- 1 AMENDMENT TO HOUSE BILL 5851
- 2 AMENDMENT NO. ____. Amend House Bill 5851, AS AMENDED,
- 3 by replacing the title with the following:
- 4 "AN ACT concerning public utilities."; and
- 5 by replacing everything after the enacting clause with the
- 6 following:
- 7 "Section 5. The Public Utilities Act is amended by
- 8 changing Section 16-119A as follows:
- 9 (220 ILCS 5/16-119A)
- 10 Sec. 16-119A. Functional separation.
- 11 (a) Within 90 days after the effective date of this
- 12 amendatory Act of 1997, the Commission shall open a
- 13 rulemaking proceeding to establish standards of conduct for
- 14 every electric utility described in subsection (b). To
- 15 create efficient competition between suppliers of generating
- 16 services and sellers of such services at retail and
- 17 wholesale, the rules shall allow all customers of a public
- 18 utility that distributes electric power and energy to
- 19 purchase electric power and energy from the supplier of their
- 20 choice in accordance with the provisions of Section 16-104.
- 21 In addition, the rules shall address relations between

1 providers of any 2 services described in subsection (b) to

2 prevent undue discrimination and promote efficient

3 competition. Provided, however, that a proposed rule shall

4 not be published prior to May 15, 1999.

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(b) The Commission shall also have the authority to investigate the need for, and adopt rules requiring, functional separation between the generation services and the delivery services of those electric utilities whose principal service area is in Illinois as necessary to meet the objective of creating efficient competition between suppliers of generating services and sellers of such services at retail and wholesale. After January 1, 2003, the Commission shall also have the authority to investigate the need for, and adopt rules requiring, functional separation between an electric utility's competitive and non-competitive services.

(b-5) If there is a change in ownership of a majority of the voting capital stock of an electric utility or the ownership or control of any entity that owns or controls a majority of the voting capital stock of an electric utility, the electric utility shall have the right to file with the Commission a new plan. The newly filed plan shall supersede any plan previously approved by the Commission pursuant to this Section for that electric utility, subject to Commission approval. This subsection only applies to the extent that the Commission rules for the functional separation of delivery services and generation services provide an electric utility with the ability to select from 2 or more options to comply with this Section. The electric utility may file its revised plan with the Commission up to one calendar year after the conclusion of the sale, purchase, or any other transfer of ownership described in this subsection. In all other respects, an electric utility must comply with the Commission rules in effect under this Section. The Commission may promulgate rules to implement this subsection. This

- 1 <u>subsection shall have no legal effect after January 1, 2005.</u>
- 2 (c) In establishing or considering the need for rules
- 3 under subsections (a) and (b), the Commission shall take into
- 4 account the effects on the cost and reliability of service
- 5 and the obligation of the utility to provide bundled service
- 6 under this Act. The Commission shall adopt rules that are a
- 7 cost effective means to ensure compliance with this Section.
- 8 (d) Nothing in this Section shall be construed as
- 9 imposing any requirements or obligations that are in conflict
- 10 with federal law.
- 11 (Source: P.A. 90-561, eff. 12-16-97.)
- 12 Section 99. Effective date. This Act takes effect upon
- 13 becoming law.".