



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

HB2480

Introduced 2/15/2023, by Rep. Marcus C. Evans, Jr.

#### SYNOPSIS AS INTRODUCED:

220 ILCS 5/16-107.8 new

Amends the Public Utilities Act. Provides that an electric utility subject to the requirements of the Illinois Solar for All Program may file a tariff with the Illinois Commerce Commission that creates a new rate for the supply of electric power and energy to low-income customers. Provides that the tariff shall allow for the developer of a community solar project that is the subject of a contract to sell its renewable energy credits executed pursuant to the Illinois Solar for All Program or the contract and payment terms of the renewable portfolio standard of the Illinois Power Agency Act to also enroll the project under the tariff. Provides for low-income customers the tariff shall automatically apply. Provides that the capacity and energy from the enrolled projects shall be used to serve the customers taking service under the rate authorized by these provisions. Provides that if an electric utility elects to file the tariff outside of a rate design filing, the Commission shall enter its order approving the tariff no later than 120 days after the date of the utility's filing. Provides that electric utilities that have a tariff, community solar projects enrolled in the program, and the customers taking service thereunder, shall be exempt from all application, contract, and disclosure requirements that may otherwise apply under the Illinois Power Agency Act. Effective immediately.

LRB103 30377 AMQ 56807 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 Public Utilities Act is amended by adding  
5 Section 16-107.8 as follows:

6 (220 ILCS 5/16-107.8 new)

7 Sec. 16-107.8. Community solar low-income customer  
8 assistance program supply tariff.

9 (a) The General Assembly finds that it is necessary to  
10 prioritize and expedite the delivery of community solar  
11 project benefits to low-income customers while also  
12 streamlining the process by which developers of community  
13 solar projects procure subscribers in low-income communities.

14 (b) For purposes of this Section, "low-income customer"  
15 shall have the same meaning as described in Section 1-56 of the  
16 Illinois Power Agency Act.

17 (c) Notwithstanding any law or rule to the contrary, an  
18 electric utility subject to the requirements of Section 1-56  
19 of the Illinois Power Agency Act may file a tariff with the  
20 Commission that creates a new rate for the supply of electric  
21 power and energy to low-income customers as further described  
22 in this Section.

23 (d) The tariff shall allow for the developer of a

1 community solar project that is the subject of a contract to  
2 sell its renewable energy credits executed pursuant to Section  
3 1-56 or item (iii) of subparagraph (K) of paragraph (1) of  
4 subsection (c) of Section 1-75 of the Illinois Power Agency  
5 Act to also enroll the project under the tariff. Such projects  
6 may include those that have already executed such contracts  
7 and those that execute such contracts after the effective date  
8 of this amendatory Act of the 103rd General Assembly. For each  
9 project enrolled by the developer, the customers taking  
10 service under the rate authorized by this Section shall be  
11 deemed to be enrolled in the project, and each such project  
12 shall be deemed fully subscribed at the time of enrollment.  
13 Enrollment of a project shall be for the shorter of the  
14 remaining life of the project, the remaining length of the  
15 contract for renewable energy credits executed under Section  
16 1-56 or item (iii) of subparagraph (K) of paragraph (1) of  
17 subsection (c) of Section 1-75 of the Illinois Power Agency  
18 Act, or 25 years. The developer must agree to transfer to the  
19 utility all rights and interest in the project's energy and  
20 capacity for the exclusive purpose of serving those customers  
21 taking service under the tariff authorized by this Section.  
22 Nothing in this Section shall affect the value and payments of  
23 the renewable energy credits sold by the developer pursuant to  
24 contracts executed under Section 1-56 or item (iii) of  
25 subparagraph (K) of paragraph (1) of subsection (c) of Section  
26 1-75 of the Illinois Power Agency Act nor shall such values be

1 different based on whether a project enrolls pursuant to this  
2 Section. The Illinois Power Agency shall have the authority to  
3 offer contract amendments and revise its long-term renewable  
4 resources procurement plan in order to conform to the  
5 requirements and tariffs established pursuant to this Section.

