

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 changing
5 Section 9-201 as follows:

6 (220 ILCS 5/9-201) (from Ch. 111 2/3, par. 9-201)

7 Sec. 9-201. (a) Unless the Commission otherwise orders, and
8 except as otherwise provided in this Section, no change shall
9 be made by any public utility in any rate or other charge or
10 classification, or in any rule, regulation, practice or
11 contract relating to or affecting any rate or other charge,
12 classification or service, or in any privilege or facility,
13 except after 45 days' notice to the Commission and to the
14 public as herein provided. Such notice shall be given by filing
15 with the Commission and keeping open for public inspection new
16 schedules or supplements stating plainly the change or changes
17 to be made in the schedule or schedules then in force, and the
18 time when the change or changes will go into effect, and by
19 publication in a newspaper of general circulation or such other
20 notice to persons affected by such change as may be prescribed
21 by rule of the Commission. The Commission, for good cause
22 shown, may allow changes without requiring the 45 days' notice
23 herein provided for, by an order specifying the changes so to

1 be made and the time when they shall take effect and the manner
2 in which they shall be filed and published.

3 When any change is proposed in any rate or other charge, or
4 classification, or in any rule, regulation, practice, or
5 contract relating to or affecting any rate or other charge,
6 classification or service, or in any privilege or facility,
7 such proposed change shall be plainly indicated on the new
8 schedule filed with the Commission, by some character to be
9 designated by the Commission, immediately preceding or
10 following the item.

11 When any public utility providing water or sewer service
12 proposes any change in any rate or other charge, or
13 classification, or in any rule, regulation, practice, or
14 contract relating to or affecting any rate or other charge,
15 classification or service, or in any privilege or facility,
16 such utility shall, in addition to the other notice
17 requirements of this Act, provide notice of such change to all
18 customers potentially affected by including a notice and
19 description of such change, and of Commission procedures for
20 intervention, in the first bill sent to each such customer
21 after the filing of the proposed change.

22 For water or sewer utilities with greater than 15,000 total
23 customers, the following notice requirements are applicable,
24 in addition to the other notice requirements of this Act:

25 (1) As a separate bill insert, an initial notice in the
26 first bill sent to all customers potentially affected by

1 the proposed change after the filing of the proposed change
2 shall include:

3 (A) the approximate date when the change or changes
4 shall go into effect assuming the Commission utilizes
5 the 11-month process as described in this Section;

6 (B) a statement indicating that the estimated bill
7 impact may vary based on multiple factors, including,
8 but not limited to, meter size, usage volume, and the
9 fire protection district;

10 (C) the water or sewer utility's customer service
11 number or other number as may be appropriate where an
12 authorized agent of the water or sewer utility can
13 explain how the proposed increase might impact an
14 individual customer's bill;

15 (D) if the proposed change involves a change from a
16 flat to a volumetric rate, an explanation of volumetric
17 rate;

18 (E) a reference to the water or sewer utility's
19 website where customers can find tips on water
20 conservation; and

21 (F) for customers receiving both water and sewer
22 service from a utility and if the customer has an
23 option to install a separate meter for irrigation to
24 mitigate sewer charges, an explanation of the water and
25 sewer utility's and the customer's responsibilities
26 for installation of a separate meter if such a change

1 is approved.

2 (2) A second notice to all customers shall be included
3 on the first bill after the Commission suspends the tariffs
4 initiating the rate case.

5 (3) Final notice of such change shall be sent to all
6 customers potentially affected by the proposed change by
7 including information required under this paragraph (3)
8 with the first bill after the effective date of the rates
9 approved by the Final Order of the Commission in a rate
10 case. The notice shall include the following:

11 (A) the date when the change or changes went into
12 effect;

13 (B) the water or sewer utility's customer service
14 number or other number as may be appropriate where an
15 authorized agent of the water or sewer utility can
16 explain how the proposed increase might impact an
17 individual customer's bill;

18 (C) an explanation that usage shall now be charged
19 at a volumetric rate rather than a flat rate, if
20 applicable;

21 (D) a reference to the water or sewer utility's
22 website where the customer can find tips on water
23 conservation; and

24 (E) for customers receiving both water and sewer
25 service from a utility and if the customer has an
26 option to install a separate meter for irrigation to

1 mitigate sewer charges, an explanation of the water and
2 sewer utility's and the customer's responsibilities
3 for installation of a separate meter if such a change
4 is approved.

5 (b) Whenever there shall be filed with the Commission any
6 schedule stating an individual or joint rate or other charge,
7 classification, contract, practice, rule or regulation, the
8 Commission shall have power, and it is hereby given authority,
9 either upon complaint or upon its own initiative without
10 complaint, at once, and if it so orders, without answer or
11 other formal pleadings by the interested public utility or
12 utilities, but upon reasonable notice, to enter upon a hearing
13 concerning the propriety of such rate or other charge,
14 classification, contract, practice, rule or regulation, and
15 pending the hearing and decision thereon, such rate or other
16 charge, classification, contract, practice, rule or regulation
17 shall not go into effect. The period of suspension of such rate
18 or other charge, classification, contract, practice, rule or
19 regulation shall not extend more than 105 days beyond the time
20 when such rate or other charge, classification, contract,
21 practice, rule or regulation would otherwise go into effect
22 unless the Commission, in its discretion, extends the period of
23 suspension for a further period not exceeding 6 months.

