

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 Sections 16-131 and 16-132 as follows:

6 (220 ILCS 5/16-131 new)

7 Sec. 16-131. Prohibition against the installation,
8 operation, and maintenance of electric distribution facilities
9 and equipment.

10 (a) The General Assembly finds that the installation,
11 maintenance, and operation of electric distribution facilities
12 and equipment has traditionally been performed by electric
13 utility employees and personnel of electric utility
14 contractors who have the requisite skills, training, and
15 experience to properly and safely install, maintain, and
16 operate these facilities and equipment. The General Assembly
17 further finds that it is unjust and unreasonable and a public
18 safety and system reliability hazard for retail customers or
19 persons or entities on their behalf to install, maintain or
20 operate electric distribution facilities or equipment.

21 (b) For purposes of this Section:

22 "Retail customer", "alternative retail electric supplier",
23 and "electric utility" have the same meanings as those terms

1 are defined in Section 16-102 of the Public Utilities Act.

2 "Electric distribution facilities and equipment" means any
3 and all of the facilities and equipment, including, but not
4 limited to, substations, distribution feeder circuits,
5 switches, protective equipment, primary circuits, distribution
6 transformers, line extensions and service extensions both
7 above or below ground, conduit, risers, elbows, transformer
8 pads, junction boxes, manholes, pedestals, conductors, and all
9 associated fittings that connect the transmission system to
10 either the weatherhead on the retail customer's building or
11 other structure for above ground service or to the terminals on
12 the meter base of the retail customer's building or other
13 structure for below ground service.

14 (c) Notwithstanding any law, tariff or Commission rule,
15 order, or decision to the contrary, no electric utility shall
16 allow a retail customer or any person, corporation, or agent on
17 behalf of such customer to install, operate, or maintain any
18 electric distribution facilities and equipment. The
19 installation, operation, and maintenance of any electric
20 distribution facilities and equipment shall be the obligation
21 of the electric utility that provides delivery services to the
22 retail customer.

23 (d) Subsection (c) of this Section shall not apply to a
24 retail customer of a municipal system or electric cooperative
25 as the terms "municipal system" and "electric cooperative" are
26 respectively defined in Sections 3-119 and 16-102 of the Public

1 Utilities Act.

2 (e) Subsection (c) of this Section shall not apply to a
3 retail customer if that retail customer:

4 (1) receives electric energy or power to engage
5 primarily in industrial, manufacturing, or large
6 commercial activities of any kind, including activities
7 ancillary or incidental thereto, and that retail customer
8 receives at a point of delivery electric energy or power at
9 a voltage of 2400 volts or greater; or

10 (2) is an alternative retail electric supplier using
11 its own electric distribution facilities and equipment to
12 serve its customers.

13 Nothing in this subsection (e) shall be construed to permit
14 the retail customer to own, install, operate, or maintain the
15 meter used by the electric utility or alternative retail
16 electric supplier used to measure the electric power or energy
17 usage of the retail customer. For purposes of this subsection
18 (e), a "point of delivery" means the point at which the
19 electric utility or alternative retail electric supplier
20 providing electric distribution facilities and equipment
21 connects its facilities and equipment to the electric
22 distribution facilities and equipment owned or rented by the
23 retail customer, without regard to the location or ownership of
24 transformers, substations, or meters.

25 (f) The employees of an electric utility, including the
26 collective bargaining representative or representatives of

1 such employees, that are obligated to install, operate, or
2 maintain electric distribution facilities and equipment shall
3 have an independent statutory cause of action under State law
4 to file a complaint against an electric utility, retail
5 customer or person, corporation, or agent acting on behalf of a
6 retail customer in circuit court for alleged violations of
7 subsection (c) of this Section.

8 The employees of an electric utility, including the
9 collective bargaining representative or representatives of
10 such employees, may file a complaint in the circuit court of
11 Cook, Sangamon, or Madison County or the circuit court of any
12 county in which the alleged violation of subsection (c) of this
13 Section has or is about to occur in order to have the alleged
14 violation stopped or prevented either by mandamus or
15 injunction. The circuit court shall specify a time, not
16 exceeding 21 days after the service of the copy of the
17 complaint for mandamus or injunction for the filing of an
18 answer, and in the meantime the named defendant or defendants
19 shall be restrained from continuing an alleged violation
20 pending a hearing before the court. In the event of default, or
21 after answer, the circuit court shall immediately inquire into
22 the facts and circumstances of the case and enter an
23 appropriate order with respect to the matters in the complaint.
24 An appeal may be taken from the final judgment in the same
25 manner and with the same effect as appeals are taken from
26 judgments of the circuit court in other actions for mandamus or

1 injunction.