6 (e) The tariff shall automatically apply to the following  
7 low-income customers:

8 (1) those who are known to the utility to participate  
9 in, or are known to the utility within the past year to  
10 have participated in, another State financial assistance  
11 program that has the same or more stringent eligibility  
12 criteria as those that must be satisfied to qualify as a  
13 low-income customer. Such programs may include, but are  
14 not limited to, the programs described in Section 13 of  
15 the Energy Assistance Act, the Percentage of Income  
16 Payment Plan program described in Section 18 of the Energy  
17 Assistance Act, and the Arrearage Reduction Program and  
18 Supplemental Arrearage Reduction Program set forth in  
19 Section 18 of the Energy Assistance Act;

20 (2) those who are the subject of an exemption from the  
21 assessment of deposits or late fees under 83 Ill. Adm.  
22 Code 280; and

23 (3) those who reside in public housing whose accounts  
24 are separately metered.

25 However, customers to whom the tariff would automatically  
26 apply who are served by an alternative retail energy supplier

1 shall not be automatically enrolled. The utility shall  
2 periodically notify such customers of the availability of the  
3 rate authorized by this Section.

4 The utility shall prioritize enrollment of the customers  
5 described in paragraphs (1) through (3) of this subsection  
6 based on the average median income of the zip code applicable  
7 to the customer's premises at which it receives electric  
8 service and ranked in order of priority so that the lowest  
9 average median income zip code receives the highest ranking  
10 and the highest average median income receives the lowest  
11 ranking. Within a given zip code, customers shall be selected  
12 by random lottery.

13 Other low-income customers may also elect to take service  
14 under the rate authorized by this Section by submitting the  
15 eligibility form to be published by the utility. Customers  
16 taking service under the tariff may elect to discontinue  
17 taking service at any time.

18 Notwithstanding the provisions of this subsection, the  
19 utility shall not begin to automatically enroll customers  
20 until such time that the total number of projects enrolled in  
21 the program pursuant to subsection (d) is projected to achieve  
22 bill savings of 20% for participating customers in one or more  
23 zip codes taking into account the utility's applicable default  
24 supply rate or rates. At the time the utility files its  
25 proposed tariff pursuant to this Section, the utility shall  
26 include its calculation demonstrating that this minimum

1 savings value has been achieved. The order in which qualifying  
2 customers within a zip code will be enrolled shall be  
3 determined by lottery conducted by the utility. As additional  
4 projects enroll in the program, qualifying customers in  
5 additional zip codes shall be enrolled in the same manner.

6 A utility shall periodically, but at least every 24  
7 months, verify that customers taking service under the tariff  
8 authorized by this Section continue to be eligible to take  
9 service under such tariff. Such verification may take the form  
10 of a certification by the customer.

11 (f) The capacity and energy from the enrolled projects  
12 will be used to serve the customers taking service under the  
13 rate authorized by this Section. If the energy generated by  
14 the projects is not sufficient to fully meet customers' usage,  
15 then the utility shall procure power and energy in the  
16 applicable day-ahead market. Costs associated with such  
17 procurement will be charged to the customers through the  
18 tariff without markup.

19 Actual costs and revenues shall be reconciled annually,  
20 and the utility shall submit an informational filing to the  
21 Commission detailing the computation of each such  
22 reconciliation.

23 (g) If an electric utility elects to file the tariff  
24 authorized by this Section outside of a rate design filing,  
25 the Commission shall enter its order approving, or approving  
26 with modification, the tariff no later than 120 days after the

1 date of the utility's filing.

2 (h) Electric utilities that have a tariff in effect  
3 pursuant to this Section, community solar projects enrolled in  
4 the program, and the customers taking service thereunder,  
5 shall be exempt from all application, contract, and disclosure  
6 requirements that may otherwise apply under the Illinois Power  
7 Agency Act or rules adopted pursuant thereto. Every other  
8 year, each such electric utility shall provide educational  
9 materials to those customers taking service under the tariff,  
10 including educational materials prepared by the Agency to  
11 educate customers about community solar projects.

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