business by the
25 public utility in the designated area.

1 (b) No public utility shall begin the construction of any
2 new plant, equipment, property, or facility which is not in
3 substitution of any existing plant, equipment, property, or
4 facility, or any extension or alteration thereof or in
5 addition thereto, unless and until it shall have obtained from
6 the Commission a certificate that public convenience and
7 necessity require such construction. Whenever after a hearing
8 the Commission determines that any new construction or the
9 transaction of any business by a public utility will promote
10 the public convenience and is necessary thereto, it shall have
11 the power to issue certificates of public convenience and
12 necessity. The Commission shall determine that proposed
13 construction will promote the public convenience and necessity
14 only if the utility demonstrates: (1) that the proposed
15 construction is necessary to provide adequate, reliable, and
16 efficient service to its customers and is the least-cost means
17 of satisfying the service needs of its customers or that the
18 proposed construction will promote the development of an
19 effectively competitive electricity market that operates
20 efficiently, is equitable to all customers, and is the least
21 cost means of satisfying those objectives; (2) that the
22 utility is capable of efficiently managing and supervising the
23 construction process and has taken sufficient action to ensure
24 adequate and efficient construction and supervision thereof;
25 and (3) that the utility is capable of financing the proposed
26 construction without significant adverse financial

1 consequences for the utility or its customers.

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

3 "Qualifying direct current applicant" means an entity that
4 seeks to provide direct current bulk transmission service for
5 the purpose of transporting electric energy in interstate
6 commerce.

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

20 Notwithstanding any other provision of this Act, a
21 qualifying direct current applicant that does not own,
22 control, operate, or manage, within this State, any plant,
23 equipment, or property used or to be used for the transmission
24 of electricity at the time of its application or of the
25 Commission's order may file an application on or before
26 December 31, 2023 with the Commission pursuant to this Section

1 or Section 8-406.1 for, and the Commission may grant, a
2 certificate of public convenience and necessity to construct,
3 operate, and maintain a qualifying direct current project. The
4 qualifying direct current applicant may also include in the
5 application requests for authority under Section 8-503. The
6 Commission shall grant the application for a certificate of
7 public convenience and necessity and requests for authority
8 under Section 8-503 if it finds that the qualifying direct
9 current applicant and the proposed qualifying direct current
10 project satisfy the requirements of this subsection and
11 otherwise satisfy the criteria of this Section or Section
12 8-406.1 and the criteria of Section 8-503, as applicable to
13 the application and to the extent such criteria are not
14 superseded by the provisions of this subsection. The
15 Commission's order on the application for the certificate of
16 public convenience and necessity shall also include the
17 Commission's findings and determinations on the request or
18 requests for authority pursuant to Section 8-503. Prior to
19 filing its application under either this Section or Section
20 8-406.1, the qualifying direct current applicant shall conduct
21 3 public meetings in accordance with subsection (h) of this
22 Section. If the qualifying direct current applicant
23 demonstrates in its application that the proposed qualifying
24 direct current project is designed to deliver electricity to a
25 point or points on the electric transmission grid in either or
26 both the PJM Interconnection, LLC or the Midcontinent

1 Independent System Operator, Inc., or their respective
2 successor organizations, the proposed qualifying direct
3 current project shall be deemed to be, and the Commission
4 shall find it to be, for public use. If the qualifying direct
5 current applicant further demonstrates in its application that
6 the proposed transmission project has a capacity of 1,000
7 megawatts or larger and a voltage level of 345 kilovolts or
8 greater, the proposed transmission project shall be deemed to
9 satisfy, and the Commission shall find that it satisfies, the
10 criteria stated in item (1) of subsection (b) of this Section
11 or in paragraph (1) of subsection (f) of Section 8-406.1, as
12 applicable to the application, without the taking of
13 additional evidence on these criteria. Prior to the transfer
14 of functional control of any transmission assets to a regional
15 transmission organization, a qualifying direct current
16 applicant shall request Commission approval to join a regional
17 transmission organization in an application filed pursuant to
18 this subsection (b-5) or separately pursuant to Section 7-102
19 of this Act. The Commission may grant permission to a
20 qualifying direct current applicant to join a regional
21 transmission organization if it finds that the membership, and
22 associated transfer of functional control of transmission
23 assets, benefits Illinois customers in light of the attendant
24 costs and is otherwise in the public interest. Nothing in this
25 subsection (b-5) requires a qualifying direct current
26 applicant to join a regional transmission organization.

