



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

HB5799

Introduced 11/16/2022, by Rep. Jay Hoffman - Lance Yednock - Katie Stuart - LaToya Greenwood, Amy Elik, et al.

#### SYNOPSIS AS INTRODUCED:

20 ILCS 605/1105 new  
220 ILCS 5/16-107.7 new

Amends the Public Utilities Act. Provides that any electric utility serving adversely impacted residential and small commercial customers shall notify, as soon as practicable and no later than 15 days after the effective date of the amendatory Act, the Illinois Commerce Commission of the same and provide the results of the calculations set forth in the provisions concerning assisting qualifying customers through a power price mitigation rebate. Provides that any electric utility that provides notice to the Commission of qualification under the provisions concerning the power price mitigation rebate shall concurrently file a tariff with the Commission that provides for a monthly rebate credit to be given to all residential and small commercial customers. Provides that the tariff shall provide that the total funds appropriated by the Department of Commerce and Economic Opportunity shall be divided equally and issued to all of its active residential and small commercial customers. Provides that the Commission shall have 5 days from the date an electric utility files the tariff to review the tariff for compliance, and the tariff shall go into effect no later than 7 days from the original tariff filing date or one day from the date of any compliance filing. Provides that upon receipt of notice from the Commission, the Department shall transfer \$200,000,000 to the eligible electric utility serving adversely impacted residential and small commercial customers. Provides that each electric utility providing a monthly rebate credit to its customers shall include a statement as part of a bill insert reflecting a monthly rebate credit to customers. Provides that an electric utility with a tariff shall be entitled to recover the reasonable and prudent expenses incurred and shall have an obligation to provide monthly rebate credits to customers only to the extent there are funds available to the utility to provide monthly rebate credits. Makes a conforming change in the Department of Commerce and Economic Opportunity Law. Effective immediately.

LRB102 28926 AMQ 40821 b

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 Department of Commerce and Economic  
5 Opportunity Law is amended by adding Section 1105 as follows:

6 (20 ILCS 605/1105 new)

7 Sec. 1105. Power price mitigation assistance. The  
8 Department shall transfer \$200,000,000 to an eligible electric  
9 utility serving adversely impacted residential and small  
10 commercial customers pursuant to Section 16-107.7 of the  
11 Public Utilities Act. This Section is repealed December 31,  
12 2023.

13 Section 10. The Public Utilities Act is amended by adding  
14 Section 16-107.7 as follows:

15 (220 ILCS 5/16-107.7 new)

16 Sec. 16-107.7. Power price mitigation rebate.

17 (a) Illinois electric utility customers have been impacted  
18 by unanticipated changes to electric power and capacity prices  
19 during a period of economic hardship associated with recent  
20 global events, including increasing gas prices due to the  
21 Russian invasion of Ukraine and the COVID-19 pandemic. The

1 recent power and capacity procurement events affect the market  
2 prices paid by customers. Accordingly, as many customers have  
3 experienced increased electric utility bill impacts due to the  
4 increase in electric power and capacity prices, it is the  
5 policy of the State to assist qualifying customers through a  
6 power price mitigation rebate for the August 2022 through  
7 December 2022 electric utility billing cycle. As used in this  
8 Section, "small commercial customer" means those  
9 nonresidential retail customers of an electric utility  
10 consuming 15,000 kilowatt-hours or less of electricity  
11 annually in its service area whose service has not yet been  
12 declared competitive pursuant to Section 16-113 of this Act.

13 (b) Any electric utility serving adversely impacted  
14 residential and small commercial customers shall notify, as  
15 soon as practicable and no later than 15 days after the  
16 effective date of this amendatory Act of the 102nd General  
17 Assembly, the Commission of the same and provide the results  
18 of the calculations set forth in this subsection. As used in  
19 this Section, "electric utility serving adversely impacted  
20 residential and small commercial customers" means any electric  
21 utility that can demonstrate that the utility default power  
22 supply rate procured from the Illinois Power Agency and  
23 available to its residential and small commercial customers  
24 has experienced, or will experience, a more than 90%  
25 year-over-year total supply charge increase, as calculated by  
26 comparing the total supply charge effective on June 1, 2021,

1 as reported by the electric utility to the Commission pursuant  
2 to subsection (i) of Section 16-111.5, and the total supply  
3 charge effective on June 1, 2022, as reported to the  
4 Commission pursuant to subsection (i) of Section 16-111.5. The  
5 total supply charge effective on June 1, 2021, and June 1,  
6 2022, respectively, as reported pursuant to subsection (i) of  
7 Section 16-111.5, shall be used to calculate an electric  
8 utility's qualification under this Section and no other  
9 adjustments shall be made for purposes of the calculation,  
10 including, but not limited to, any transmission costs,  
11 purchased electricity adjustments, or any other credits. Any  
12 small multi-jurisdictional electric utility that relies upon  
13 company-owned generation resources, including fossil fueled  
14 generation, to supply the majority of its eligible Illinois  
15 retail customers' energy and capacity needs shall be  
16 ineligible to file a notice or receive funding for rebate  
17 credits pursuant to this Section. The Commission shall have 5  
18 days from the date of receipt of the utility's notice to review  
19 the calculations and notify the electric utility as to whether  
20 it qualifies as an electric utility serving adversely impacted  
21 residential and small commercial customers under this Section.

