

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 17-800 as follows:

6 (220 ILCS 5/17-800 new)

7 Sec. 17-800. Aggregation of electrical load by
8 municipalities and counties. The corporate authorities of a
9 municipality or county board of a county may adopt an
10 ordinance, under which it may aggregate in accordance with this
11 Section residential retail electrical loads located,
12 respectively, within the municipality or county and, for that
13 purpose, may solicit bids and enter into service agreements to
14 facilitate for those loads the sale and purchase of electricity
15 and related services and equipment. The corporate authorities
16 or county board also may exercise such authority jointly with
17 any other municipality or county. An ordinance under this
18 Section shall specify whether the aggregation will occur only
19 with the prior consent of each person owning, occupying,
20 controlling, or using an electric load center proposed to be
21 aggregated. Nothing in this Section, however, authorizes the
22 aggregation of electric loads that are served or authorized to
23 be served by an electric cooperative as defined by and pursuant

1 to the Electric Supplier Act or loads served by a municipality
2 that owns and operates its own electric distribution system. No
3 aggregation pursuant to an ordinance adopted under this Section
4 that provides for an election under this Section shall take
5 effect unless approved by a majority of the electors voting
6 upon the ordinance at the election held pursuant to this
7 Section.

8 A governmental aggregator under this Section is not a
9 public utility or an alternative retail electric supplier and
10 shall be subject to supervision and regulation by the
11 Commission only to the extent provided in this Section.

12 A municipality may initiate a process to authorize
13 aggregation by a majority vote of the municipal council, with
14 the approval of the mayor. A county may initiate the process to
15 authorize aggregation by a majority vote of the county board.
16 Two or more municipalities or counties, or a combination of
17 both, may initiate a process jointly to authorize aggregation
18 by a majority vote of each particular municipality or county as
19 herein required.

20 Upon the applicable requisite authority under this
21 Section, the corporate authorities or the county board shall
22 develop a plan of operation and governance for the aggregation
23 program so authorized. Before adopting a plan under this
24 Section, the corporate authorities or county board shall hold
25 at least 2 public hearings on the plan. Before the first
26 hearing, the corporate authorities or county board shall

1 publish notice of the hearings once a week for 2 consecutive
2 weeks in a newspaper of general circulation in the
3 jurisdiction. The notice shall summarize the plan and state the
4 date, time, and location of each hearing. Any load aggregation
5 plan established pursuant to this Section shall:

6 (1) provide for universal access to all applicable
7 residential customers and equitable treatment of
8 applicable residential customers;

9 (2) describe demand management and energy efficiency
10 services to be provided to each class of customers; and

11 (3) meet any requirements established by law or the
12 Commission concerning aggregated service offered pursuant
13 to this Section.

14 The plan shall be filed with the Commission for review and
15 approval and shall include, without limitation, an
16 organizational structure of the program, its operations, and
17 funding; the methods of establishing rates and allocating costs
18 among participants; the methods for entering and terminating
19 agreements with other entities; the rights and
20 responsibilities of program participants; and procedures for
21 termination of the program. Within 120 days after receipt of
22 the plan, the Commission shall issue an order either approving
23 or rejecting the plan. If the Commission rejects the plan, it
24 shall state detailed reasons for rejecting the plan in its
25 order. Upon approval of the plan, the corporate authorities or
26 county board may solicit bids for electricity and other related

1 services pursuant to the methods established in the plan. The
2 corporate authorities or county board shall report the results
3 of this solicitation and proposed agreement awards to the
4 Commission, which shall have 15 business days to suspend such
5 awards if the solicitation or awards are not in conformance
6 with the plan or if the cost for energy would in the first year
7 exceed the cost of that energy if that energy was obtained from
8 an electric utility under Section 16-103 of this Act by
9 citizens in the municipality or county or group of
10 municipalities and counties, unless the applicant can
11 demonstrate that the cost for energy under the aggregation plan
12 will be lower in the subsequent years or the applicant can
13 demonstrate that such excess cost is due to the purchase of
14 renewable energy. If the Commission does not suspend the
15 proposed contract awards within 15 business days after filing,
16 the corporate authorities or county board shall have the right
17 to award the proposed agreements.

18 It shall be the duty of the aggregated entity to fully
19 inform residential retail customers in advance that they have
20 the right to opt in to the aggregation program. The disclosure
21 shall prominently state all charges to be made and shall
22 include full disclosure of the cost to obtain service pursuant
23 to Section 16-103 of this Act, how to access it, and the fact
24 that it is available to them without penalty, if they are
25 currently receiving service under that Section. The Commission
26 shall furnish, without charge, to any citizen a list of all

1 supply options available to them in a format that allows
2 comparison of prices and products.

3 This Section does not prohibit municipalities or counties
4 from entering into an intergovernmental agreement to aggregate
5 residential retail electric loads.