



Sen. Gary Forby

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LRB095 05290 MJR 35653 a

1 AMENDMENT TO HOUSE BILL 351

2 AMENDMENT NO. _____. Amend House Bill 351 on page 1, by
3 replacing lines 4 and 5 with the following:

4 "Section 5. The Public Utilities Act is amended by changing
5 Sections 16-103 and 16-118 and by adding Section 17-800 as
6 follows:

7 (220 ILCS 5/16-103)

8 Sec. 16-103. Service obligations of electric utilities.

9 (a) An electric utility shall continue offering to retail
10 customers each tariffed service that it offered as a distinct
11 and identifiable service on the effective date of this
12 amendatory Act of 1997 until the service is (i) declared
13 competitive pursuant to Section 16-113, or (ii) abandoned
14 pursuant to Section 8-508. Nothing in this subsection shall be
15 construed as limiting an electric utility's right to propose,
16 or the Commission's power to approve, allow or order

1 modifications in the rates, terms and conditions for such
2 services pursuant to Article IX or Section 16-111 of this Act.

3 (b) An electric utility shall also offer, as tariffed
4 services, delivery services in accordance with this Article,
5 the power purchase options described in Section 16-110 and
6 real-time pricing as provided in Section 16-107.

7 (c) Notwithstanding any other provision of this Article,
8 each electric utility shall continue offering to all
9 residential customers and to all small commercial retail
10 customers in its service area, as a tariffed service, bundled
11 electric power and energy delivered to the customer's premises
12 consistent with the bundled utility service provided by the
13 electric utility on the effective date of this amendatory Act
14 of 1997. Upon declaration of the provision of electric power
15 and energy as competitive, the electric utility shall continue
16 to offer to such customers, as a tariffed service, bundled
17 service options at rates which reflect recovery of all cost
18 components for providing the service. For those components of
19 the service which have been declared competitive, cost shall be
20 the market based prices. Market based prices as referred to
21 herein shall mean, for electric power and energy, either (i)
22 those prices for electric power and energy determined as
23 provided in Section 16-112, or (ii) the electric utility's cost
24 of obtaining the electric power and energy at wholesale through
25 a competitive bidding or other arms-length acquisition
26 process.

1 (d) Any residential or small commercial retail customer
2 which elects delivery services is entitled to return to the
3 electric utility's bundled utility tariffed service offering
4 provided in accordance with subsection (c) of this Section upon
5 payment of a reasonable administrative fee which shall be set
6 forth in the tariff, provided, however, that the electric
7 utility shall be entitled to impose the condition that such
8 customer may not elect delivery services for up to 24 months
9 thereafter.

10 (e) The Commission shall not require an electric utility to
11 offer any tariffed service other than the services required by
12 this Section, and shall not require an electric utility to
13 offer any competitive service.

14 (f) An electric utility with more than 100,000 customers
15 shall maintain a full, complete, accurate, and current
16 electronic database containing the retail account information
17 for all retail customers in its service territory with a
18 non-coincident peak demand of less than 400 kilowatts. The
19 retail account information shall include, but not be limited
20 to, the retail customer's name, account number, meter number,
21 service address, an indication whether the retail customer is
22 receiving bundled electric power and energy from the electric
23 utility, billing and usage data dating back no less than 24
24 months, and shall be capable of generating cumulative
25 information concerning the usage, load shape curve, or other
26 general characteristics of customers by rate classification.

1 Notwithstanding any other provisions of this Article, upon the
2 request of the corporate authorities of a municipality or
3 county board, or a person who presents verifiable authorization
4 and is acting as their agent, and payment of a reasonable fee,
5 the electric utility shall provide real time access to such
6 retail account information database and shall otherwise make
7 such customer information available in an electronic format.
8 The charges associated with the provision of service pursuant
9 to this Section shall be subject to periodic Commission review.
10 Any municipality or county board that receives such retail
11 account information shall have the right to provide such retail
12 account information or any portion thereof to any alternative
13 retail electric supplier that any municipality or county board
14 has selected to assist it in aggregating the retail electric
15 loads of its residents pursuant to subsection (a) of this
16 Section.

17 (Source: P.A. 90-561, eff. 12-16-97.)

18 (220 ILCS 5/16-118)

19 Sec. 16-118. Services provided by electric utilities to
20 alternative retail electric suppliers.

21 (a) It is in the best interest of Illinois energy consumers
22 to promote fair and open competition in the provision of
23 electric power and energy and to prevent anticompetitive
24 practices in the provision of electric power and energy.
25 Therefore, to the extent an electric utility provides electric

1 power and energy or delivery services to alternative retail
2 electric suppliers and such services are not subject to the
3 jurisdiction of the Federal Energy Regulatory Commission, and
4 are not competitive services, they shall be provided through
5 tariffs that are filed with the Commission, pursuant to Article
6 IX of this Act. Each electric utility shall permit alternative
7 retail electric suppliers to interconnect facilities to those
8 owned by the utility provided they meet established standards
9 for such interconnection, and may provide standby or other
10 services to alternative retail electric suppliers. The
11 alternative retail electric supplier shall sign a contract
12 setting forth the prices, terms and conditions for
13 interconnection with the electric utility and the prices, terms
14 and conditions for services provided by the electric utility to
15 the alternative retail electric supplier in connection with the
16 delivery by the electric utility of electric power and energy
17 supplied by the alternative retail electric supplier.

