

1 AN ACT concerning municipalities.

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 changing Section 11-21.5-5 as follows:

6 (65 ILCS 5/11-21.5-5)

7 Sec. 11-21.5-5. Local emergency energy plans.

8 (a) Any municipality, including a home rule
9 municipality, may, by ordinance, require any electric utility
10 (i) that serves more than 1,000,000 customers in Illinois and
11 (ii) that is operating within the corporate limits of the
12 municipality to adopt and to provide the municipality with a
13 local emergency energy plan. For the purposes of this
14 Section, (i) "local emergency energy plan" or "plan" means a
15 planned course of action developed by the electric utility
16 that is implemented when the demand for electricity exceeds,
17 or is at significant risk of exceeding, the supply of
18 electricity available to the electric utility and (ii) "local
19 emergency energy plan ordinance" means an ordinance adopted
20 by the corporate authorities of the municipality under this
21 Section that requires local emergency energy plans.

22 (b) A local emergency energy plan must include the
23 following information:

24 (1) the circumstances that would require the
25 implementation of the plan;

26 (2) the levels or stages of the plan;

27 (3) the approximate geographic limits of each
28 outage area provided for in the plan;

29 (4) the approximate number of customers within each
30 outage area provided for in the plan;

31 (5) any police facilities, fire stations,

1 hospitals, nursing homes, schools, day care centers,
2 senior citizens centers, community health centers, blood
3 banks, dialysis centers, community mental health centers,
4 correctional facilities, stormwater and wastewater
5 treatment or pumping facilities, water-pumping stations,
6 buildings in excess of 80 feet in height that have been
7 identified by the municipality, and persons on life
8 support systems that are known to the electric utility
9 that could be affected by controlled rotating
10 interruptions of electric service under the plan; and

11 (6) the anticipated sequence and duration of
12 intentional interruptions of electric service to each
13 outage area under the plan.

14 (c) A local emergency energy plan ordinance may require
15 that, when an electric utility determines it is necessary to
16 implement a controlled rotating interruption of electric
17 service because the demand for electricity exceeds, or is at
18 significant risk of exceeding, the supply of electricity
19 available to the electric utility, the electric utility
20 notify a designated municipal officer that the electric
21 utility will be implementing its local emergency energy plan.
22 The notification shall be made pursuant to a procedure
23 approved by the municipality after consultation with the
24 electric utility.

25 (d) After providing the notice required in subsection
26 (c), an electric utility shall reasonably and separately
27 advise designated municipal officials before it implements
28 each level or stage of the plan, which shall include (i) a
29 request for emergency help from neighboring utilities, (ii) a
30 declaration of a control area emergency, and (iii) a public
31 appeal for voluntary curtailment of electricity use.

32 (e) The electric utility must give a separate notice to
33 a designated municipal official immediately after it
34 determines that there will be a controlled rotating

1 interruption of electric service under the local emergency
2 energy plan. The notification must include (i) the areas in
3 which service will be interrupted, (ii) the sequence and
4 estimated duration of the service outage for each area, (iii)
5 the affected feeders, and (iv) the number of affected
6 customers in each area. Whenever practical, the notification
7 shall be made at least 2 hours before the time of the
8 outages. If the electric utility is aware that controlled
9 rotating interruptions may be required, the notification may
10 not be made less than 30 minutes before the outages.

11 (f) A local emergency energy plan ordinance may provide
12 civil penalties for violations of its provisions. The
13 penalties must be permitted under the Illinois Municipal
14 Code.

15 (g) The notifications required by this Section are in
16 addition to the notification requirements of any applicable
17 franchise agreement or ordinance and to the notification
18 requirements of any applicable federal or State law, rule,
19 and regulation.

20 (h) Except for any penalties or remedies that may be
21 provided in a local emergency energy plan ordinance, in this
22 Act, or in rules adopted by the Illinois Commerce Commission,
23 nothing in this Section shall be construed to impose
24 liability for or prevent a utility from taking any actions
25 that are necessary at any time, in any order, and with or
26 without notice that are required to preserve the integrity of
27 the electric utility's electrical system and interconnected
28 network.

29 (i) Nothing in this Section, a local emergency energy
30 plan ordinance, or a local emergency energy plan creates any
31 duty of a municipality to any person or entity. No
32 municipality may be subject to any claim or cause of action
33 arising, directly or indirectly, from its decision to adopt
34 or to refrain from adopting a local emergency energy plan

1 ordinance. No municipality may be subject to any claim or
2 cause of action arising, directly or indirectly, from any act
3 or omission under the terms of or information provided in a
4 local emergency energy plan filed under a local emergency
5 energy plan ordinance.

6 (Source: P.A. 91-137, eff. 7-16-99; 92-651, eff. 7-11-02.)

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