1 Nothing in this subsection (b-5) requires the owner or
2 operator of a high voltage direct current transmission line
3 that is not a qualifying direct current project to obtain a
4 certificate of public convenience and necessity to the extent
5 it is not otherwise required by this Section 8-406 or any other
6 provision of this Act.

7 (c) After September 11, 1987 (the effective date of Public
8 Act 85-377) ~~this amendatory Act of 1987~~, no construction shall
9 commence on any new nuclear power plant to be located within
10 this State, and no certificate of public convenience and
11 necessity or other authorization shall be issued therefor by
12 the Commission, until the Director of the Illinois
13 Environmental Protection Agency finds that the United States
14 Government, through its authorized agency, has identified and
15 approved a demonstrable technology or means for the disposal
16 of high level nuclear waste, or until such construction has
17 been specifically approved by a statute enacted by the General
18 Assembly.

19 As used in this Section, "high level nuclear waste" means
20 those aqueous wastes resulting from the operation of the first
21 cycle of the solvent extraction system or equivalent and the
22 concentrated wastes of the subsequent extraction cycles or
23 equivalent in a facility for reprocessing irradiated reactor
24 fuel and shall include spent fuel assemblies prior to fuel
25 reprocessing.

26 (d) In making its determination under subsection (b) of

1 this Section, the Commission shall attach primary weight to
2 the cost or cost savings to the customers of the utility. The
3 Commission may consider any or all factors which will or may
4 affect such cost or cost savings, including the public
5 utility's engineering judgment regarding the materials used
6 for construction.

7 (e) The Commission may issue a temporary certificate which
8 shall remain in force not to exceed one year in cases of
9 emergency, to assure maintenance of adequate service or to
10 serve particular customers, without notice or hearing, pending
11 the determination of an application for a certificate, and may
12 by regulation exempt from the requirements of this Section
13 temporary acts or operations for which the issuance of a
14 certificate will not be required in the public interest.

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

25 No electric cooperative shall be made or shall become a
26 party to or shall be entitled to be heard or to otherwise

1 appear or participate in any proceeding initiated under this
2 Section for authorization of power plant construction and as
3 to matters as to which a remedy is available under the Electric
4 Supplier Act.

5 (f) Such certificates may be altered or modified by the
6 Commission, upon its own motion or upon application by the
7 person or corporation affected. Unless exercised within a
8 period of 2 years from the grant thereof, authority conferred
9 by a certificate of convenience and necessity issued by the
10 Commission shall be null and void.

11 No certificate of public convenience and necessity shall
12 be construed as granting a monopoly or an exclusive privilege,
13 immunity or franchise.

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

24 (1) replace or upgrade any existing high voltage
25 electric service line and related facilities,
26 notwithstanding its length;

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

5 (3) construct a high voltage electric service line and
6 related facilities that is constructed solely to serve a
7 single customer's premises or to provide a generator
8 interconnection to the public utility's transmission
9 system and that will pass under or over the premises owned
10 by the customer or generator to be served or under or over
11 premises for which the customer or generator has secured
12 the necessary right of way.

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

1 transmission line mileage and number of such landowners of the
2 other county, then the utility may combine the 2 pre-filing
3 meetings in the county with the greater transmission line
4 mileage and affected landowners. All other requirements
5 regarding pre-filing meetings shall apply in both counties.
6 Notice of the public meeting, including a description of the
7 Project, must be provided in writing to the clerk of each
8 county where the Project is to be located. A representative of
9 the Commission shall be invited to each pre-filing public
10 meeting.

11 (i) For applications filed after August 18, 2015 (the
12 effective date of Public Act 99-399) ~~this amendatory Act of~~
13 ~~the 99th General Assembly~~, the Commission shall, by certified
14 mail, ~~registered 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 (Source: P.A. 102-609, eff. 8-27-21; 102-662, eff. 9-15-21;
23 revised 10-21-21.)

