

1 AN ACT concerning public utilities.

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

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

22 (c) Notwithstanding any other provision of this Article,  
23 each electric utility shall continue offering to all

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

19 (d) Any residential or small commercial retail customer  
20 which elects delivery services is entitled to return to the  
21 electric utility's bundled utility tariffed service offering  
22 provided in accordance with subsection (c) of this Section upon  
23 payment of a reasonable administrative fee which shall be set  
24 forth in the tariff. If the residential or small commercial  
25 customer has not elected delivery services within 2 billing  
26 cycles after returning to the electric utility's bundled

1 utility tariffed service offering, then the electric utility  
2 shall be entitled to impose the condition that such customer  
3 may not elect delivery services for up to 12 months after the  
4 date on which the customer returned to bundled utility tariffed  
5 service, provided, however, that the customer shall not be  
6 permitted to return to the same alternative retail electric  
7 supplier within 2 billing cycles after the customer returned to  
8 bundled utility tariffed service other than in situations where  
9 the return was in error, inadvertent, or the result of any  
10 other unintended operational consequence , provided, however,  
11 ~~that the electric utility shall be entitled to impose the~~  
12 ~~condition that such customer may not elect delivery services~~  
13 ~~for up to 24 months thereafter.~~

14 (e) The Commission shall not require an electric utility to  
15 offer any tariffed service other than the services required by  
16 this Section, and shall not require an electric utility to  
17 offer any competitive service.

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

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