22 (c) Any electric utility that provides notice to the  
23 Commission of qualification under subsection (b) shall  
24 concurrently file a tariff with the Commission that provides  
25 for a monthly rebate credit to be given to all residential and  
26 small commercial customers, beginning as soon as is

1 practicable following the effective date of this amendatory  
2 Act of the 102nd General Assembly. The tariff shall provide  
3 that the total funds appropriated by the Department of  
4 Commerce and Economic Opportunity shall be divided equally and  
5 issued to all of its active residential and small commercial  
6 customers, including customers that take supply service from  
7 alternative retail suppliers or real-time pricing tariffs. The  
8 tariff shall further provide that the monthly rebate credit  
9 will be reflected on, and applied to, customer bills beginning  
10 at the start of a monthly billing period and continue through  
11 the December 2022 billing period in a manner compliant with  
12 subsections (d) and (e). The tariff shall also provide that  
13 the utility may apply the monthly rebate credit to up to 5  
14 monthly billing periods ending in December 2022, and the  
15 utility may aggregate monthly rebate credits. To the extent a  
16 rebate credit is greater than a customer's bill in a given  
17 month, the excess rebate credit amount shall apply to the next  
18 billing period, even if the billing period is in calendar year  
19 2023, until the customer's rebate credit has been fully  
20 applied.

21 (d) The Commission shall have 5 days from the date an  
22 electric utility files the tariff pursuant to subsection (c)  
23 to review the tariff for compliance with this Section, and the  
24 tariff shall go into effect no later than 7 days from the  
25 original tariff filing date or one day from the date of any  
26 compliance filing, whichever is later. Upon the tariff

1 becoming effective, the Commission shall notify the Department  
2 of Commerce and Economic Opportunity of any electric utility  
3 serving adversely impacted residential and small commercial  
4 customers with an approved tariff that is eligible to receive  
5 funds to be used to pay for the monthly rebate credits issued  
6 pursuant to this Section. Upon receipt of notice from the  
7 Commission, the Department of Commerce and Economic  
8 Opportunity shall transfer \$200,000,000 to the eligible  
9 electric utility serving adversely impacted residential and  
10 small commercial customers.

11 (e) Each electric utility providing a monthly rebate  
12 credit to its customers pursuant to subsection (c) shall  
13 include at least the following statement as part of a bill  
14 insert provided with any bill reflecting a monthly rebate  
15 credit to customers: "Your bill has been reduced this month by  
16 the Power Price Mitigation Rebate Act passed by the Illinois  
17 General Assembly." The amount of the monthly rebate credit  
18 being applied for the billing period shall also be reflected  
19 on the customer's bill with the description "State Funded  
20 Power Price Mitigation Credit". The electric utility's  
21 obligation to reflect the information required by this  
22 subsection shall not extend past the December 2022 billing  
23 period.

24 (f) An electric utility with a tariff approved pursuant to  
25 subsection (c) shall be entitled to recover the reasonable and  
26 prudent expenses incurred to comply with this Section and

1 shall have an obligation to provide monthly rebate credits to  
2 customers only to the extent there are funds available to the  
3 utility to provide the monthly rebate credits, as funded by  
4 the Department of Commerce and Economic Opportunity. Within  
5 180 days from the date on which all allocated funds have been  
6 transferred to and applied by the electric utility, the  
7 electric utility shall notify the Commission and provide an  
8 accounting for all funds applied as a monthly rebate credit to  
9 its residential and small commercial customers. The electric  
10 utility shall take reasonable steps to apply all allocated  
11 funds it receives as monthly rebate credits. If any funds  
12 remain after the December 2022 billing period that have not  
13 been applied to residential or small commercial customers, the  
14 electric utility shall return such unapplied amounts to the  
15 Department of Commerce and Economic Opportunity by June 30,  
16 2023. If the electric utility provides rebate credits to  
17 customers that exceed the available funds, the electric  
18 utility shall account for such amounts and the utility shall  
19 recover those amounts not to exceed 2% of the total available  
20 funds made available for the rebate credits as part of its next  
21 base rates increase pursuant to Article XVI or Article IX.

22 (g) This Section, except for this subsection and  
23 subsection (f), is repealed December 31, 2023.

24 (h) This Section may be referred to as the Power Price  
25 Mitigation Rebate Act.

26 Section 99. Effective date. This Act takes effect upon

1 becoming law.