24 All rates or other charges, classifications, contracts,
25 practices, rules or regulations not so suspended shall, on the
26 expiration of 45 days from the time of filing the same with the

1 Commission, or of such lesser time as the Commission may grant,
2 go into effect and be the established and effective rates or
3 other charges, classifications, contracts, practices, rules
4 and regulations, subject to the power of the Commission, after
5 a hearing had on its own motion or upon complaint, as herein
6 provided, to alter or modify the same.

7 Within 30 days after such changes have been authorized by
8 the Commission, copies of the new or revised schedules shall be
9 posted or filed in accordance with the terms of Section 9-103
10 of this Act, in such a manner that all changes shall be plainly
11 indicated. The Commission shall incorporate into the period of
12 suspension a review period of 4 business days during which the
13 Commission may review and determine whether the new or revised
14 schedules comply with the Commission's decision approving a
15 change to the public utility's rates. Such review period shall
16 not extend the suspension period by more than 2 days. Absent
17 notification to the contrary within the 4 business day period,
18 the new or revised schedules shall be deemed approved.

19 (c) If the Commission enters upon a hearing concerning the
20 propriety of any proposed rate or other charge, classification,
21 contract, practice, rule or regulation, the Commission shall
22 establish the rates or other charges, classifications,
23 contracts, practices, rules or regulations proposed, in whole
24 or in part, or others in lieu thereof, which it shall find to
25 be just and reasonable. In such hearing, the burden of proof to
26 establish the justness and reasonableness of the proposed rates

1 or other charges, classifications, contracts, practices, rules
2 or regulations, in whole and in part, shall be upon the
3 utility. The utility, the staff of the Commission, the Attorney
4 General, or any party to a proceeding initiated under this
5 Section who has been granted intervenor status and submitted a
6 post-hearing brief must be given the opportunity to present
7 oral argument, if requested no later than the date for filing
8 exceptions, on the propriety of any proposed rate or other
9 charge, classification, contract, practice, rule, or
10 regulation. No rate or other charge, classification, contract,
11 practice, rule or regulation shall be found just and reasonable
12 unless it is consistent with Sections of this Article.

13 (d) Except where compliance with Section 8-401 of this Act
14 is of urgent and immediate concern, no representative of a
15 public utility may discuss with a commissioner, commissioner's
16 assistant, or hearing examiner in a non-public setting a
17 planned filing for a general rate increase. If a public utility
18 makes a filing under this Section, then no substantive
19 communication by any such person with a commissioner,
20 commissioner's assistant or hearing examiner concerning the
21 filing is permitted until a notice of hearing has been issued.
22 After the notice of hearing has been issued, the only
23 communications by any such person with a commissioner,
24 commissioner's assistant, or hearing examiner concerning the
25 filing permitted are communications permitted under Section
26 10-103 of this Act. If any such communication does occur, then

1 within 5 days of the docket being initiated all details
2 relating to the communication shall be placed on the public
3 record of the proceeding. The record shall include any
4 materials, whether written, recorded, filmed, or graphic in
5 nature, produced or reproduced on any media, used in connection
6 with the communication. The record shall reflect the names of
7 all persons who transmitted, received, or were otherwise
8 involved in the communication, the duration of the
9 communication, and whether the communication occurred in
10 person or by other means. In the case of an oral communication,
11 the record shall also reflect the location or locations of all
12 persons involved in the communication and, if the communication
13 occurred by telephone, the telephone numbers for the callers
14 and recipients of the communication. A commissioner,
15 commissioner's assistant, or hearing examiner who is involved
16 in any such communication shall be recused from the affected
17 proceeding. The Commission, or any commissioner or hearing
18 examiner presiding over the proceeding shall, in the event of a
19 violation of this Section, take action necessary to ensure that
20 such violation does not prejudice any party or adversely affect
21 the fairness of the proceedings including dismissing the
22 affected proceeding. Nothing in this subsection (d) is intended
23 to preclude otherwise allowable updates on issues that may be
24 indirectly related to a general rate case filing because cost
25 recovery for the underlying activity may be requested. Such
26 updates may include, without limitation, issues related to

1 outages and restoration, credit ratings, security issuances,
2 reliability, Federal Energy Regulatory Commission matters,
3 Federal Communications Commission matters, regional
4 reliability organizations, consumer education, or labor
5 matters, provided that such updates may not include cost
6 recovery in a planned rate case.

7 (Source: P.A. 96-33, eff. 7-10-09.)