



Rep. Thomas Holbrook

**Filed: 3/15/2011**

09700HB3038ham001

LRB097 09324 ASK 52709 a

1 AMENDMENT TO HOUSE BILL 3038

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 3038 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Public Utilities Act is amended by changing  
5 Section 16-103 as follows:

6 (220 ILCS 5/16-103)

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

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

1 services pursuant to Article IX or Section 16-111 of this Act.

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

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

26 (d) Any residential or small commercial retail customer

1 which elects delivery services is entitled to return to the  
2 electric utility's bundled utility tariffed service offering  
3 provided in accordance with subsection (c) of this Section upon  
4 payment of a reasonable administrative fee which shall be set  
5 forth in the tariff. If the residential or small commercial  
6 customer has not elected delivery services within 2 billing  
7 cycles after returning to the electric utility's bundled  
8 utility tariffed service offering, then the electric utility  
9 shall be entitled to impose the condition that such customer  
10 may not elect delivery services for up to 12 months after the  
11 date on which the customer returned to bundled utility tariffed  
12 service, provided, however, that the customer shall not be  
13 permitted to return to the same alternative retail electric  
14 supplier within 2 billing cycles after the customer returned to  
15 bundled utility tariffed service other than in situations where  
16 the return was in error, inadvertent, or the result of any  
17 other unintended operational consequence ~~, provided, however,~~  
18 ~~that the electric utility shall be entitled to impose the~~  
19 ~~condition that such customer may not elect delivery services~~  
20 ~~for up to 24 months thereafter.~~

21 (e) The Commission shall not require an electric utility to  
22 offer any tariffed service other than the services required by  
23 this Section, and shall not require an electric utility to  
24 offer any competitive service.

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

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