24 (220 ILCS 5/8-406.1)

25 Sec. 8-406.1. Certificate of public convenience and

1 necessity; expedited procedure.

2 (a) A public utility may apply for a certificate of public
3 convenience and necessity pursuant to this Section for the
4 construction of any new high voltage electric service line and
5 related facilities (Project). To facilitate the expedited
6 review process of an application filed pursuant to this
7 Section, an application shall include all of the following:

8 (1) Information in support of the application that
9 shall include the following:

10 (A) A detailed description of the Project,
11 including location maps and plot plans to scale
12 showing all major components.

13 (B) The following engineering data:

14 (i) a detailed Project description including:

15 (I) name and destination of the Project;

16 (II) design voltage rating (kV);

17 (III) operating voltage rating (kV); and

18 (IV) normal peak operating current rating;

19 (ii) a conductor, structures, and substations
20 description including:

21 (I) conductor size and type;

22 (II) type of structures;

23 (III) height of typical structures;

24 (IV) an explanation why these structures
25 were selected;

26 (V) dimensional drawings of the typical

1 structures to be used in the Project; and

2 (VI) a list of the names of all new (and

3 existing if applicable) substations or

4 switching stations that will be associated

5 with the proposed new high voltage electric

6 service line;

7 (iii) the location of the site and

8 right-of-way including:

9 (I) miles of right-of-way;

10 (II) miles of circuit;

11 (III) width of the right-of-way; and

12 (IV) a brief description of the area

13 traversed by the proposed high voltage

14 electric service line, including a description

15 of the general land uses in the area and the

16 type of terrain crossed by the proposed line;

17 (iv) assumptions, bases, formulae, and methods

18 used in the development and preparation of the

19 diagrams and accompanying data, and a technical

20 description providing the following information:

21 (I) number of circuits, with

22 identification as to whether the circuit is

23 overhead or underground;

24 (II) the operating voltage and frequency;

25 and

26 (III) conductor size and type and number

1 of conductors per phase;

2 (v) if the proposed interconnection is an
3 overhead line, the following additional
4 information also must be provided:

5 (I) the wind and ice loading design
6 parameters;

7 (II) a full description and drawing of a
8 typical supporting structure, including
9 strength specifications;

10 (III) structure spacing with typical
11 ruling and maximum spans;

12 (IV) conductor (phase) spacing; and

13 (V) the designed line-to-ground and
14 conductor-side clearances;

15 (vi) if an underground or underwater
16 interconnection is proposed, the following
17 additional information also must be provided:

18 (I) burial depth;

19 (II) type of cable and a description of
20 any required supporting equipment, such as
21 insulation medium pressurizing or forced
22 cooling;

23 (III) cathodic protection scheme; and

24 (IV) type of dielectric fluid and
25 safeguards used to limit potential spills in
26 waterways;

1 (vii) technical diagrams that provide
2 clarification of any item under this item (1)
3 should be included; and

4 (viii) applicant shall provide and identify a
5 primary right-of-way and one or more alternate
6 rights-of-way for the Project as part of the
7 filing. To the extent applicable, for each
8 right-of-way, an applicant shall provide the
9 information described in this subsection (a). Upon
10 a showing of good cause in its filing, an
11 applicant may be excused from providing and
12 identifying alternate rights-of-way.

13 (2) An application fee of \$100,000, which shall be
14 paid into the Public Utility Fund at the time the Chief
15 Clerk of the Commission deems it complete and accepts the
16 filing.