18 (b) An electric utility shall file a tariff pursuant to
19 Article IX of the Act that would allow alternative retail
20 electric suppliers or electric utilities other than the
21 electric utility in whose service area retail customers are
22 located to issue single bills to the retail customers for both
23 the services provided by such alternative retail electric
24 supplier or other electric utility and the delivery services
25 provided by the electric utility to such customers. The tariff
26 filed pursuant to this subsection shall (i) require partial

1 payments made by retail customers to be credited first to the
2 electric utility's tariffed services, (ii) impose commercially
3 reasonable terms with respect to credit and collection,
4 including requests for deposits, (iii) retain the electric
5 utility's right to disconnect the retail customers, if it does
6 not receive payment for its tariffed services, in the same
7 manner that it would be permitted to if it had billed for the
8 services itself, and (iv) require the alternative retail
9 electric supplier or other electric utility that elects the
10 billing option provided by this tariff to include on each bill
11 to retail customers an identification of the electric utility
12 providing the delivery services and a listing of the charges
13 applicable to such services. The tariff filed pursuant to this
14 subsection may also include other just and reasonable terms and
15 conditions. In addition, an electric utility, an alternative
16 retail electric supplier or electric utility other than the
17 electric utility in whose service area the customer is located,
18 and a customer served by such alternative retail electric
19 supplier or other electric utility, may enter into an agreement
20 pursuant to which the alternative retail electric supplier or
21 other electric utility pays the charges specified in Section
22 16-108, or other customer-related charges, including taxes and
23 fees, in lieu of such charges being recovered by the electric
24 utility directly from the customer.

25 (c) An electric utility with more than 100,000 customers
26 shall file a tariff pursuant to Article IX of this Act that

1 provides alternative retail electric suppliers, and electric
2 utilities other than the electric utility in whose service area
3 the retail customers are located, and that are providing
4 service to residents of municipalities or counties that have
5 aggregated, the retail electric loads of those residents
6 pursuant to subsection (a) of this Section with the option to
7 have the electric utility purchase their receivables for power
8 and energy service provided to retail customers with a
9 non-coincident peak demand of less than 400 kilowatts.
10 Receivables for power and energy of alternative retail electric
11 suppliers or electric utilities other than the electric utility
12 in whose service area the retail customers are located shall be
13 purchased by the electric utility at a just and reasonable
14 discount rate to be reviewed and approved by the Commission
15 after notice and hearing. The discount rate shall be based on
16 the electric utility's historical bad debt and any
17 administrative costs associated with the electric utility's
18 purchase of receivables. The discounted rate for purchase of
19 receivables shall be included in the tariff filed pursuant to
20 this subsection (c). The discount rate filed pursuant to this
21 subsection shall be subject to periodic reconciliations and
22 Commission review. The electric utility shall impose the same
23 terms on retail customers with respect to credit and
24 collection, including requests for deposits, and retain the
25 electric utility's right to disconnect the retail customers, if
26 it does not receive payment for its tariffed services or

1 purchased receivables, in the same manner that it would be
2 permitted to if the retail customers purchased power and energy
3 from the electric utility. The tariff filed pursuant to this
4 subsection (c) may also include other just and reasonable terms
5 and conditions.

6 (d) An electric utility with more than 100,000 customers
7 shall file a tariff pursuant to Article IX of this Act that
8 would provide alternative retail electric suppliers or
9 electric utilities other than the electric utility in whose
10 service area retail customers are located and that are
11 providing service to residents of municipalities or counties
12 that have aggregated the retail electric loads of the residents
13 pursuant to subsection (a) of this Section with the option to
14 have the electric utility produce and provide single bills to
15 the retail customers for both the services provided by the
16 alternative retail electric supplier or other electric utility
17 and the delivery services provided by the electric utility to
18 the customers. The tariffs filed pursuant to this subsection
19 shall require the electric utility to collect and remit
20 customer payments for services provided by alternative retail
21 electric suppliers or electric utilities other than the
22 electric utility in whose service area retail customers are
23 located. The tariff filed pursuant to this subsection shall
24 require the electric utility to include on each bill to retail
25 customers an identification of the alternative retail electric
26 supplier or other electric utility that elects the billing

1 option. The tariff filed pursuant to this subsection (d) may
2 also include other just and reasonable terms and conditions and
3 provide for the recovery of prudently incurred costs associated
4 with the provision of service pursuant to this subsection (d).
5 The costs associated with the provision of service pursuant to
6 this section shall be subject to periodic Commission review.
7 (Source: P.A. 90-561, eff. 12-16-97.); and

8 on page 1, line 21, immediately following "aggregated", by
9 inserting the following:

10 ", or, in municipalities with a population over 500,000,
11 whether each person owning, occupying, controlling, or using an
12 electric load center will be automatically enrolled in the
13 aggregation unless that person exercises an option not to
14 participate"; and

15 on page 3, line 21, by replacing "120" with "45"; and

16 on page 4, by replacing lines 1 through 17 with the following:
17 "services pursuant to the methods established in the plan.";
18 and

19 on page 4, line 20, by replacing "opt in" with "opt in or, in
20 municipalities with a population over 500,000, opt out, as the
21 case may be,".