

# SB2238



## 102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB2238

Introduced 2/26/2021, by Sen. Laura M. Murphy

### SYNOPSIS AS INTRODUCED:

65 ILCS 5/Art. 11 Div. 15.5 heading new  
65 ILCS 5/11-15.5-5 new  
65 ILCS 5/11-15.5-10 new

Amends the Illinois Municipal Code. Creates the Undergrounding Utility Facilities Division. Defines "underground" and "undergrounding". Provides that public utilities shall underground 138 kilowatt or greater electric transmission lines under certain conditions. Provides that the Illinois Commerce Commission shall allow a public utility to recover from all retail customers in its service territory all reasonable and prudent costs that it incurs related to the undergrounding of a 138 kilowatt or greater electric transmission line. Provides that a public utility shall record and defer costs that it incurs related to the undergrounding of transmission lines as a regulatory asset to be included in the public utility's total rate base and amortized over a reasonable period that is equal to the expected life of such transmission line. Effective immediately.

LRB102 17205 AWJ 22663 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning local government.

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

4 Section 5. The Illinois Municipal Code is amended by  
5 adding Division 15.5 of Article 11 as follows:

6 (65 ILCS 5/Art. 11 Div. 15.5 heading new)

7 DIVISION 15.5. UNDERGROUNDING UTILITY FACILITIES

8 (65 ILCS 5/11-15.5-5 new)

9 Sec. 11-15.5-5. Definitions. As used in this Division and  
10 unless the context requires otherwise, "underground" or  
11 "undergrounding" means routing and constructing electric  
12 transmission lines and their associated components below  
13 ground, consistent with sound engineering and utility  
14 practices.

15 (65 ILCS 5/11-15.5-10 new)

16 Sec. 11-15.5-10. Undergrounding utility facilities.

17 (a) In the interest of public health and safety,  
18 reliability, and electric grid security, a public utility, as  
19 defined by Section 3-105 of the Public Utilities Act, shall  
20 underground any 138 kilowatt or greater electric transmission  
21 line constructed after the effective date of this amendatory

1 Act of the 102nd General Assembly where:

2 (1) a 138 kilowatt or greater electric transmission  
3 line or any portion of a 138 kilowatt or greater electric  
4 transmission line is to be located within 26,000 feet of  
5 an airport that is located in and owned by a municipality  
6 with a population greater than 70,000 and less than 80,000  
7 located in or contiguous to a county with a population in  
8 excess of 1,000,000 inhabitants;

9 (2) a 138 kilowatt or greater electric transmission  
10 line is to be located in 4 or more contiguous  
11 municipalities with a population density of 1,000 per  
12 square mile or more as of the most recent federal  
13 decennial census; or

14 (3) a 138 kilowatt or greater electric transmission  
15 line is to be located in close proximity to a public  
16 recreational area such that it may pose a danger to the  
17 activities conducted there.

18 (b) The costs for undergrounding a new transmission line  
19 shall not be allocated solely to the municipality or  
20 municipalities in which it is underground; instead, the  
21 Illinois Commerce Commission shall allow a public utility to  
22 fully recover from all retail customers in its service  
23 territory all reasonable and prudent costs that it incurs  
24 related to the undergrounding of transmission lines. The  
25 public utility shall record and defer these costs as a  
26 regulatory asset to be included in the public utility's total

1 rate base and amortized over a reasonable period that is equal  
2 to the expected life of the transmission line. These  
3 regulatory assets shall be collected from all ratepayers  
4 system-wide, and not only from ratepayers in the corporate  
5 limits of the municipality or municipalities within which the  
6 transmission line is constructed.

7 Section 99. Effective date. This Act takes effect upon  
8 becoming law.