2 Nothing in this subsection (f) shall limit the rights of
3 employees of an electric utility, including the collective
4 bargaining representative or representatives of such
5 employees, that is obligated to install, operate, or maintain
6 electric distribution facilities and equipment to file a
7 complaint against the electric utility, retail customer, or
8 person, corporation, or agent acting on behalf of a retail
9 customer with the Commission for alleged violations of
10 subsection (c) of this Section.

11 (g) In any case in which an employee of an electric
12 utility, including the collective bargaining representative or
13 representatives of such employees, demonstrates that an
14 electric utility, retail customer or a person, corporation, or
15 agent acting on behalf of a retail customer has violated or is
16 about to violate subsection (c) of this Section, the circuit
17 court shall permanently restrain the defendant or defendants
18 from continuing the alleged violation and award the party
19 bringing the action the reasonable expenses of the litigation,
20 including all reasonable attorney's fees. The circuit court
21 shall impose a civil penalty of not less than \$2,000 and not
22 greater than \$30,000 for each violation. Each violation of
23 subsection (c) of this Section shall be considered a separate
24 and distinct violation. In the event of a continuing violation,
25 each day's continuance thereof shall be a separate and distinct
26 offense, provided, however, that the cumulative penalty for any

1 continuing violation shall not exceed \$500,000, and that these
2 limits shall not apply where the violation was intentional and
3 either (i) created substantial risk to the safety of the
4 utility's employees or customers or the public; or (ii) was
5 intended to cause economic benefits to accrue to the violator.
6 No penalties shall accrue under this subsection (g) until 15
7 days after the mailing of a notice to such party or parties
8 that they are in violation of subsection (c) of this Section,
9 except that this notice provision shall not apply when the
10 violation was intentional.

11 (220 ILCS 5/16-132 new)

12 Sec. 16-132. Installation of new electric distribution
13 facilities and equipment for retail customers; customer
14 credits.

15 (a) It is the intent of the General Assembly that every
16 electric utility meet minimum deadlines for the installation of
17 new electric service requested by retail customers.

18 (b) For purposes of this Section:

19 "Agricultural use" has the same meaning as a person or
20 entity engaged in activities defined as "production
21 agriculture" under Section 3-35 of the Use Tax Act.

22 "Electric distribution facilities and equipment" has the
23 same meaning as the term defined in subsection (b) of Section
24 16-131 of this Act.

25 "Retail customer" means a retail customer as defined by

1 Section 16-102 of this Act that receives or is eligible to
2 receive delivery services from an electric utility and uses
3 electric power or energy for residential use, agricultural use,
4 or small commercial use. The term "residential use" for
5 purposes of this Section shall include a subdivision developer
6 requesting new electric service for one or more residences.

7 "Small commercial use" means the receipt at a single
8 premises electric power or energy at a voltage of less than
9 2,400 volts for use in commercial activities.

10 (c) The Commission shall promulgate rules establishing
11 deadlines by which electric utilities must install electric
12 distribution facilities and equipment so retail customers can
13 receive new electric service. The rules shall be consistent
14 with Section 16-131 of this Act and shall include fines,
15 penalties, customer credits, and other enforcement mechanisms.
16 In developing the rules, the Commission shall consider, at a
17 minimum, the electric utility's gross annual intrastate
18 revenue; the frequency, duration, and recurrence of the
19 violation; and the relative harm caused to the affected retail
20 customer or other users of electric distribution facilities and
21 equipment. In imposing fines, the Commission shall take into
22 account compensation or credits paid by the electric utility to
23 its retail customers pursuant to this Section. These rules
24 shall become effective within one year after the effective date
25 of this amendatory Act of the 95th General Assembly.