17 (3) Information showing that the utility has held a
18 minimum of 3 pre-filing public meetings to receive public
19 comment concerning the Project in each county where the
20 Project is to be located, no earlier than 6 months prior to
21 the filing of the application. Notice of the public
22 meeting shall be published in a newspaper of general
23 circulation within the affected county once a week for 3
24 consecutive weeks, beginning no earlier than one month
25 prior to the first public meeting. If the Project
26 traverses 2 contiguous counties and where in one county

1 the transmission line mileage and number of landowners
2 over whose property the proposed route traverses is 1/5 or
3 less of the transmission line mileage and number of such
4 landowners of the other county, then the utility may
5 combine the 3 pre-filing meetings in the county with the
6 greater transmission line mileage and affected landowners.
7 All other requirements regarding pre-filing meetings shall
8 apply in both counties. Notice of the public meeting,
9 including a description of the Project, must be provided
10 in writing to the clerk of each county where the Project is
11 to be located. A representative of the Commission shall be
12 invited to each pre-filing public meeting.

13 For applications filed after the effective date of this
14 amendatory Act of the 99th General Assembly, the Commission
15 shall, by certified mail, ~~registered mail~~ notify each owner of
16 record of the land, as identified in the records of the
17 relevant county tax assessor, included in the primary or
18 alternate rights-of-way identified in the utility's
19 application of the time and place scheduled for the initial
20 hearing upon the public utility's application. The utility
21 shall reimburse the Commission for the cost of the postage and
22 supplies incurred for mailing the notice.

23 (b) At the first status hearing the administrative law
24 judge shall set a schedule for discovery that shall take into
25 consideration the expedited nature of the proceeding.

26 (c) Nothing in this Section prohibits a utility from

1 requesting, or the Commission from approving, protection of
2 confidential or proprietary information under applicable law.
3 The public utility may seek confidential protection of any of
4 the information provided pursuant to this Section, subject to
5 Commission approval.

6 (d) The public utility shall publish notice of its
7 application in the official State newspaper within 10 days
8 following the date of the application's filing.

9 (e) The public utility shall establish a dedicated website
10 for the Project 3 weeks prior to the first public meeting and
11 maintain the website until construction of the Project is
12 complete. The website address shall be included in all public
13 notices.

14 (f) The Commission shall, after notice and hearing, grant
15 a certificate of public convenience and necessity filed in
16 accordance with the requirements of this Section if, based
17 upon the application filed with the Commission and the
18 evidentiary record, it finds the Project will promote the
19 public convenience and necessity and that all of the following
20 criteria are satisfied:

21 (1) That the Project is necessary to provide adequate,
22 reliable, and efficient service to the public utility's
23 customers and is the least-cost means of satisfying the
24 service needs of the public utility's customers or that
25 the Project will promote the development of an effectively
26 competitive electricity market that operates efficiently,

1 is equitable to all customers, and is the least cost means
2 of satisfying those objectives.

3 (2) That the public utility is capable of efficiently
4 managing and supervising the construction process and has
5 taken sufficient action to ensure adequate and efficient
6 construction and supervision of the construction.

7 (3) That the public utility is capable of financing
8 the proposed construction without significant adverse
9 financial consequences for the utility or its customers.

10 (g) The Commission shall issue its decision with findings
11 of fact and conclusions of law granting or denying the
12 application no later than 150 days after the application is
13 filed. The Commission may extend the 150-day deadline upon
14 notice by an additional 75 days if, on or before the 30th day
15 after the filing of the application, the Commission finds that
16 good cause exists to extend the 150-day period.

17 (h) In the event the Commission grants a public utility's
18 application for a certificate pursuant to this Section, the
19 public utility shall pay a one-time construction fee to each
20 county in which the Project is constructed within 30 days
21 after the completion of construction. The construction fee
22 shall be \$20,000 per mile of high voltage electric service
23 line constructed in that county, or a proportionate fraction
24 of that fee. The fee shall be in lieu of any permitting fees
25 that otherwise would be imposed by a county. Counties
26 receiving a payment under this subsection (h) may distribute

1 all or portions of the fee to local taxing districts in that
2 county.

3 (i) Notwithstanding any other provisions of this Act, a
4 decision granting a certificate under this Section shall
5 include an order pursuant to Section 8-503 of this Act
6 authorizing or directing the construction of the high voltage
7 electric service line and related facilities as approved by
8 the Commission, in the manner and within the time specified in
9 said order.

10 (Source: P.A. 99-399, eff. 8-18-15.)

11 Section 99. Effective date. This Act takes effect upon
12 becoming law.