



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB1345

Introduced 1/31/2023, by Rep. Jay Hoffman

SYNOPSIS AS INTRODUCED:

220 ILCS 5/9-211.5 new

Amends the Public Utilities Act. Provides that a public utility that provides both water and wastewater services may request, in a general rate case proceeding, that the Illinois Commerce Commission allocate a portion of the public utility's wastewater service revenue requirement for recovery through water service base rates, allocate a portion of the public utility's water service revenue requirement through wastewater base rates, or combine that public utility's water service and wastewater service revenue requirements. Provides that as part of a proceeding, the public utility shall present evidence to establish, and the Commission shall consider, specified factors. Provides that if the Commission finds that an allocation or combination is in the public interest, the Commission shall enter an order approving such allocation or combination of the public utility's water and wastewater service revenue requirements. Provides that the water service revenue requirement or wastewater service revenue requirement may not be increased by more than 2.5% through an allocation from the water service revenue requirement or wastewater service revenue requirement. Provides for notice to customers. Allows the Commission to adopt rules to implement the amendatory provisions. Repeals the amendatory provisions on December 31, 2026. Effective immediately.

LRB103 00105 AMQ 45106 b

1 AN ACT concerning utilities.

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 adding
5 Section 9-211.5 as follows:

6 (220 ILCS 5/9-211.5 new)

7 Sec. 9-211.5. Water and wastewater cost allocation and
8 combination.

9 (a) It is the public policy of the State of Illinois to
10 ensure that prudent and timely investment in water and
11 wastewater infrastructure is made by public utilities that
12 provide water and wastewater services in order for customers
13 of these services to receive safe, reliable, and affordable
14 water and wastewater services.

15 (b) A public utility that provides both water and
16 wastewater services may request, in a general rate case
17 proceeding, that the Commission allocate a portion of the
18 public utility's wastewater service revenue requirement for
19 recovery through water service base rates, allocate a portion
20 of the public utility's water service revenue requirement
21 through wastewater base rates, or combine that public
22 utility's water service and wastewater service revenue
23 requirements.

1 (c) As part of any proceeding commenced pursuant to
2 subsection (b), the public utility shall present evidence to
3 establish, and the Commission shall consider, each of the
4 following:

5 (1) the current rates of the existing customers of the
6 water and wastewater public utility;

7 (2) the number of customers of the water and
8 wastewater public utility;

9 (3) the difference between the number of water and
10 wastewater customers of the water and wastewater public
11 utility;

12 (4) the capital investment made by the water and
13 wastewater public utility and the potential impact on
14 water and wastewater rates;

15 (5) future capital investment needs for both water and
16 wastewater systems and the service territories of the
17 water and sewer public utility that are in need;

18 (6) other public or policy objectives of the State or
19 Commission; and

20 (7) any other factor that the Commission deems
21 necessary to determine whether the allocation or
22 combination is in the public interest.

23 (d) If, after considering each of the factors set forth in
24 subsection (c), the Commission finds that an allocation or
25 combination is in the public interest, the Commission shall
26 enter an order approving such allocation or combination of the

1 public utility's water and wastewater service revenue
2 requirements in accordance with this Section.

3 (e) If the Commission approves the rate recovery
4 allocation requested as set forth in subsection (b), the water
5 service revenue requirement or wastewater service revenue
6 requirement may not be increased by more than 2.5% through an
7 allocation from the water service revenue requirement or
8 wastewater service revenue requirement.

9 (f) A public utility that provides both water and
10 wastewater service and that makes an allocation request
11 pursuant to subsection (b) shall provide, in addition to and
12 as part of the required notice to its customers pursuant to
13 Section 9-201 of this Act, a description of the allocation
14 request, a statement of the estimated bill impact as a result
15 of any allocation approved pursuant to this Section, and any
16 other information that the Commission deems necessary.

17 (g) Nothing in this Section shall be deemed to be in
18 conflict with nor construed to be in violation of any
19 provision of this Act, including, but not limited to, any
20 provision of this Article or Article VIII of this Act.

21 (h) The Commission may adopt rules to implement this
22 Section.

23 (i) This Section is repealed on December 31, 2026.

24 Section 99. Effective date. This Act takes effect upon
25 becoming law.