

1 AMENDMENT TO HOUSE BILL 386

2 AMENDMENT NO. _____. Amend House Bill 386 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Renewable Energy, Energy Efficiency, and
5 Coal Resources Development Law of 1997 is amended by changing
6 Section 6-5 as follows:

7 (20 ILCS 687/6-5)

8 (Section scheduled to be repealed on December 16, 2007)

9 Sec. 6-5. Renewable Energy Resources and Coal Technology
10 Development Assistance Charge.

11 (a) Notwithstanding the provisions of Section 16-111 of
12 the Public Utilities Act but subject to subsection (e) of
13 this Section, each public utility, electric cooperative, as
14 defined in Section 3.4 of the Electric Supplier Act, and
15 municipal utility, as referenced in Section 3-105 of the
16 Public Utilities Act, that is engaged in the delivery of
17 electricity or the distribution of natural gas within the
18 State of Illinois shall, effective January 1, 1998, assess
19 each of its customer accounts a monthly Renewable Energy
20 Resources and Coal Technology Development Assistance Charge.
21 The delivering public utility, municipal electric or gas
22 utility, or electric or gas cooperative for a self-assessing

1 purchaser remains subject to the collection of the fee
2 imposed by this Section. The monthly charge shall be as
3 follows:

4 (1) \$0.05 per month on each account for residential
5 electric service as defined in Section 13 of the Energy
6 Assistance Act;

7 (2) \$0.05 per month on each account for residential
8 gas service as defined in Section 13 of the Energy
9 Assistance Act;

10 (3) \$0.50 per month on each account for
11 nonresidential electric service, as defined in Section 13
12 of the Energy Assistance Act, which had less than 10
13 megawatts of peak demand during the previous calendar
14 year;

15 (4) \$0.50 per month on each account for
16 nonresidential gas service, as defined in Section 13 of
17 the Energy Assistance Act, which had distributed to it
18 less than 4,000,000 therms of gas during the previous
19 calendar year;

20 (5) \$37.50 per month on each account for
21 nonresidential electric service, as defined in Section 13
22 of the Energy Assistance Act, which had 10 megawatts or
23 greater of peak demand during the previous calendar year;
24 and

25 (6) \$37.50 per month on each account for
26 nonresidential gas service, as defined in Section 13 of
27 the Energy Assistance Act, which had 4,000,000 or more
28 therms of gas distributed to it during the previous
29 calendar year.

30 (b) The Renewable Energy Resources and Coal Technology
31 Development Assistance Charge assessed by electric and gas
32 public utilities shall be considered a charge for public
33 utility service.

34 (c) Fifty percent of the moneys collected pursuant to

1 this Section shall be deposited in the Renewable Energy
2 Resources Trust Fund by the Department of Revenue. The
3 remaining 50 percent of the moneys collected pursuant to this
4 Section shall be deposited in the Coal Technology Development
5 Assistance Fund by the Department of Revenue for use under
6 the Illinois Coal Technology Development Assistance Act.

7 (d) By the 20th day of the month following the month in
8 which the charges imposed by this Section were collected,
9 each utility and alternative retail electric supplier
10 collecting charges pursuant to this Section shall remit to
11 the Department of Revenue for deposit in the Renewable Energy
12 Resources Trust Fund and the Coal Technology Development
13 Assistance Fund all moneys received, except as provided in
14 this subsection, as payment of the charge provided for in
15 this Section on a return prescribed and furnished by the
16 Department of Revenue showing such information as the
17 Department of Revenue may reasonably require. A utility may
18 deduct an amount from collected receipts, not to exceed the
19 amount designated for the Renewable Energy Resources Trust
20 Fund, for expenses incurred to develop, maintain, and
21 administer its net electricity metering pilot program
22 required by Section 16-107.5 of the Public Utilities Act.
23 Such expenses shall include the following, and are subject to
24 Illinois Commerce Commission approval:

25 (1) expenses incurred to develop and submit a
26 report of results of the pilot programs to the Illinois
27 Commerce Commission;

28 (2) expenses incurred to install, maintain, and
29 operate metering required to measure customer usage for
30 the purposes of administering the pilot program;

31 (3) expenses incurred to perform an interconnection
32 study and execute an interconnection agreement with
33 customers in the pilot program;

34 (4) incremental expenses incurred to provide

1 customers a bill (costs above those that are normally
2 incurred to provide customers a bill in the absence of
3 the pilot program);

4 (5) to the extent that any credit for energy
5 generated that is paid to the customer exceeds the energy
6 credit stated in utility's tariff filed in compliance
7 with 83 Ill. Adm. Code 430.60, the utility shall be
8 entitled to a credit on the difference between what is
9 paid to the customer and what would have been paid using
10 the utility tariff described above; and

11 (6) expenses incurred to develop, file, and gain
12 approval of a net electricity metering pilot program from
13 the Illinois Commerce Commission.

14 (e) The charges imposed by this Section shall only apply
15 to customers of municipal electric or gas utilities and
16 electric or gas cooperatives if the municipal electric or gas
17 utility or electric or gas cooperative makes an affirmative
18 decision to impose the charge. If a municipal electric or gas
19 utility or an electric or gas cooperative makes an
20 affirmative decision to impose the charge provided by this
21 Section, the municipal electric or gas utility or electric or
22 gas cooperative shall inform the Department of Revenue in
23 writing of such decision when it begins to impose the charge.
24 If a municipal electric or gas utility or electric or gas
25 cooperative does not assess this charge, its customers shall
26 not be eligible for the Renewable Energy Resources Program.

27 (f) The Department of Revenue may establish such rules
28 as it deems necessary to implement this Section.

29 (Source: P.A. 92-690, eff. 7-18-02.)

30 Section 10. The Public Utilities Act is amended by
31 adding Section 16-107.5 as follows:

32 (220 ILCS 5/16-107.5 new)

1 Sec. 16-107.5. Net electricity metering pilot program.

2 (a) The Legislature finds and declares that a pilot
3 program to provide net energy metering, as defined in this
4 Section, for eligible customers can encourage private
5 investment in renewable energy resources, stimulate economic
6 growth, enhance the continued diversification of Illinois'
7 energy resource mix, and protect the Illinois environment.

8 (b) As used in this Section, (i) "eligible customer"
9 means a retail residential or business customer that owns and
10 operates a solar or wind electrical generating facility with
11 a capacity of not more than 40 kilowatts that is located on
12 the customer's premises and is intended primarily to offset
13 part or all of the customer's own electrical requirements and
14 (ii) "net energy metering" means the measurement, during the
15 billing period applicable to an eligible customer, of the net
16 amount of electricity delivered by an electric utility to the
17 customer's premises or provided to the electric utility by
18 the customer.

19 (c) An electric utility shall establish a net electrical
20 energy metering pilot program for its eligible customers. An
21 electric utility shall establish separate pilot programs for
22 its residential customers and its business customers.
23 However, if an electric utility has conducted a net
24 electrical energy metering pilot program for either its
25 residential customers or its business customers, or both, and
26 the pilot program was initiated before the effective date of
27 this amendatory Act of the 93rd General Assembly, the
28 electric public utility need only file the report required
29 under subsection (d).

30 (d) An electric utility shall report the results of its
31 pilot programs to the Commerce Commission by December 31,
32 2005. The Commission shall provide a summary and an analysis
33 of the reports to the General Assembly no later than January
34 31, 2006.

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.".