26 (d) The rules shall, at a minimum, require each electric

1 utility to do all of the following:

2 (1) Install electric distribution facilities and
3 equipment for new electric service within 15 business days
4 after the receipt of an order from the retail customer
5 unless that customer requests an installation date that is
6 beyond 15 business days after placing the order for new
7 electric service and to inform the retail customer of its
8 duty to install service within this timeframe. If
9 installation of new electric service is requested on or by
10 a date more than 15 business days in the future, the
11 electric utility shall install service by the date
12 requested.

13 (2) Keep all installation appointments for new
14 electric service when a customer premises visit requires a
15 retail customer to be present.

16 (3) Inform a customer when an appointment requires the
17 retail customer to be present.

18 (4) Maintain all records relating to new electric
19 service requests received from retail customers.

20 (5) Report to the Commission all new electric service
21 requests that were or were not installed by the deadline
22 established by this subsection (d).

23 (e) The rules shall include provisions for retail customers
24 to be credited by the electric utility for violations of new
25 electric service deadlines as described in subsection (d) of
26 this Section. The credits shall be applied on the statement

1 issued to the retail customer for the next monthly billing
2 cycle following the violation or following the discovery of the
3 violation. The performance levels established in subsection
4 (d) of this Section shall be used by the Commission, at a
5 minimum, to assess whether the electric utility has sufficient
6 staffing levels of electric utility employees who perform new
7 electric service installations. At a minimum, the rules for
8 customer credits shall include the following:

9 (1) If an electric utility fails to install new
10 electric service as required under subsection (d) of this
11 Section, the electric utility shall waive 50% of any
12 installation charges, or in the absence of an installation
13 charge, the electric utility shall provide the customer
14 with a credit of \$100. If the electric utility fails to
15 install service within 20 business days after the service
16 request is placed, or fails to install service within 5
17 business days after the retail customer's requested
18 installation date, if the requested date was more than 15
19 business days after the date of the order, the electric
20 utility shall waive 100% of the installation charge, or in
21 the absence of an installation charge, the electric utility
22 shall provide a credit of \$200. For each day that the
23 failure to install new electric service continues beyond
24 the initial 20 business days, or beyond 5 business days
25 after the retail customer's requested installation date,
26 if the requested date was more than 15 business days after

1 the date of the order, the electric utility shall also
2 provide an additional credit of \$20 per day.

3 (2) If the electric utility fails to keep a scheduled
4 installation appointment when a customer premises visit
5 requires a retail customer to be present, the electric
6 utility shall credit the customer \$50 per missed
7 appointment. A credit required by this subsection (e) does
8 not apply when the electric utility provides the retail
9 customer with 24-hour notice of its inability to keep the
10 appointment.

11 (3) Credits required by this subsection do not apply if
12 the violation of a service quality standard: (A) occurs as
13 a result of a negligent or willful act of the retail
14 customer; (B) occurs as a result of a malfunction of
15 customer-owned equipment or inside wiring; (C) occurs as a
16 result of, or is extended by, an emergency situation as
17 defined in Commission rules, provided that a strike,
18 lockout or other work stoppage caused by a labor dispute
19 between the electric utility and its employees shall not
20 constitute an emergency situation; (D) is extended by the
21 electric utility's ability to gain access to the customer's
22 premises due to the customer missing an appointment,
23 provided that the violation is not extended further by the
24 electric utility; (E) occurs as a result of a retail
25 customer request to change the scheduled appointment,
26 provided that the violation is not further extended by the

1 electric utility; or (F) occurs as a result of an electric
2 utility's right to refuse service to a customer as provided
3 in the Commission's rules.

4 (4) The provisions of this subsection (e) are
5 cumulative and shall not in any way diminish or replace
6 other civil or administrative remedies available to a
7 retail customer.

8 (f) The rules shall require each electric utility to
9 provide to the Commission, on a quarterly basis and in a form
10 suitable for posting on the Commission's website, a public
11 report that includes performance data for new electric service
12 installations. The performance data shall be disaggregated for
13 each geographic area of the State for which the electric
14 utility operates and in a manner established by the Commission.
15 The report shall include, at minimum, performance data on new
16 electric service installations and missed installation
17 commitments.

18 Section 99. Effective date. This Act takes effect upon
19 becoming law.